

May 1, 1981

LB 411

There are committee amendments pending.

SENATOR CLARK: Committee amendments. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, the Judiciary Committee attached several amendments to LB 411. Several of these amendments are substantive in nature. As originally drafted, LB 411 would provide for interlocutory appeals by the prosecution from an order granting a motion to suppress confessions pursuant to criminal prosecution. An interlocutory appeal is one that is allowed during the course of the proceeding and the proceeding is staid pending the outcome of the type of appeal. Obviously, if the state loses the motion to suppress in trial court but feels that the motion is good, unless the state is allowed to appeal very frequently, they will have to dismiss the charge against the defendant. The committee agreed with the Attorney General's Association and acted favorably on the bill allowing such appeals. However, the committee also felt that if we are going to allow the state interlocutory appeals, we should also allow the defense to take such appeals. The substance of the committee amendments is to allow both the prosecution and the defense to take such appeals during the course of a criminal prosecution. I move for the adoption of the committee amendments.

SENATOR CLARK: On the committee amendments. Is there any discussion? If not, all those in favor of the committee amendments vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the committee amendments? 411. Once more, have you all voted on the committee amendments to 411? I hope they're not getting slaphappy. The committee amendments to 411, please. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. On the bill itself, Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, as you noticed in your bill book there was quite a bit of opposition on the bill. The reasons for the committee amendments were because of the opposition, and the opposition then favored the bill after both sides came together, discussed the bill and this is one of the requirements of the Judiciary Committee that they get together and iron out