

April 27, 1989

LB 769

SPEAKER BARRETT: Time.

SENATOR NELSON: ...to go through the legal system. This is just a bill of harassment.

SPEAKER BARRETT: Senator Ashford, followed by Senator Labeledz.

SENATOR ASHFORD: Thank you, Mr. Speaker and members. I spoke the other day about this amendment when it was defeated and there are a couple of points that I would like to make in addition to those that I made on that occasion. When I stated to the body that I felt that the concept of parental notification was a concept that needed to be discussed and was a concept that had some positives to it, my impression was that we were going to actually discuss it and that there would be, the proponents of this bill would be willing to discuss amendments that were reasonable and especially in the area of knowledge and notice to make sure that these young girls were protected, their rights were protected and that they had adequate knowledge and adequate information. But unfortunately, and...that's not the case. There is no discussion. There is no debate. There is no room for compromise. It is interesting to note that the Miranda rights that we hold so dear in our criminal law are rights that we give to criminals when they are arrested, and those are constitutional rights which our Constitution guarantees and we are absolutely, or law enforcement personnel are absolutely prohibited from making a valid arrest for a felony unless they give to that individual his or her Miranda rights. All we're talking about in this case is giving to these, in many cases, children rights, their rights that are not only rights in statute if we pass LB 769, but rights which according to the Hodgson case, the case we discussed the last time we debated this bill, the Eighth Circuit case in Minnesota, are constitutionally guaranteed rights, a right to judicial bypass. LB 769 would be absolutely, unequivocally unconstitutional without any question whatsoever if it weren't for the judicial bypass. The judicial bypass, whether...and Senator Nelson is absolutely right, the judicial bypass does not work. It doesn't work in Minnesota and that's why I felt we needed more discussion about other alternatives for these young women. But whether or not it works, it is a constitutional right and it's those constitutional rights that the individual needs to be well informed of in as early a stage as possible. The Lynch amendment does that simply. It informs in the only avenues we know of or could think of, that individual as to what her rights