

SENATOR ABBOUD: Yes.

SENATOR CHAMBERS: Senator Abboud, is it that felony charges were not being filed in these shootings that we're discussing? Is that why the bill is brought?

SENATOR ABBOUD: Well, the charge that was being filed were under a city ordinance, discharging a firearm within the City of Omaha.

SENATOR CHAMBERS: Could the county attorney have filed a felony charge when these shootings occurred if somebody was in a building or in a vehicle?

SENATOR ABBOUD: If someone shot into an occupied building, no, charges could not be filed, felony charges could not be filed.

SENATOR CHAMBERS: Why not?

SENATOR ABBOUD: There is no criminal penalty against that.

SENATOR CHAMBERS: Is assault, can assault with a deadly weapon be a felony?

SENATOR ABBOUD: It is a felony.

SENATOR CHAMBERS: Now, do you have to actually strike somebody to have an assault?

SENATOR ABBOUD: To be provided for, to be charged under the felony provisions of assault, there has to be...something has to hit you or put you in danger, like flying glass or something, if it came perilously close.

SENATOR CHAMBERS: So if a bullet came perilously close, why could that not be a felony assault because that is more dangerous than flying glass?

SENATOR ABBOUD: They viewed it as not, they could not file as a felony charge under that.

SENATOR CHAMBERS: But if what you stated as a basis for filing a felony charge is correct, and I would tend to agree with you, and they can file it in the case of the glass coming perilously