

March 5, 1980

LB 605

it was of any merit whatsoever. Where was it ever used? When were convictions upheld? I don't think you can find it. Not only that, when the criminal code was revamped, and it was watched over by all forces of the law enforcement panoply, if you will, these sections were deleted with ease. They were not asked for by county attorneys, by police forces and the like. These provisions, much like the ones that Senator Haberman urges us on to now, were in our law for years, and they did no good. They served no genuine purpose. They really were a political symbol. Well, what we have now is much the same idea in LB 605, and the reason that such things fail...the reason they serve no genuine purpose is because they are so broad and serve such a wide range of definitions that they really fail to describe any action so specifically that it can be made into a crime. If you read 605 and if you would analyze it in the way that Senator Johnson and Senator Hoagland and Senator Chambers and myself have done, you will find that, in fact, it holds nothing. This is water. This is like writing in water, if you will. There is just simply no act to describe so particularly that you can really call it a crime and it could be interpreted in many, many different ways. If that is the case, let's strike that definition as the Hoagland-Landis amendment does, and let's use common-law definitions of those terms which are more narrowly drawn, which have at least the history of legal precedent to be used. So I would urge you to adopt the Landis-Hoagland amendment to LB 605.

SPEAKER MARVEL: Senator Haberman, your light is on. Do you wish to speak to the....Senator Hoagland, see if he wants to speak to your amendment, for me. His light is on.

SENATOR HABERMAN: I would like to ask a question of Senator Landis and Senator Hoagland, each of you individually. If we strike Section 1, will you support the bill?

SENATOR HOAGLAND: Senator Haberman, let me state this. If we strike Section 1 of the bill, and then substitute in Section 2 of the bill for the term "disorderly conduct" the term "disturbing the peace", which will then incorporate the definition contained in Section 28-1322, if you would be agreeable to that change, well, yes, then I would support the bill myself.

SENATOR HABERMAN: Senator Landis.

SENATOR LANDIS: Let me say that I do not support LB 605 in its current form.

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