

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'm opposed to this amendment. First of all, as Senator Pirsch pointed out, LB 218 did have a hearing before the Judiciary Committee and the committee chose not to advance the bill. So this is an attempt, by way of amending a bill, to pull a bill from committee, which the committee felt should not be advanced. I wanted that stated so that it's clear in the record. What you need to understand, in terms of what is being done here, is that an amendment is being offered to allow an arrest without a warrant, that is what is being done with this amendment. The bill, as it was originally written, was designed to require an arrest, if one of these protective orders is being violated, and that's the basis on which LB 330 was sold to the Judiciary Committee, advanced to the floor and moved across from General File. There are many who are uncomfortable, including myself, with the mandatory arrest provision, but at least there had to be a protective order that was being violated. In this instance, if you adopt this amendment, there need not be a protective order, there need not be a warrant that the officer has. He or she can come to the situation and make an arrest. And I want you to look at some of the language, when you get this amendment, that would justify an arrest without a warrant. Threatening another in a menacing manner, that means, and those of you who have had families, and everybody in here was at some point a member of a family, would be in a situation where, if one of these menacing threats is engaged in, it doesn't have to result in injury, it doesn't have to pose a threat of immediate injury, just a menacing threat and an officer can come in and make an arrest without a warrant. I think that I am as much concerned about the welfare of children as anybody on this floor. I demonstrate it by traveling all over this state to talk to young children. I'm going to various schools to read to them, and I'm going way out to Loup City, after we get through here tonight, to talk at an Honor Society induction for some young people who requested me to do this. And I've been doing that around the state, so I have a genuine concern for children. But there is also consideration that should be given to how intrusive law enforcement is going to be allowed to be when we're talking about the family setting. You are not talking, in this amendment, about somebody who has been battered, who has even been struck, or who has been placed in danger of eminent injury, none of that. If a threat, in a menacing way, is made, then an officer can be called in to make an arrest without a warrant. I think this amendment is overbroad, LB 218 was overbroad and that's why the committee didn't want it. And I