

March 11, 1982

LB 870

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate will vote aye, opposed vote nay. The vote is to cease debate.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on ceasing debate? Record the vote.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as often happens here when a nonlawyer attempts to track the history of a piece of litigation, there are missteps that he or she might make along the way. On that great bail bill, the District Court upheld the bill, the federal District Court. The Eighth Circuit threw it out, so the Eighth Circuit said it is unconstitutional. It then was appealed to the U.S. Supreme Court which did not uphold it, it simply said it would not rule on it at all because the individual whose case led to it being brought to the court had already been decided so it was declared moot, which means the court took no position at all. So the highest court in the federal system that dealt with the question itself, the Eighth Circuit Court of Appeals, had thrown the thing out. So Senator Stoney was not quite accurate and maybe he was a good reflection of that word that I attributed to some of our constituents. And, by the way, when I used the word ignorant, I didn't mean that a person lacks knowledge of any and everything and cannot learn or is slow or is retarded. I had put it in this way that there are issues about which we have more information than they do and they, because they are ignorant of these things, will insist on a certain type of thing which is impractical or not feasible, and I still feel that when you look at the entire criminal justice system, especially the corrections end of it, or the lockup end of it, these types of bills do not compute, they should not be there. So I am still saying that this bill ought to be indefinitely postponed. If you don't want to look at the arguments that I have given you as a reason, consider the fact that you do have one on Select File already. Now if this other one goes to Select File too, should that one move on, then you have got this one to argue again, and I assure you that it will be argued again. So in the interest of conservation of time and energy as well as good arguments, I think this bill should be indefinitely postponed.

SENATOR CLARK: The question before the House is the indefinite postponement of the bill, 870. All those in favor