

introducing nine or ten bills to modify various provisions of the Criminal Code, the Judiciary Committee introduces one bill and uses it as a vehicle to make these modifications. During the interim period we received suggestions for modifications from the County Attorneys Association, Law Enforcement agencies and others. This year the Judiciary Committee bill for Criminal Code modification is 347. I would like to work through the bill section by section and then if you have any comments, suggestions on a specific section, please feel free to ask. As you know, with the enactment of the Comprehensive Criminal Code in 1977 we attempted to change every criminal penalty on the books at that time to conform with one of the six listed felony classifications or six listed misdemeanor classifications. As you also are aware, there are criminal penalties found throughout the statutes and not just in Chapter 28. Every once in awhile we run across some of these provisions which have not been picked up by the computer for one reason or another and consequently have not yet been harmonized with the Criminal Code provisions. The first six sections of LB 347 deal with the six penalty classifications found in Chapter 18 which have not yet been harmonized. When we harmonize these provisions, we take the penalty classification in the Criminal Code which most nearly conforms with present law. So this is what the first six sections of LB 347 are about. Section 7 of LB 347 found on page 7 provides for a specific felony offense of assault while in legal custody or confinement. We have received a great deal of testimony from correctional officials and jailers that it is most difficult to get adequate investigation and prosecution for assaults between inmates or between inmates and guards in the correctional setting. Correctional officials say that a felony classification for this type of assault is necessary for maintaining institutional control. What Section 7 does is to make assaults a Class IV felony. Section 8 of LB 347 was suggested to the committee by the County Attorneys Association. Prior to the enactment of the Comprehensive Criminal Code we had a separate felony provision on the books regarding breaking and entering an automobile or other mode of transportation. This provision was left out of the criminal code as it was thought at that time such crimes could be prosecuted successfully under other existing criminal classifications. Prosecutors inform us that with the rash of stereo and citizens band radio thefts from automobiles, vans and other means of transportation that it would be most helpful to them if we placed this specific penalty classification back on the books. This provision would also be helpful in prosecuting claims for breaking and entering into mobile homes. The law right now governing breaking and entering into houses or buildings does not quite cover the subject matter. Section 8 of LB 347 would