

April 14, 1980

LB 991

SENATOR NICHOL: No, it can be bought just any place, any livestock dispensary.

SENATOR CHAMBERS: What makes it distinct from any other syringe?

SENATOR NICHOL: Nothing. The only thing that would be different would be intent with which you use it.

SENATOR CHAMBERS: Thank you. Members of the Legislature, here we go now. Everybody is in a stampede to get this paraphernalia bill but now that something that might inconvenience the farmer has to be taken out of it even though there is nothing that says somebody wouldn't buy one of these syringes and use it illegally. Why are we going to waste time doing this and work such a hoax? Now if you think that I am in favor of drugs, then I have to disabuse you of that opinion. I am more against drugs than Senator Venditte. The bill that liberalized the marijuana laws was voted aye by him and voted no by me. So if we want to establish by past performances who is opposed to drugs, I certainly am opposed to them and alcohol, too, but I think that when laws are being enacted the law should be designed to accomplish a legitimate end. We should not be picking little grapes off the vine. We should be taking up the vine itself. This type of law can only be a minor inconvenience to the people who are going to sell drugs or use them but it is political hay for the politicians. Often older people will wonder why the youth pay no attention to things that older people say. Because older people don't tell the truth, it is as simple as that and now we come to an amendment that demonstrates it. Initially Senator Venditte said it is all right to outlaw sandwich bags, pockets in clothes, shoes, cups, anything you can use as a container. Now they are going to try to change some things. Why shouldn't the rural youth run the same risk of being caught with paraphernalia as the city youth? Who is a mind reader and can determine what use somebody is going to put a legitimate item to. We make police officers the sole determinants and they can say that if they see one child or youth or adult with an item and in that officer's opinion it is designed for use as drug paraphernalia, an arrest can occur. Would you be willing to write into this law a cause of action for a person illegally arrested and we would relate that cause of action specifically to the drug paraphernalia law and that would tend to put a damper on police officers using this type of open-ended legislation to make illegal arrests but you probably wouldn't do that. So Senator Burrows as usually a concerned individual as he is for everybody is

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