

had a long history in the law and I think an adequate definition has been developed, either on a statutory basis or on a case law basis. I'm not disturbed by the use of those terms, nor am I necessarily disturbed by the use of the term great bodily injury. We have portions of those definitions already in the statutes, in the criminal law. In fact, we have definitions that deal with the definition of serious...of bodily injury. That is already available to us. We have already had the courts tell us what they think serious bodily injury is. I doubt that it's anything more difficult to define whatever great bodily injury might be. And Senator Beutler does raise a point with his questions about all of the definitions and the point is a little bit different than I think what it is presented to you and that is whether or not we define crimes in such a way that you can tell if you're committing one. Oftentimes, the opposite criticism to the one being raised by Senator Beutler is leveled at a criminal statute. Oftentimes the criticism is that the statute is too vague and you can't tell when you're committing the crime and, therefore, the statute is unconstitutional and unenforceable. We have an obligation to people who might be charged with a crime to make the definition of the crime sufficiently definite so that they know when they're committing it. We do not wish to have persons, engaging in conduct, unintentionally prosecuted. So I think there is some benefit in being as precise as we can about the definition of crimes. Perhaps the definitions in LB 1098 are somewhat more extensive than some of us might wish. They may make prosecution difficult. However, I think that the definitions are, in a real sense, necessary so that we do get exactly at the crime we're intending and not at some behavior that we would normally say is permitted and permissive. Thank you.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Nelson.

SENATOR NELSON: Madam Speaker, a question maybe of Senator Beutler for clarification purposes, I think for myself. I know a lot of us have concern and I did appreciate your words and hoped I understood them. In other words, if a lover or someone would follow and harass and be there at their door waiting, or when their car drove up, or simply even as to go as far as to break into a home, this law then would not protect that unless there was evidence of physical harm or that they were assaulted physically or proof could be that they would have bodily harm. Have I understood that right, Senator Beutler?