

when I stated that this did not mention whether or not it was local time, I was referring to the copy of the U.S. District Court warrant that Senator Abboud handed out on our desk, and if you look at it, it does not say 6:00 a.m. to 10:00 p.m. local time. That is what I was reading, what I said, it says 6:00 a.m. to 10:00 p.m. and it doesn't say local time and, in fact, it doesn't, and this is what Senator Abboud put on our desk. Senator Abboud read from the Nebraska Supreme Court. He had the decency to let me have the case so that I can read the rest of what he didn't read because I am familiar with the case, but since he read specifically from it, that is what I want to do. On page 59 of the case, Senator Abboud read, "The Nebraska Legislature has chosen not to define the word 'daytime'. It is a simple rule of statutory construction..." And he stopped, and he stopped. Here is that entire sentence. "It is a simple rule of statutory construction that terms which are not specifically defined are to be taken in the sense in which they are understood in common language. Nighttime darkness is not commonly understood to be daytime. We hold that for the purposes of determining whether a search complied with the terms of a daytime search warrant, daytime extends from dawn to darkness." And I am telling you, the law that is on the books now distinguishes between daytime and other times. And the language of the law says, and Senator Abboud nor Senator Kristensen read this to you, "The magistrate or judge...". All right, I will read the whole sentence starting on page 2, in line 22. "The warrant shall direct that it be served in the daytime unless the magistrate or judge is satisfied that the public interest requires that it should not be so restricted, in which case, the warrant may direct that it may be served at anytime." Now why do we need this bill, why do we need to change the definition to one saying from 6:00 a.m. to 10:00 p.m.? Let daytime mean the daylight hours, and if, as Senator Kristensen says, you are in a time in the winter when nightfall comes early, just tell that to the judge or the magistrate and persuade him or her to allow it to be served at any time. And if the judge or magistrate cannot be persuaded, then it should not issue, but what they want to do is have a situation where a judge or magistrate would not allow the warrant to issue after dark because the issue is not serious enough to justify that. I am not talking about improperly seized evidence under a warrant where it specifies one thing and you get something else. I am talking about the time when it is served, and Senator Kristensen knows that there are relatively trivial situations for which a warrant can issue. So, if we