

March 5, 1980

LB 605

SENATOR HOAGLAND: That is the way it would read, yes.

SENATOR CHAMBERS: And the failure to do so would be a crime?

SENATOR HOAGLAND: That is right.

SENATOR CHAMBERS: Does that definition that you read give any idea of the kind of act which is necessary to disturb the peace or quiet of any individual?

SENATOR HOAGLAND: Well, it is pretty generally written, Senator Chambers. You are certainly correct about that.

SENATOR CHAMBERS: If there were a band of Christians assembled some place on a public street, and I began to debate one of them and they became very angry because I am not a Christian and don't accept their points of view, and all of the Christians, not just one of them, his or their peace would be disturbed. Wouldn't that statute prohibit what I am doing...the definition in that statute?

SENATOR HOAGLAND: Yes, um hum, if you were intentionally disturbing the peace and quiet of any person or family, yes.

SENATOR CHAMBERS: Does the first amendment to the U.S. Constitution give me the right to use speech which is not fighting words to disturb the peace of whoever I want to provided I am not going into their house and committing a crime in any other sense?

SENATOR HOAGLAND: Well, that depends....

SENATOR CHAMBERS: If the exercise of my right to free speech, and let's say that it is protected speech so we can get right to the issue, if it is objected to by people who don't care to hear what I have to say, can the state enact a law that would prohibit that exercise of my first amendment right to free speech because certain people don't want to hear what I have to say?

SENATOR HOAGLAND: Well, I think you have raised a legitimate constitutional question, Senator Chambers, that a court would have to decide.

SENATOR CHAMBERS: Have there been cases where even profanity was....words that are considered profane have been ruled by the U.S. Supreme Court to be protected speech?

SENATOR HOAGLAND: I have read a case like that, yes.

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