

January 8, 1982

LB 347

PRESIDENT: Any discussion on the Beutler amendment to LB 347? Senator Beutler, I see no one wishes to discuss it so that will be your opening and closing. The question is the adoption of the Beutler amendment to LB 347. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion carries. The amendment is adopted.

CLERK: Mr. President, I have nothing further on the bill.

PRESIDENT: All right. Senator Chambers wishes to discuss the bill now that it is ready for....

SENATOR CHAMBERS: Mr. Chairman, I am going to ask that... I don't have any of those amendment slips with me, but I would like this amendment drafted and the reason I am going to ask that it be written so....and then I will sign it, on page 10 I would like to strike....well, I guess it would start on page 9, I would like to strike all of Section 11. And I will explain why, and I have the amendment drafted. I wanted something to be before us.

PRESIDENT: All right.

SENATOR CHAMBERS: If you will look at this provision, what I am striking is new language that is being added. I am not striking what is currently in the statutes now. And the reason I am striking it, you see the first change of significance other than the "he or she" at line 8 "intentionally"....page 10 of the bill, "or recklessly causes another to suffer pecuniary loss by deception or threat." Mr. Chairman, all of the things that are added to this section can be summed up in that one word "recklessly". They talk about pecuniary damage that you can cause to somebody as a result of recklessness and it is considered criminal mischief. That would include based on the new language we are adding here, any automobile accident. In practically every accident somebody is at fault, somebody has failed to do something they should do or they have done something that they shouldn't do. So I think if you are going to have a criminal statute and make something a crime, you should not give a definition that will include automobile accidents. And remember, if an automobile accident is serious enough, for example, if somebody is drunk and they run over a person, there are motor vehicle homicide statutes to deal with that. But we are not talking about injury, we are talking about money damage. If you go down to line