

SPEAKER BARRETT: Thank you, Senator Peterson. For the record, Mr. Clerk.

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: To General File then, LB 267.

CLERK: LB 267, Mr. President, is a bill introduced by Senators Abboud and Kristensen. (Read title.) The bill was introduced on January 9, referred to Judiciary Committee, advanced to General File. I have no committee amendments, Mr. President.

SPEAKER BARRETT: Thank you. Senator Abboud, to introduce 267.

SENATOR ABOUD: Mr. President, colleagues, this is a relatively simple bill. A lot of times you wonder when is daytime and when is nighttime. Within the parameters of law enforcement, there has been different viewpoints as to when is daytime and when is nighttime. What this bill does is clearly define for the citizens of this state when search warrants can take place. At the current time, there is confusion, confusion among law enforcement officers. The federal government decides that for daytime search warrants, the hours for daytime search warrants should be between 6:00 a.m. and 10:00 p.m. I have handed out a copy of a federal search warrant, and if you will note towards the bottom of the first page, it specifies when a daytime search warrant can be subpoenaed upon an individual, between 6:00 a.m. and 10:00 p.m. Now in order to get a search warrant, a law enforcement individual first goes to the county attorney, and then after that, he goes before a county or district judge and requests a search warrant. They have to have probable cause. They have to present enough evidence before that judge in order to get that search warrant. Now some states have said, it really doesn't make any difference between daytime and nighttime. I did a little research on some of the states, the surrounding states, and I found that, for example, in the State of Iowa, they don't make any distinction between daytime and nighttime. They go before a judge and they just say, we need a search warrant. Here is the evidence. This individual is selling drugs or has been involved in a murder and we would like a search warrant. And the judge doesn't specify daytime or nighttime. Now when I was approached by law enforcement officials to introduce this bill, we talked about that as just doing away with all daytime/nighttime because it really doesn't, I feel, doesn't make much sense anymore. Maybe in a time when