

May 11, 1989

LB 211

SENATOR SMITH: ...let me just give you this as a person who has done this then. Let's just say this is a hypothetical case where someone did what I just related to you. What would you think he should have been charged with originally?

SENATOR KRISTENSEN: It depends on what I could prove. If I could prove everything...

SENATOR SMITH: Well there was proof, it was proven, he admitted it.

SENATOR KRISTENSEN: Well, okay, if I had a confession and it showed that there was some penetration, which I assume you're saying, then I'd charge him with first degree sexual assault, depending on what the ages were of the people. But I'd look at that and that's what I'd charge.

SENATOR SMITH: Okay, first degree, then now...now, based on that, what I'm asking you is if we remove this subsection (3) what would that leave you with, or would it leave you with anything so that you could reduce the charge and do what you were talking about and still retain the statute of limitations that we were talking about?

SENATOR KRISTENSEN: Were they children?

SENATOR SMITH: Yes.

SENATOR KRISTENSEN: Were they under 14?

SENATOR SMITH: Yes.

SENATOR KRISTENSEN: Then I...you would have the option to...

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: ...going to a sexual assault of a child and contact which would be a Class IV felony.

SENATOR SMITH: So that...and still be able to retain the statute.

SENATOR KRISTENSEN: Right, providing you could stay within those age limitations. That is what is so difficult about those, is age. But you make an assumption, you know when I...if