

PRESIDENT: All right.

CLERK: In that case, Mr. President, Senator Chambers would move to amend the bill. Senator, I have your amendment that reads on "P. 4, lines 1 and 3, strike the new language and reinstate the stricken language."

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, is Senator Pirsch here today, I am asking is she here yet? Okay, so she will be aware that I am offering this amendment. I had discussed it with her and I am not 100 percent sure what her feeling about it is, but she does understand the concern that I have and the point that I am trying to make. We discussed this morning this language "Threatening another in a menacing manner.", and I said that is already in the law. We encountered this language again, but if you can, take all of the conversation we had this morning out of your mind and pay attention to what I am talking about now. I am looking past you, Dan, to my colleague who is a "Repelican" sitting under the balcony. What we are talking about in this portion of the bill, remember, is a mandatory arrest if a person is in violation of one of these protective orders. The language that I want stricken is redefining the word "abuse" for the purpose of the Domestic Abuse Act. Since what we are going to do with LB 330 is mandate an arrest under certain circumstances, I would prefer that the present language in the law be retained, so that means we would strike the new language "Threatening another in a menacing manner.", and reinstate this language, "Placing, by physical menace, another in fear of imminent serious bodily injury." By requiring that there at least be the threat of bodily injury and not just a menacing gesture, I feel a little less comfortable about the mandatory arrest. Remember, when we talked this morning, it was a warrantless arrest, which it was left up to the officer to make or not to make. We are at the portion in 330 now where we are talking about a mandatory arrest. The officer has no discretion. So when we are going to redefine the word "abuse", I don't think we ought to define it so that a lesser activity can be construed to be abuse. We are putting a definition in statute now. So threatening another in a menacing manner, and this happens frequently in families when there is no intent to inflict violence and no violence is going to follow, and the one being menaced knows that there is not going to be any violence, if we define abuse as being merely a