

May 11, 1989

LB 211

requirement of an emission of semen.

PRESIDENT: One minute.

SENATOR CHAMBERS: Now, if...and I'm not trying to be facetious, but if sexual penetration is any intrusion of any part of the actor or victim's body, is the nose a part of the body?

SENATOR KRISTENSEN: Absolutely.

SENATOR CHAMBERS: Is the ear a part of the body?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Based on the definition in this statute, and it doesn't say it has to be by means of a sexual organ, could the intrusion into a person's nose or ear be...constitute sexual penetration, under this definition?

SENATOR KRISTENSEN: Are you talking about the actor's ears or noses, or the victim's?

SENATOR CHAMBERS: The victim's.

SENATOR KRISTENSEN: As long as the actor would put any one of his or her ears or noses into the others genital or anal openings, that is what constitutes the crime there.

SENATOR CHAMBERS: But...

SENATOR KRISTENSEN: You can't go nose to nose and have it be...

SENATOR CHAMBERS: Well, suppose you put a finger in somebody's nostril? Suppose you had one of these fetishes and that...

PRESIDENT: Time.

SENATOR CHAMBERS: ...was for sexual gratification. The statute, as it reads, says intrusion into any part of the actor or the victim's body, we...if you go by what the statute says.

SENATOR KRISTENSEN: That is not how that statute has been construed, though.

SENATOR CHAMBERS: But what does it say? Nobody has ever raised