

May 11, 1989

LB 211

PRESIDENT: Time.

SENATOR CHAMBERS: ...Langford,....

PRESIDENT: Thank you. Senator Korshoj, please, followed by Senator Bernard-Stevens.

SENATOR KORSHOJ: Mr. President, I will give Senator Langford and Ernie my time. Ernie, go ahead, and see if we can...

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Senator Langford, I will make some assertions. Somebody brings you a bill, I'm not going to ask you a question right now. You acknowledge to me that you're not able to do that much with the bill in terms of discussing it or defending it on the floor, and ask me would I leave you alone, and I said yes. And I haven't bothered you. I've asked you some questions to get your understanding of the bill. But here is the fact, she doesn't understand this law. A lot of people have not read the statutes that are referred to in this law, and even the committee statement makes an error, it says that it deals with felony sexual assault offenses, but it goes beyond felonies, it goes to a Class I misdemeanor also. It deals with a misdemeanor also. So,....No, Senator Langford, I know you didn't write it, but, if you read the committee statement, that is the information that people on this floor have, and I need to get things into the record. Some people are careless and sloppy about criminal laws and I'm not. I am concerned. And whenever one comes before us I will deal with it. And on this, the one that is the misdemeanor, in 28-320 they talk about second degree sexual assault. Now, the contact constitutes second degree sexual assault. That's all you need, contact, not with the person's actual body but with the clothing covering those intimate parts. That constitutes second degree sexual assault, if the person who did it used force, the threat of force, coercion or deception, or if they knew or should have known that the victim was physically or mentally unable to resist. Now, it's a Class III felony if personal...if serious, personal injury was caused. The touching and the methods used to get to the touching, if it causes serious, personal injury, and that is described in the law as great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease or loss or impairment of a sexual or reproductive organ. Then we get to sexual assault in the third degree. That is where no