

discretionary or it's not.

SENATOR BERNARD-STEVENS: Why don't I let you finish on your time and I'll explain it on mine and then you...I'll...you can ask question then, if you like.

SENATOR CHAMBERS: All right. An assertion, under the present state of the law, an officer may make an arrest under these circumstances. With the Bernard-Stevens-Pirsch amendment an officer, under these circumstances, may make an arrest. If it's not mandatory, nothing has changed. And, if it's made mandatory, then the law is placed in a shambles because then we've put it in a position where anybody making a charge can mandate that somebody else be arrested. This is terrible legislating that we're doing on this bill, and I want the record clear on what my position is and how I've distanced myself from it. The Judiciary Committee, remember, did not advance LB 218, and this amendment is LB 218 to be amended into this bill, LB 330. I hope you will vote in favor of my amendment to strike that line that says "Threatening in a menacing manner."

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Senator Chambers, you still have four minutes.

SENATOR CHAMBERS: Oh, I forgot I was opening. Then maybe that would be enough time for Senator Bernard-Stevens and I to engage in a little back and forth. Senator Bernard-Stevens, we have four minutes. I'm going to ask the questions again. Under the current state of the law, where warrantless arrests are allowed, do you agree that in the case of a misdemeanor, of the kind we're talking about in your amendment, an officer may make an arrest but is not required to?

SENATOR BERNARD-STEVENS: The way the question is worded that is correct.

SENATOR CHAMBERS: Under your amendment, how is that changed?

SENATOR BERNARD-STEVENS: We have a couple of minutes, is that correct?

SENATOR CHAMBERS: Yes.

SENATOR BERNARD-STEVENS: Okay, can I use a minute of that?