

didn't. My local sheriff said, there are two bills introduced, LB 218 and 330. The bills appear they would reduce domestic violence. Sure, it sounds good and so on, but let's get down to we're making laws and that's the reason LB 218 did not move out of Judiciary Committee. My memory is not failing me. I serve on that committee and that's exactly why the bill was held in committee because we could see, as members of the Judiciary Committee and heard the testimony, that there was work that needed to be done on the bill and I just wanted to clarify that for the record. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, part of the difficulty in dealing with a bill like this is that people confuse the goal of it with the law we're attempting to enact to try to get us to that goal. I don't know whose advising, given Senator Bernard-Stevens's legal advice, but I want to read to the body and into the record what existing Section 28-310.1(b) says. Assault in the third degree: A person commits the offense of assault in the third degree if he threatens another in a menacing manner. Senator Bernard-Stevens and Senator Pirsch's amendment says that a warrantless arrest can be made if one is guilty of threatening another in a menacing manner. The language is taken from the existing law of assault. If a person makes a threat in a menacing manner now, that is a misdemeanor under the present law. Under the Bernard-Stevens-Pirsch amendment, an officer can make an arrest in the case of a misdemeanor not committed in his presence and this is a misdemeanor and they keep saying the reason they want these arrests undertaken is to avoid damage being done to the person after the officer leaves. Let me see if I did understand Senator Pirsch correctly in that regard. Senator Pirsch, we've had a lot of discussions where by the time the officers get there, nothing is going on so they might be reluctant to make an arrest and the aim is to try to prevent something from happening after the officers have gone. Is that right?

SENATOR PIRSCH: Correct.

SENATOR CHAMBERS: All right, and thank you. I can agree with that, but look under the existing law, and I hope Senator Bernard-Stevens is looking at this and listening to me instead of that bad legal advice, a misdemeanor...and a warrantless arrest can be made when a person has committed a misdemeanor and