

March 10, 1982

LB 568

amend the bill by adding the following new section: (Read the Higgins amendment as found on page 1097 of the Legislative Journal.)

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Yes. Basically, this is a very simple amendment, Senators. Under LB 568 we say that we will not allow plea bargaining for anyone who is charged with driving under the influence or drunken driving. This little amendment that I have added merely states that when anyone is charged with first or second degree sexual assault, we will not allow plea bargaining. That is the sum total of the amendment, and I urge the passage of the amendment. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I have no objection to her amendment but it is not germane to this bill.

SENATOR CLARK: It is under the same chapter although it is a different subject, and I would rule it not germane.

SENATOR HIGGINS: We are talking about changing the Judiciary system's discretion here on plea bargaining. We are saying prosecutors cannot plea bargain when you have been charged with drunken driving. So I think since plea bargaining is in this bill and it has been discussed and had a public hearing that plea bargaining in a case of rape ought to be considered, and I have never done this before, so unless the Chair changes their mind I would challenge the Chair on the germaneness of it.

SENATOR CLARK: That is a prerogative that is yours.

SENATOR HIGGINS: Okay, Senator.

SENATOR CLARK: Do you want to challenge the Chair on whether it is germane?

SENATOR HIGGINS: Yes, and I would like a record vote.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would suggest to Senator Higgins that we don't mention plea bargaining and we limit plea bargaining as far as drunk driving. But I really don't think that this is what Senator Higgins wants.

SENATOR HIGGINS: You better believe it is what I want.