

6:00 a.m. to eight or nine o'clock is probably more...if you are going to move the times, I would move them only back an hour or two.

SENATOR CHAMBERS: Well, let's take 7:00 a.m. to 8:00 p.m.

SENATOR KRISTENSEN: I'd prefer not to.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am going to write a different amendment. So I will withdraw the one that is there, and the amendment I would like...and I will sign it. Instead of having...I would strike six on line 4 and put 7:00 a.m., and in line 5, I would strike ten and put 8:00 p.m. Senator Kristensen and Senator Abboud, are you all aware of what I am offering as an amendment? Senator Kristensen, what I am doing, I withdrew the other amendment and I am offering one which would say in line 4 instead of 6:00 a.m., it would be 7:00 a.m., and in line 5, it would be 8:00 p.m. This would give them 13 hours during which to serve a daytime warrant. And if the judge feels that it should not be served at nighttime, it should not be served at nighttime. The judge or magistrate has not been convinced that the public interest requires a nighttime serving of the warrant. And at certain times of the year, to show the concession I am making to you by putting a specific hour, 8:00 p.m. will be a period when nightfall will have been upon us for sometime. So they will still have instances when although they know that the warrant is to be served at daytime, they can kick somebody's door in after darkness. Those are tactics designed to terrorize people and not to keep evidence from being destroyed or somebody from escaping, because if that were the situation, the destruction of evidence or the escaping of a person, the judge or magistrate would say serve the warrant at any time, which the law allows now. Sometimes there is a tendency to let law enforcement people come to the Legislature and simply say, we need this to fight crime, and the Legislature gives them whatever they ask for without serious analysis or questioning. Remember, members of the Legislature, one case is why this bill is before us now. I don't know when the section of statute that we are amending first entered the law books but, in all of that time, there has been no problem sufficiently severe to try to have a change, and it is being brought to us because somebody objected to the fact that the Omaha police kicked in the door after darkness when the warrant said it should be served in the daytime. We are making a policy decision here and I hope that you will adopt this