

March 5, 1980

LB 605

the act". So if we put it another way, we are saying that if a person's act serves a lawful purpose, he then can intentionally create an unreasonable risk of injury to other people. Is that correct?

SENATOR HABERMAN: Senator Chambers, even though you aren't an attorney, I would say that you figured that one out and I would have to agree with that.

SENATOR CHAMBERS: Is that what you would want to have the law say? Let me ask it a different way? Do you think that is legally acceptable that we can say that an act which unreasonably creates a risk...now for it to be unreasonable means that there is no lawful or proper basis for that risk being created, but on the other hand you are postulating the existence of an act which is legal but it nevertheless creates an unreasonable risk of injury to others. That's what your intention is to do though?

SENATOR HABERMAN: I would have to say and agree with you that the amendment is not too good under those purposes, Senator Chambers....the way you explained it.

SENATOR CHAMBERS: Do you want the amendment still?

SENATOR HABERMAN: Not the way you explained it. If the way you explained it is correct, no. But if it can be explained in another manner....

SENATOR CHAMBERS: I am willing to give you some of my time to explain the other way that it can be interpreted, and I will say in a nutshell what I think your amendment says.

SENATOR HABERMAN: All right.

SENATOR CHAMBERS: That a person somehow can place a lawful act which creates an unreasonable risk of injury to other persons. That is what your amendment says. What act would you think of that causes unreasonable risk of injury to somebody else, but you would want that act to be all right?

SENATOR HABERMAN: I can't think of any, Senator Chambers.

SENATOR CHAMBERS: That is all that I have to ask. Thank you.

SPEAKER MARVEL: Senator Venditte's light is on. Is he in the room? Okay. Senator Haberman, do you wish to close