

an amendment of this magnitude. So I, despite what I said a minute ago, must acknowledge that Senator Beutler's persuasiveness brought me back to where I should have been in the first place. The prodigal son has returned home.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I do rise in opposition to the amendment. I think the amendment is unfortunately drafted because I think that this particular amendment would criminalize conduct that could be extremely innocent conduct. Let me give you an example. In Omaha if one takes the public transit system fairly regularly, you take the buses fairly regularly, oftentimes it is to your benefit to buy a bus card and a bus card is sold at a price slightly less than what we pay for individual rides. I don't think I have a bus card in my pocket right now. I think I have used up all of my little bus punches but a lot of people buy the bus cards. Now after they buy a bus card, the Metropolitan Area Transit Authority raises the bus prices and that means simply that the bus card that they have will no longer work with respect to subsequent rides because that bus card is set at a price slightly less than what the new prices are. So it can well be, and this happened to me, it literally has happened to me, I will be unaware of the increase in the bus price and I will walk on that bus with my old bus card which I will present to the driver of that bus and the driver may very well allow me to ride. Now I have just used a public service at less than the full cost of the service and I have been able to use that service by an unauthorized means, i.e., the old bus card, and it is likewise a deceptive means because it is a real bus card. Now I don't think that kind of conduct should be criminalized because that is extremely innocent conduct, and yet this amendment would do exactly that. So I personally think that the amendment does not reflect really good criminal policy because it can criminalize conduct which is extraordinarily innocent in its motivation and in its behavior and I think it goes too far. I would oppose the amendment.

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Thank you. Members of the body, I would just like to point out that we did have a public hearing on this issue and that the amendment at that time was different than the amendment before you and that was the objection to the Judiciary Committee members. You have heard from three of them who stood up and supported this proposal and now you have heard from a fourth and I