

January 7, 1982

LB 347

potentially small offense I don't really know but I think we had better step back and think about this one and strike this section, and if they think there is a real need for something like this, then let them come back with something more narrowly drawn but I just suggest to you it would be a catastrophe to pass something like this because it wouldn't be long before a judge somewhere would sentence somebody for a ridiculous term in the prison for some small offense and he would have every right to do so under Section 8 which we are about to pass. So I would ask you to strike Section 8 completely. Thank you.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Yes, Mr. President. I forgot who introduced this bill. Senator Nichol, would you yield to a question? On page 7, line 17, starting with paragraph (c). It says, "While during confinement or in legal custody in the Nebraska Penal and Correctional Complex, or in the Nebraska Center for Women, or in any county jail, unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another", would you have any objection adding to that "city jail" also?

SENATOR NICHOL: No, I would have no objection to adding that.

SENATOR HIGGINS. We have both in Omaha.

SENATOR CLARK: Is there any further discussion on the amendment by Senator Beutler to strike Section 8 of 347? Senator Beutler, do you wish to close?

SENATOR BEUTLER: I have nothing more to say, Mr. Speaker, thank you.

SENATOR CLARK: The question before the House is the Beutler amendment to strike Section 8 of 347. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? I am not sure you will have enough here without the Executive Board coming back. Have you all voted? Senator Beutler, I am going to have to call the vote.

SENATOR BEUTLER: Mr. Speaker, I guess I would ask for a Call of the House and a roll call vote.