

January 28, 1991 LB 23, 58

SENATOR WARNER: Is there further discussion? There are no lights. Seeing no lights, Senator Smith, do you wish to close? Senator Smith waives closing. The motion pending is the advancement of LB 58 as amended. Those in favor vote aye, opposed nay. Have you all voted? It requires 25 votes to advance. The Clerk will record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 58.

SENATOR WARNER: The motion is carried and LB 58 is advanced to E & R initial. Mr. Clerk.

CLERK: Mr. President, LB 23 offered by Senator Abboud. (Read title.) The bill was introduced on January 10 of this year, referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill.

SPEAKER BAACK PRESIDING

SPEAKER BAACK: Senator Abboud.

SENATOR ABOUD: Yes, Mr. President, I'm here today to introduce LB 23. LB 23 increases the penalty for second and subsequent offenses of sexual assault on a child, which would be a child 14 years of age or younger, up to a Class III felony. Now the current penalty provides for each person in second and subsequent offenses should be guilty of a Class IV felony, a 0-5 years in prison. This penalty increases it to a Class III or a 1-20 penalty provision which has been followed basically as a result of the type of crime that is being committed here. This type of crime, sexual assault on a child, is not the type of a crime that a person is convicted, goes to prison and never commits that crime again. We've seen in study after study, most recently the one done by the Nebraska Domestic Violence Sexual Assault Coalition in the fall of 1990, that showed that there is a high instance rate of individuals committing these acts over and over again and, more importantly, these types of acts are committed on a multiple basis. So an individual that does commit these types of crimes is more likely to commit them on a basis of continuation. There is a legal term for this. It is called recidivism and usually some crimes have a higher rate of recidivism than others and when there is a sexual assault of a child it is usually committed as a result of a sexual desire or a problem that an individual does have and these types of