

two years, for the same type of aggregation type offense. If we are going to change that part of the code, let's do it on its own merits, let's debate that particular question, so whether you agree or disagree, the first part of the amendment is good. The second part, though, would replace the language dealing with cattle only, and it's pretty clearly kind of a special interest type of legislation. And when we get into this type of area, the question is, what is the next area of special interest that we are going to make a felony regardless of value? Will the new car dealers be in next time to say let's make it a Class I felony, punishable by death, to steal a car? Or will the used car dealers come in and say, I don't care how much that car was worth, let's make it a Class III felony to steal that car. And it comes down to the question of, what special interest is going to come in next? We have a good system when we define it on terms of value. They can still prosecute anybody stealing a calf. It can still get prosecuted. A calf would cost, I just happen to know this, a calf would cost about \$300, so you are in the level of a higher misdemeanor or a lower felony anyway, so the question comes in, the two things that have been stated by the cattlemen as far as what they are trying to accomplish, one of two things; one is they say county attorneys won't prosecute, and the second thing is that they are plea bargaining the cases. Let's talk about the first one, if they are not going to prosecute under the current law, why are they going to prosecute when we change the law? Just because it is a Class IV felony doesn't mean a county attorney is going to prosecute. If the problem is lazy prosecution, then go after that county attorney and get a county attorney in who is going to do the prosecution. The second question deals with plea bargaining. They say that they keep plea bargaining these down to misdemeanors or just charging them with a misdemeanor and pleading them out. This isn't going to change it. Under the criminal attempt statutes, they are 28-201, a Class IV felony, if you plead to an attempt, which is kind of a standard way of doing a plea bargain, you will plead it down to a Class I misdemeanor anyway. You are still going to have people being convicted of misdemeanors. If you want to plea bargain a case down, and they are going to be able to plea bargain it down, this bill will not stop it. I would urge that the body defeat LB 1029 (sic), and that the next amendment Senator Bernard-Stevens has filed, the alternative amendment which would allow for striking that part of the bill dealing with the theft of cattle and striking the Wickersham amendment, and would return the bill...there are some other parts of the bill that Senator Bernard-Stevens feels are