

SPEAKER BARRETT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. I rise in opposition to this amendment. Contrary to what has been said this morning, I do believe it will be much more difficult for law enforcement to carry out their duties in search warrants under the Chambers amendment. And let me give you some examples of how that will be so. During the wintertime, if you go out and let's say it is a foggy day or it's a dark day out and sunset comes rather early, under the Chambers amendment, another element of proof is going to have to be...they are going to have to prove what time sunset was in exact terms. In other words, today it may be five twenty-six or five twenty-seven, and so how are they going to determine what time sunset really was? Are they going to the Omaha World-Herald? Are they going to go to the Lincoln Journal? Are they going to pull out their trusty little farmer's almanac and decide what time sunset was? All that does is just make another technicality in terms of proof and what is going to have to be shown ultimately in a motion for suppression if they feel they have been wronged by the issuance of a search warrant. This is just another element, another technicality to throw out those search warrants, and I don't think that is what people want. The reason the Nebraska Supreme Court came down and defined when this search warrant should be issued was because there was no direction from us as a Legislature. All this bill does in this provision is to define daylight being from 6:00 a.m. till 10:00 p.m. If it is outside of those, those are concrete terms, the violations will be easy to figure out. Something that was served after ten o'clock is in violation. Something before 6:00 a.m. is a violation and those should be thrown out, and rightfully so. As we look at what the Supreme Court finally told us, they said we don't want the police making up what time to serve search warrants, and I think that is right. We ought to do that, and in closing, really what happens is during the wintertime, you are going to give less time for law enforcement to carry out their obligations. In the summertime, they are going to have more time to do it, and law enforcement isn't a seasonal activity. The best thing for us to do is determine those set parameters, and if they are violated, throw out the warrants. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, please, Senator Abboud on deck.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,