

about local time. So if it is eight o'clock in Nebraska, it is earlier in California by two hours. So ten o'clock in California is twelve midnight in Nebraska. Ten o'clock in California may not have the sun setting as early before ten o'clock as it would in Nebraska. It stays daylight longer. In the summertime in Nebraska, the sunsets later in the evening than it does in the wintertime. So rather than set an hour by the clock when the period of daytime will vary, it would be better to do it as the State's Supreme Court did and let daytime always mean what daytime means, the period from sunrise to sunset, and I don't think law enforcement will be hindered in any way in carrying out its legitimate functions, but we should not have a warrant that is to be served in the daytime to be served at ten o'clock at night. I think that is unreasonable. I think we need to consider the citizens, and there have been warrants served at the wrong address. There have been warrants served improperly, and we need to consider the overall thrust of what these powers are that we give to law enforcement. So I hope that you will accept this amendment.

**SPEAKER BARRETT:** Thank you. Discussion on the Chambers amendment, Senator Abboud, followed by Senator Kristensen.

**SENATOR ABOUD:** Mr. President and colleagues, I rise in opposition to the amendment offered by Senator Chambers. I am afraid, Senator Chambers, you are confusing the issue a little bit. When it deals...well, first off, let's talk about that federal rule that you distorted. I have a copy that I am going to be sending around. The federal rule 41 states specifically that the term daytime is used in this rule between the hours between 6:00 a.m. and 10:00 p.m. according to local time. Now if you will look at page 3 of the bill, LB 267, I specifically state, "For purposes of this section, daytime shall mean the hours between 6:00 a.m. and 10:00 p.m. according to local time." So if a search warrant is to be issued out in Scottsbluff and it is eight o'clock, p.m., in Scottsbluff, that is when the subpoena can be issued, the warrant can be issued at that particular time according to the local time, Central or Mountain. I don't see a problem with that. The federal government hasn't seen a problem with that because they defined it according to local time. Now as far as if a search warrant is issued on an individual and that warrant is improperly issued, let's say they go to the wrong address, or the search warrant says we have the ability to search your house looking for drugs and, instead of finding the drugs, they find a murder