

SENATOR ASHFORD: Okay. I would just go ahead and urge the adoption of AM1909 to LB 355. Thank you.

SPEAKER BAACK: You've heard the closing on the Ashford amendment. We'll now vote on that amendment. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay, Mr. President, on adoption of Senator Ashford's and Schellpeper's amendment.

SPEAKER BAACK: The amendment is adopted.

CLERK: Mr. President, Senator Chambers would move to amend the bill.

SPEAKER BAACK: Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I would request that the Clerk read the amendment so that it's clear what it is that I'm offering.

CLERK: (Read Chambers amendment, FA158 as found on page 2199 of the Legislative Journal.)

SPEAKER BAACK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman...Mr. President, Mr. Speaker and members of the Legislature, before you consider rejecting this amendment out of hand, I hope you'll listen to what I offer as a rationale. First of all, I don't approve of felonies being committed, violent or nonviolent. Being fallible myself, I'm not in a position to say that I'll never commit a felony, violent or nonviolent. What constitutes a felony is not necessarily the nature of the offense but the amount of time attached as a punishment and where that time will be served. Generally, it's at least a year served in the penitentiary, that's what makes an offense a felony, that's what separates a felony from a misdemeanor. It has nothing to do with how serious it is, or how ugly the offense, or anything else. If we created an assault offense, and that would give you 5 days in jail, that would be a misdemeanor, even though it constituted an assault, and in its technical sense an assault is really just a threat of violence that put somebody in fear of receiving an immediate battery. Battery is the application of force and