

April 14, 1992 LB 1063A, 1098

CLERK: (Read record vote. See pages 2265-66 of the Legislative Journal.) 43 ayes, 0 nays, 6 present and not voting, Madam President.

PRESIDENT MOUL: LB 1063A passes with the emergency clause attached. LB 1098.

ASSISTANT CLERK: (Started Final Reading on LB 1098.)

PRESIDENT MOUL: Motion on the desk, Mr. Clerk.

ASSISTANT CLERK: Yes, Madam President. Senator Beutler would move to return LB 1098 to Select File for specific amendment.

PRESIDENT MOUL: Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, I want to pass out to you here just shortly an amendment to LB 1098, and I'll explain to you in just one second what it's all about, if you can give me a second to organize here. I hope that you all would take an opportunity to take a look at LB 1098. The amendment that I'm offering you is a serious amendment. I really believe that this bill should be held and considered further next year by the Judiciary Committee. And I'm offering you an amendment which I'll explain, which I realize will have the effect of killing the bill this year, but which I'm offering to you because I think it is a better proposition than what you are about to vote into law, and that it's a meaningful proposition. And that what you are about to vote into law is a bill which would not be used by a prosecutor in 100 years, and that if you pass this into law we are essentially deceiving the public into thinking that we are doing something in this area when, in fact, we are not. And I want to take the time, and I hope you will take the time to follow along through this bill and let me tell you and see if you don't agree with me that in fact we are not accomplishing anything. What my amendment does, to start with, and to make clear to you what's going on, what my amendment does would be to strike the provisions of 1098, except one provision, and that is the provision that appears on page 3, lines 10 through 13. It's the provision that says that a person subsequently convicted of this particular violation would be guilty of a higher offense, a Class IV felony. I am taking that provision out of 1098 and adding it to the statute that we already have, which is assault in the third degree, which, as I will argue later, I think, is a