

we were more of an agrarian society and people had...when they went to bed at dusk and rose at sunset (sic), maybe those would apply but in today's society the way people stay up past ten o'clock, rise early in the morning with the electric lights, it doesn't really make a whole lot of sense to have any sort of distinction between the two. And maybe that is why the states of Iowa, Colorado, Georgia, Indiana, Washington, Kansas, Illinois, Kentucky, Connecticut, Wyoming, all have found that there really isn't any need to differentiate between the two, daytime and nighttime. And there is more states than that but I only had time to look up about 17 of them. So as a result, I thought, well, this makes a lot of sense. We should follow the federal law on this, the Federal Congress decided that the distinction should be between daytime...should be between 6:00 a.m. and 10:00 p.m. Now the reason this came up before law enforcement officials was because of a case that occurred before the Nebraska Supreme Court, the State of Nebraska vs. Holman and, at that time, the judge, I believe it was Fahrbruch, he stated, basically, that the Legislature had specified this in a particular statute and, as a result, it was up to the Legislature to make the distinction. You know, I think it is important for the citizens of this state to know when a search warrant can...a daytime search warrant can be issued. More importantly, it shouldn't be a responsibility of the law enforcement official to determine when is dusk and when is dawn. By giving law enforcement officials, police, sheriffs, the distinct definite time in which an individual can have their house searched for a daytime search warrant I think is good, and I think it is something that is good law enforcement. With that, I would be happy to answer any questions if there were any. Thank you.

SPEAKER BARRETT: Thank you. An amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the bill. (Read Chambers amendment found on page 602 of the Legislative Journal.)

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a significant piece of legislation, and what it seeks to do is significant, and I think it bears on the best interest of the citizens of this state if we take prudent action. What