

CLERK: LB 116, Mr. President, offered by Senator Lindsay. (Title read.) The bill was introduced on January 5, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, members of the body, LB 116 intends to accomplish two purposes. The first of those is to eliminate the mandatory provision under current law for issuance of a citation in lieu of arrest. Under the state law as it presently exists, when an individual is charged with the crime of soliciting prostitution, he or she must be issued a citation in lieu of arrest. What LB 116 would do would be to eliminate that mandatory provision which would kick it back into the discretionary provisions of 29-422 I believe. The second thing it would do is to increase the penalty from a Class V misdemeanor to a Class I misdemeanor. The Class V misdemeanor currently has a maximum penalty of a \$100 fine and no minimum penalty. A Class I misdemeanor I believe is a maximum penalty of a year in prison and a \$1,000 fine or both and a minimum, there is no minimum under a Class I. In my district, in the 9th District, there is, I believe, a prostitution problem. Right now the city is prosecuting those cases under the city ordinance because the state law essentially gives police the right to do nothing more than give a parking ticket. The problem that we're running into is that there is certainly a possibility that the city ordinance, because it provides for more severe sentences, could be struck down as unconstitutional. If that's the case it will make prostitution in, at least in Omaha, unenforceable. For these reasons I urge the body to advance LB 116.

SPEAKER BARRETT: Thank you. Discussion on the motion to advance the bill. Senator Hall.

SENATOR HALL: Mr. President, I just rise in support of LB 116 and Senator Lindsay's efforts there. The issue is a problem and, the issue of prostitution is a problem in our adjoining districts. We share Leavenworth Street in that it is my northern border and part of Senator Lindsay's southern border and it's a problem that comes up now and again in those areas and I think that the issue that he has presented before the body