

February 13, 1992 LB 111

SENATOR KRISTENSEN: Let's just pick out \$1,000 as the felony limit.

SENATOR LINDSAY: Okay.

SENATOR KRISTENSEN: And you have someone who enters into a scheme and has ten \$100 crimes.

SENATOR LINDSAY: Okay.

SENATOR KRISTENSEN: And the prosecutor says, well, he's...this defendant has done these ten crimes in really three stores and so he aggregates it and says, he went in and embezzled three trips into Wal-Mart and took \$100, \$100, \$100; went over to K-Mart and took \$100, \$100, \$100; and went over to Sears and did \$100, \$100, \$100, and the prosecutor says, well, there's really no relationship between what he did at K-Mart because he did that in July. He did Wal-Mart in August and in September he did the other store. So they were...they were separated by periods of time. Your amendment says that you couldn't get three felonies out of that, right?

SENATOR LINDSAY: That's correct.

SENATOR KRISTENSEN: Because they occurred within the aggregation time period, the prosecutor would not be allowed to get three felonies.

SENATOR LINDSAY: That's correct.

SENATOR KRISTENSEN: And the policy choice for that is that if you're going to aggregate, you've got to prove them all up in one, one lump sum?

SENATOR LINDSAY: No, the policy choice is to take the converse of that, that if...if the person only went into one K Mart and then one Target and then one Shopko...

SENATOR KRISTENSEN: All right.

SENATOR LINDSAY: ...and did the same thing except with \$400 checks or \$400 embezzlements, or whatever. If the prosecutor finds those are unrelated, under this bill, he can't aggregate those, even though they may be unrelated. So the policy choice is to either...we're either allowing aggregation or not. I...I