

April 7, 1992

LB 459

bill.

SENATOR BEYER: Withdraw at this time and add to Select.

CLERK: Madam President, Senator Hall would move to amend.

SENATOR HALL: Madam President, I would move to withdraw that amendment and ask the Clerk to refile it on Select.

CLERK: I have nothing further pending on the bill, Madam President.

PRESIDENT MOUL: Thank you, Mr. Clerk. Senator Lindsay.

SENATOR LINDSAY: Could I ask Senator Abboud a couple of questions?

SENATOR ABOUD: Yes, Senator Lindsay.

SENATOR LINDSAY: Senator Abboud, it is my understanding that this bill changes, among other things, it changes the standard of proof in a drug forfeiture case. Is that right?

SENATOR ABOUD: Yes.

SENATOR LINDSAY: It changes it, I understand that right now it's beyond a reasonable doubt. What would the standard of proof be under LB 459?

SENATOR ABOUD: Preponderance of the evidence.

SENATOR LINDSAY: A simple preponderance?

SENATOR ABOUD: Yes.

SENATOR LINDSAY: Members, I know it's two minutes, I hesitate to stop a bill for this reason. I know it's two minutes until our deadline. But this is a major bill. I would hope we take a look at it. One of the things it changes is the standard of proof in a drug forfeiture case. All they have to do is simply prove it's more likely than not that this property was used in a criminal activity and they can take your property. These types of cases are very easily filed. A lot of the protections that you'd find in a criminal case aren't there.