

March 5, 1980

LB 605

on your amendment?

SENATOR HABERMAN: Yes, and to answer to Senator Beutler. Senator Beutler, there is a law now on disturbing the peace.

SPEAKER MARVEL: Senator Haberman, you are closing on your amendment.

SENATOR HABERMAN: I am going to ask that the amendment not be adopted, due to Senator Chambers' explanation.

SPEAKER MARVEL: Okay, the request is to withdraw the amendment. So ordered. The second amendment is the Hoagland-Landis amendment. Senator Hoagland. Or, Mr. Clerk, do you want to read it first?

CLERK: Mr. President, Senator Hoagland and Senator Landis move to amend the committee amendments by striking Section 1.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I think the thing that has myself and other legislators the most disturbed about this particular proposal is the definition that is used in the bill of disorderly conduct. Now the problem with that particular definition is it incorporates, as Senator Johnson pointed out in his remarks, it incorporates all kinds of acts that go far, far beyond what the current law prohibits. Senator Johnson's example is that it incorporates the act of sitting around in a bar and drinking, because you could be intentionally creating an unreasonable risk to person and property by drinking, by virtue of the fact that you could get involved in an accident later. It also incorporates such acts as weaving on the highway, intentionally driving down the interstate at 70 miles an hour, cutting in and out of lanes, because you are unreasonably creating a risk of injury. So, by definition, under Senator Haberman's bill, driving down the interstate at 70 or 75 miles an hour and weaving in and out of the lanes would be disorderly conduct. It incorporates all kinds of situations where somebody intentionally creates an unreasonable danger to somebody else. We could sit here and just make up ten, twenty, thirty, hypotheticals of conduct that would be covered by this particular provision. So, I think the most sensible thing to do would be to strike the definition in Section 1, to strike the definition entirely of disorderly conduct, but otherwise leave the bill the way it is, so that existing definitions of disorderly conduct