

by striking Section 8.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I hope you will haul out LB 347 and turn to Section 8. I appreciate the efforts of the Judiciary Committee to put this altogether into one bill but I think there are several sections of this bill that are harsh, to say the least, dangerously harsh, and besides being harsh are probably, or are in my opinion, unnecessary because there are other provisions in the law that are almost equally harsh that cover the situation. But the first provision that I wanted to address is Section 8 in the bill which basically says that a person breaking or entering into an automobile and breaking or entering includes sticking your hand through the window, you don't really have to break or enter, and if you take something or with the intent to steal that that is a felony offense, fourth class felony offense. A fourth class felony is a maximum of five years imprisonment and a \$10,000 fine. Keep that in mind. This is the penalty for this provision, five years and \$10,000. Okay, let's talk about examples now. Let's say your seventeen year old daughter comes to town one night, Scottsbluff, Kearney, wherever you are, with a group of girls. They are having a good time. They are going down the street and joking. They walk by a car and the window is open and they see laying there on the front seat a little cassette, Dan Fogelberg, whoever, one of their favorites. They get to feeling a little spunk, one of them reaches in and grabs the cassette and off they go, and a policeman sees them, grabs her by the back of the neck and hauls her in and charges her under Section 8 of this bill. Let's say the tape was slightly used. Let's say instead of \$5 or \$6, it was now worth 69¢ according to the appraiser. Under this section that seventeen year old girl would be subject to five years imprisonment and \$10,000 for sticking her hand through the window and stealing a 69¢ tape. I suggest to you that we are on the verge of returning to the Middle Ages, that this is perfectly ridiculous. Not only is it ridiculous, but what makes it even more preposterous is that we have laws covering this situation. It is a criminal trespass in the second degree to stick your hand through the car window. It is criminal mischief to break and enter an automobile, and if it is over \$300 worth of damage, that is a felony, too. It is theft to take the tape, and if you take something that is over \$300 in value that is a felony, too. So all of the things that that girl would be doing are covered by other sections of the law and why in the world we would want to put into the law another provision with a penalty as harsh as this for a