

initial reaction is that this is no different than other laws that we particularly have in the State of Nebraska. For example, if we're looking at statutory rape, we're certainly not looking at...we don't gauge whether or not the person actually knew that age of the child. If, in fact, the child was a minor then, in fact, a crime existed. We don't go ahead and say, but did you know at the time that the crime existed what the age of the person was? I think everybody would know if we'd put that type of an amendment in any type of statute it would be a defense attorney's dream come true because it'd be so difficult in a court of law to prove that at that particular point of the crime the alleged criminal knew the exact age of the person. So I would hope that the body would not go on that particular course and would reject the Chambers amendment. Thank you.

PRESIDENT NICHOL: Thank you. Senator Pirsch, please; followed by Senator Chambers.

SENATOR PIRSCH: Thank you, Mr. President. Senator Bernard-Stevens did point out the statutory rape statutes and I also would like to point out the alcohol sales where the age is, no matter whether you knew it or not, it is not a defense, and that is perfectly constitutional and has been allowed, of course, for many years. I went back to talk to our expert county attorney, ex-county attorney, and I think I quote him fairly accurately when it said, look, the burden should be on the perpetrator; it's impossible to put that burden on the prosecutor or on the state. This, in essence, would gut the bill and I am very, very firmly opposed to it as you should be, too, if, indeed, you are truly interested in the danger and the protection of children as Senator Johnson's original intent was. Please oppose this amendment by Senator Chambers.

PRESIDENT: Thank you. Senator Chambers, followed by Senator Langford.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, we were discussing some language under the balcony, which is found in this bill, in lines 12 and 13, we have the language, except as authorized by the act. And Senator Johnson's argument is that since the act through these last four lines do not require knowledge of the age of the one that I refer to as the victim, then it is all right not to require that knowledge. But if in order to have a crime you must have knowledge and intent, then even if you have a statute that says in this case you don't