

I didn't like this bill in committee and I don't like it out here. If you look on page 2 of the bill in line 9 it says, acting under color of the police officer's official authority. By saying acting under color of his authority, you expand what an officer can do that will put you in a position to be charged with this crime. Acting pursuant to his or her authority would mean that only when the officer is doing that which he or she is legally allowed to do does this apply. When an officer is acting under color of his or her authority, it means using the position he or she is in to exert some improper force or coercion on an individual and they can be acting entirely against the law, but if they do it under color of their authority or acting in their capacity as an officer, using that as a basis to make you do something and they could use this dog for that purpose and you fight the the dog, you are guilty of a crime even if the officer is acting outside of the law. See acting under the color of his authority doesn't mean he's acting in accord with the law. That language is used in a federal statute which allows you to bring a civil rights action against a cop because he or she is acting outside of his or her authority, but using the fact that he or she is an officer to coerce you or misuse you. So instead of saying that this applies when the officer is acting under his or her lawful authority, it goes way beyond that and says under color of his or her open authority or apparently. This is a bad bill and Senator Wehrbein...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...is not able to tell us that if this police dog is chewing you up, you have a right to do whatever you can to defend yourself. If you defend yourself under this bill, you're committing a crime. If as has happened with some black students at Central High and maybe that's one of the reasons this bill is brought in the way it is, they use these horses to mash these kids against the wall, if the kid pushed against the horse or jabbed the horse in the side to get the horse off of him or her, a crime is committed. Is that what you all intend with this law? Senator Wehrbein, I know that's not your intent, so that's not why...I'm not even asking you, you know, do you want that because I know that's not what you want. But I'll turn my light again, on again because then I want to ask you whether you are willing to do some work on this.

SPEAKER WITHEM: Senator Preister.