

March 5, 1980

LB 605

will then be incorporated into the statute, into the proposed statute, and will give it meaning, and I think that will take care of a lot of the objectionable parts of this bill, because the courts through the years have construed disorderly conduct to mean something, we all know what that means, why at this time broaden that definition way, way beyond what we really think is wise social policy. So I think if we simply strike Section 1 and thereby use existing definitions of disorderly conduct, it is going to cure a lot of the problems of this particular bill.

SPEAKER MARVEL: Senator Landis. We are speaking now to your amendment and Senator Hoagland's amendment.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, you know, in the past we have attempted, this body, to address the issue of dispersal of crowds, the dispersal of activities which threaten others, and we have attempted to create definitions susceptible to a variety of interpretations to give the police officer or the peace officer lots of authority and those attempts have largely failed and have been repealed. I would call to your attention, for example, the bill that was passed in 1969, and I believe it was sponsored by Senator Terry Carpenter at the time, in response to the social upheaval and to the demonstrations of the period. It was called the anti-riot bill, and at that time it was incorporated in sections of law 28-820 to 832 and, for example, let me read to you one of those portions of language that was there: "A person is guilty of riot if with two or more persons he participates in a course of disorderly conduct...(a) with intent to commit or facilitate the commission of a felony or misdemeanor, or (b)with intent to prevent or coerce official action, or when such person or any other participant to the knowledge of such person uses or plans to use a firearm or other deadly weapon". Then they talk about unlawful assembly and what that constitutes, and they also go on to say: "Where two or more persons are participating in a course of disorderly conduct which threatens to cause violent and destructive interference with the rights of others, a police officer may order the participants and others in the vicinity to disperse. Any person who refuses, or knowingly fails to obey such an order shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$500 or imprisonment", the point being that we have legislated in the area of riot control, crowd dispersal, the interference with the rights of others, and I call upon this body, who in 1969 passed such a law, to show me where

7780