

January 8, 1982

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there is no intent to damage somebody, but you do something and damage results to a person, so they can charge you with a crime for that act which was not intentional.

SENATOR NICHOL: But you are willing to have the statute go back to intensely or maliciously, right?

SENATOR CHAMBERS: Right.

SENATOR NICHOL: Okay.

SENATOR CHAMBERS: Right.

SENATOR NICHOL: All right. I don't see too much wrong. Thank you, Senator Chambers. I don't see too much wrong with changing that part of the wording back. I don't know that it is all that big a deal, but if we have intentionally or either maliciously or recklessly in there, the county attorneys still have something to work with. Thank you.

PRESIDENT: Is there an amendment on the desk, Mr. Clerk?

CLERK: Mr. President, Senator Kilgarin would move to amend the Chambers amendment. (Read the Kilgarin amendment as found on page 166 of the Legislative Journal).

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: Yes. The amendment does essentially what Senator Chambers' amendment does except it spells it out so that it will be in the bill and it picks up one more "or recklessly". So it basically does the same thing Ernie...or Senator Chambers' amendment does. The only thing I would say and would like to bring out is when you are talking about recklessly, you know, my little sister could be out at Rosewater School playground and recklessly throw a rock or something or bat, a ball, baseball, whatever, at a window and fall into this, so I think it is a very good amendment and I would appreciate your support.

PRESIDENT: Senator Chambers, do you have anything further on Senator Kilgarin's amendment? All right. No further discussion, so, Senator Kilgarin, I guess we will vote on your amendment to the Chambers amendment. The motion is the adoption of the Kilgarin amendment to the Chambers amendment. All those in favor vote aye, opposed nay. We are on General File, simple majority, that's right. Didn't change that rule. Have you all voted? Record the vote.

CLERK: 15 ayes, 5 nays, Mr. President, on adoption of