

January 8, 1982

LB 465

SENATOR PIRSCH: I move, Senator Clark, the passage of LB 465.

SENATOR CLARK: Or go ahead and talk to advance the bill, you are not closing?

SENATOR PIRSCH: No, to E & R Initial. I will shortly have copies of the statutes that were repealed for your information and I have pretty well covered the subject on the amendments, so I will hopefully get that in your hands as soon as possible and close. I urge advancement of LB 465.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it might be wise not to advance this bill at this point but I have something specific I will refer your attention to and I am going to read it at this time so it is in the record. On page 90 of the Journal, Section 7, I am going to read a portion of it. "Any person who is legally confined in a jail or correctional or penal institution and intentionally, knowingly, or recklessly causes bodily injury to another person or threatens another in a menacing manner shall be guilty of a Class IV felony,". You know what that says, that the crime and the punishment are the same if you threaten someone merely or if you go beyond the threat and bust them on the side of their head with your fist. So they are putting a premium here. It is better to go on and hit them with the fist because if you get angry enough to put your fists up or make a verbal threat, it is the same as if you go on and hit them. This is an example of the kind of legislation that the Legislature wants and I just want it in the record very clearly that I am disassociating myself from all of it, and I think there are provisions in this amendment that are not understood by a lot of people voting on it. And as for whether or not anybody has read all of the revised criminal code, I doubt that the one who asked that question originally has read all parts of the criminal code. I doubt that anybody other than a few who are on the Judiciary Committee read the various rationale behind the accepting of certain provisions in the nature of revising the code. For example, there were too many replications or duplications or heaping up of definitions of the same act and causing it to be considered something different because of the personality of the individual against whom the act was committed. It was felt that a crime is a crime is a crime, that if a certain type of conduct is engaged in it is necessary only for that to be defined one time in the