

May 11, 1989

LB 211

or defend herself, something to that effect, they found out that she was able to try to push him off and cry out, so she did not meet the statutory definition of not being able to resist, so the charge was dismissed. And I'm sure all those who passed that law will say that's not what we meant. But that is what the law said. Sure.

SENATOR SMITH: (Inaudible) ...Senator Chambers, I guess what I would like to have you do is tell me, can this be fixed so that we can get around the kinds of concerns that you're expressing. That's what I would like to have you tell me.

PRESIDENT: One minute.

SENATOR CHAMBERS: Did you say time?

PRESIDENT: No, one minute.

SENATOR CHAMBERS: Oh. I think some parts of it can, and the reason I touched on the existing law is to indicate that I think there ought to be some language in there. As much as people presume that all of this happens against a person's will, I think that should be stated, that these things happen against the persons will. And then you have that provision that indicates that the act could be engaged in, as a result of deception, so that is how you overcome the person's objection. But the way the statute is written, if these things are done, then you've met the statutory definition, and nobody....I mean not you, Senator Smith, because you expressed an interest and concern about it. But when these things are raised in the Judiciary Committee very seldom can anything be done. People have too many reasons for supporting these bills. I have criticized a lot of legislation that has come out of that committee more stringently than anyone on the floor,...

PRESIDENT: Time.

SENATOR CHAMBERS: ...and it reflects my frustration from trying to work there and being so ineffective.

PRESIDENT: Thank you. Mr. Clerk, we have a motion?

CLERK: Mr. President, Senator Chambers would move to amend the bill. (Read Chambers amendment as found on page 2295 of the Legislative Journal.)