

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. I am a little bit, after lunch, I have had a nice lunch, maybe I am a little logy right now, to coin a phrase from Senator Scofield, but I think I have stumbled on to a couple of things that might be happening. Senator Chambers was arguing earlier that we already had within another statute that which we were asking to be done also in an amendment that this body agreed to this morning on LB 330, and the argument was that it was redundant, it was not necessary. And I know Senator Chambers asked us all to forget what we heard this morning, but I would like to reconstruct one part of it, and that part I would like to reconstruct was that there seemed to be some type of confusion out there. Those people out in the field, in the trenches, so to speak, they didn't seem to feel that there was adequate clarification on this type of an arrest, whether they can or could not. The argument, again, was made that, well, it is already within the statute, they can do it, but we don't want to have any more confusion. To me, this amendment, Senator Chambers, and, hopefully, if your light is on again, you will be able to respond on your time, but to me this would do more to confuse the issue out there than anything else, because if your argument is true, it is not if, your argument is true this morning. There is another statute out there saying they do have the possibility. They do have the right to arrest on these kind of cases a misdemeanor, but now you are going to put a different burden, a higher burden in domestic abuse cases. You are going to put a different level. There will be even more confusion with this amendment. You are going to switch it from being serious...from being the bodily injury to serious bodily injury, and I am looking at the statute book now how it is defined, and there is a significant increase in what I must do to show cause. Serious bodily injury defined by statute, it involves a substantial risk of death or which involves a substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body. That is what Senator Chambers wants us to shift to, a very, very high, if not nearly impossible, burden to meet, a very exclusive burden, if you wish. The bodily injury which he wants to throw out is defined by physical pain, illness, or any impairment of the physical condition. If we are going to deal with domestic violence, I think we'd want to have the statutes clear. I think we do not want to have any misinterpretations of what we can or cannot do, and we did so with the agreement of the amendment this morning. It may be somewhat redundant but it is now, at least, clear. There are judgment decisions that will have to be