

SENATOR KRISTENSEN: The law on pimps?

SENATOR SMITH: Regarding the pimp.

SENATOR KRISTENSEN: Oh, obviously not.

SENATOR SMITH: Well then, do you think it's going to solve the problem to go after the victim?

SENATOR KRISTENSEN: The victim is still a criminal. We...the Legislature has for years, in the ten years that I wasn't here, has declared a public policy of the state that prostitution is a criminal activity. So the victim is still a criminal, don't forget that change, and yes, it will.

SENATOR SMITH: And you're saying here an unfortunate person due to the circumstances beyond their control, so on and so forth. Okay, the next question is, what can be done by ordinance in the City of Omaha at this time?

SENATOR KRISTENSEN: What can be done or what...?

SENATOR SMITH: What can be done. Can this be done...can this problem be taken care of in Omaha instead of it becoming a state problem?

SENATOR KRISTENSEN: That is, as I mentioned, I think that there is a serious doubt as to the constitutionality of the Omaha city ordinance, in which case the state law prevails. I think in 1979 when they recodified the law, they decriminalized prostitution and...or not decriminalized it, but made it a \$100 infraction. That is what will happen in the absence of this legislation.

SENATOR SMITH: Did you check to see? You said you think it may be unconstitutional. In other words, you don't know that it is. Did you check before you introduced this legislation to take care of the problem on a state basis, you didn't check to see if, in fact, it was unconstitutional?

SENATOR KRISTENSEN: Well, I don't think that I'm qualified to pass on whether it is constitutional or not. I have my opinion that I believe it is, but I'm...until the Supreme Court rules on it, I don't think it is unconstitutional.