

March 5, 1980

LB 605

to the committee amendments. It takes a simple majority. Have you all voted? Record the vote.

CLERK: 23 ayes, 0 nays on adoption of the Hoagland-Landis amendment to the committee amendments, Mr. President.

SENATOR CLARK: The Hoagland-Landis amendment is adopted. Now you are back on the committee amendments.

CLERK: No, Mr. President, I have another amendment to the committee amendments by Senator Hoagland. He moves to amend the committee amendments by striking "disorderly conduct" on line 9 in Section 2, and substituting therefore "disturbing the peace".

SENATOR HOAGLAND: Mr. President, this is the other half of the amendments as Senator Haberman and I discussed earlier. By substituting "disturbing the peace" for "disorderly conduct" why we have something that is already defined in Nebraska law, and this bill will therefore make sense without extending the effective Nebraska law basically beyond what it is now.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Chambers, do you wish to speak to the Hoagland amendment?

SENATOR CHAMBERS: Yes, Mr. Chairman, despite the fact that Senator Hoagland is going to use a definition which currently exists in the statutes, the mere presence of that statute does not mean that it would withstand constitutional muster when incorporated into a bill like this, so I would ask Senator Hoagland if he would read for the body the current definition of disturbing the peace, then I will make my comments. Senator Hoagland, would you read that and then it will be a part of the record also?

SENATOR HOAGLAND: Yes, I will read Section 28-1322, Senator Chambers. Subsection 1..."Any person who shall intentionally disturb the peace and quiet of any person, family or neighborhood commits the offense of disturbing the peace. Section 2. Disturbing the peace is a class 3 misdemeanor".

SENATOR CHAMBERS: Now if that is incorporated into this bill, it means that if in the opinion of a police officer I am intentionally disturbing the quiet of another person, I and everybody in the area can be ordered to disperse. Is that correct?