

January 27, 1992 LB 125

you know that the courts used to say that you cannot benefit from the fruits, the poisoned fruits of this tree. All we're saying here is that if the state puts a person unconstitutionally through this traumatic meat grinder, that person should be able to at least...

SPEAKER BAACK: Time.

SENATOR CHAMBERS: ...recoup the costs of it.

SPEAKER BAACK: Thank you, Senator Chambers. Senator Elmer, did you wish to speak?

SENATOR ELMER: Yes, Mr. Speaker, just briefly. Members, when we're looking at this you must realize that this is only suits that would be brought by a governmental division or the State of Nebraska against a citizen, the people against, the people of the state, the people of the city against an individual. This individual may have moderate means, be justified in fighting a prosecution against them and may spend most of their resources or nearly all of them in the process. Also, remember that this civil suit can be awarded legal fees by the people that's brought against them, they can be thrown out as frivolous and this gives us some similar opportunities where the heavy hand of government, may be unjustly prosecuting an individual. I think it's right, I think it's fair, I think it makes more even the scales of justice and I'd hope that you would agree with me and help me in adopting this amendment and passing the bill.

SPEAKER BAACK: Thank you, Senator Elmer. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Senator Moore, would you answer a few questions for me?

SPEAKER BAACK: Senator Moore.

SENATOR MOORE: Yes.

SENATOR BERNARD-STEVENS: Senator Moore, I'm sitting here thinking about the process that we have now and now we have a bill, Senator Elmer has in front of us, that's going to have at some point possi...could possibly have some cost to it. If you look at the fiscal note the only thing that we know is it says unknown. But in theory this particular bill, if there was