

March 5, 1982

LB 809

Subjects for hearing. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: The Chair recognizes Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature, LB 809 and a companion bill, LB 869, which will follow, attempt to address a serious problem which exists here in the State of Nebraska. And the problem that LB 809 addresses is that of minors utilizing illegitimate identification to purchase alcoholic beverages. Now this is not only a concern of the parents of the youth who participate in this activity but also to law enforcement and also to the Liquor Commission. Additionally, it is important to the liquor industry because in many cases, in all cases rather, those people that would use such identification do place in jeopardy the licenses of those individuals. The present penalty in Nebraska for a minor misrepresenting their age to purchase alcoholic beverages is a Class III misdemeanor, and the penalty for this offense is a maximum of three months or a fine of \$500, or both. LB 809 merely establishes a minimum in law by saying that the minimum penalty would be 24 hours imprisonment or a \$100 fine, or both. Now it is my understanding in visiting with people who have been exposed to this problem, there seems to be probation that is given in each instance and never is a penalty imposed. I think with the establishment of a minimum penalty it would express the interest of the Legislature in attempting to deal with this problem, and I also feel that it would act as a tremendous deterrent for those youth who would use these altered identifications in purchasing these beverages. That would conclude my opening remarks. I would move that LB 809 be advanced to E & R Initial.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as you might expect, I am opposed to this bill. I am opposed to the provision and I am opposed to the philosophy of requiring lock-up time any time an issue arises with which we disagree. Judges and prosecutors are far more familiar with the operation of the criminal justice system and I have consistently while a member of this Legislature tried to point out that you can't simply put people in jail and feel that you have solved a problem. What you do is transfer it to whether it is the Department of Corrections at the county level, the City Jail at the local level or the State Penitentiary at the top level. It is a mistake. It is not going to work. It will not solve the problem.