

March 19, 1982

LB 870

you may close on your motion to reconsider the vote.

SENATOR BEYER: Mr. Speaker, I will yield closing to Senator Stoney.

PRESIDENT: All right, Senator Stoney, if you would then make the close.

SENATOR STONEY: Mr. President and members of the Legislature, I will attempt to address some of the comments that have been made by my colleagues concerning this proposition and the motion to reconsider. First, Senator Michol mentioned some of the technical difficulties with this problem, or with this particular proposal. And let me assure you that I am willing and I know we can accomplish working together to do anything that we can to incorporate the provisions in this bill, integrate them into present Nebraska law. Now there is one problem that may exist and that again I will reinforce, that being we have competing philosophies here. The committee bill allows judges on subsequent offenses to suspend sentences. LB 870 would not provide for that. I am committed because your constituents and mine are so concerned about this issue to spend whatever time is necessary to offer to you on Final Reading a bill which will address this serious societal problem. I am committed to work with the Judiciary staff. I have always had a good working relationship with them, any time before the session, after the session, weekends, whatever time it takes to accomplish this. Prior offenses being wiped from the slate with LB 870 is one point that was made. This is not my intention and I am sure that sitting down with Mr. Goc we would be able to amend this so that this could be effectively dealt with. In the case of Senator Haberman, I think a great deal of this may have to do with pride of authorship, and I can respect that. As a matter of fact, I would be willing to remove my name as introducer of LB 870 and let anyone else that would like to take the credit for it become introducers of the proposal, if we can just pass this year a law to address this serious problem. Now I have attempted to get together and to visit about this, but it is very clear to me once again that there are distinct philosophical differences on this issue. Some believe in providing the judicial discretion over and over and over again and 870 will not provide for that. If a person is an offender one time and is convicted, they have an opportunity for probation. They have an opportunity to amend their ways. But with the provisions of LB 870 on second or subsequent offenses, those individuals would be subjected to mandatory jail time as well as a fine. And I think, ladies and gentlemen, from the poll that I referred to earlier this