

April 1, 1981

LB 205

what pertinence would mean. There are other overbroad categories in this bill. On page 4 of the blue copy in line 4, "disobeys any lawful order of the arson investigator or chief of the fire department in relation to any investigation." You have broadened it again not just the arson investigator but now the chief conducting any investigation of any matter whatsoever can give what would be considered a lawful order and we don't have the definition of that, and if you disobey him, then you stand to undergo a sanction imposed by this bill. Also, the term "contemptuous conduct" without definition is placed in this bill. So even were a person dragged before a court and accused of some of these activities and be found not to be guilty of any of them, the harassing aspect has already occurred. In many instances people are arrested not because it is felt they will be found guilty but to put them through the trouble of the booking, going before a judge, posting bond and the other things. So when you have a country which is not supposed to be a police state and you are going to take individuals who are not even law enforcement officers and give them greater power than that possessed by any judge. Judges are not allowed to carry weapons and inflict deadly force. Give them more power than any police officer. They are not allowed to issue subpoenas and compel people to come before them, produce books, documents and papers. You are giving all of this power to a firefighter and there has been no justification given for it. I have on my desk two or three items handed out by Senator Newell described as case histories, and you will see that every one of them is really a law enforcement matter. It should be handled by the police. And, in fact, these things are handled by the police and were handled by the police. I wish that you would not act precipitately and pass this bill. No need has been shown for it. I don't think anybody has heard anything from the County Attorney's office in Douglas County where they say such a thing is needed. I don't think Senator Newell can demonstrate that the County Attorney has said he has had any problems or had problems brought to his attention by the fire division in Omaha that would justify this bill. But if he has such evidence and information, I wish he would put it into the record. A couple of other items. When we get to page 4 again, on this idea of disobeying any lawful order not only of the arson investigator which this bill is supposed to be about, but the fire chief, the word that relates to the investigation that tells you whether or not such an order can be given is just touching...touching is the word, anything touching on this investigation. So I guess that means that could

2670