

SENATOR BEUTLER: Let's say...let's say you're entering the vehicle with the intent to use it, to steal it.

SENATOR LINDSAY: Uh-huh.

SENATOR BEUTLER: Okay.

SENATOR LINDSAY: And what is the question? Why is that a more...

SENATOR BEUTLER: And if you actually go ahead and...you might as well go ahead and steal it because the use offense is less than just sitting there with the intent, entering with intent.

SENATOR LINDSAY: No, it's just the opposite. It's...the problem is just using the car and joy riding is the problem, trying to prove that there was an intent to exercise domain over that, such as to deprive the owner of the use of it is where the problem comes in...so prosecutors can only charge or can charge and prove just that they used the vehicle, but a difficult time proving the intent to exercise domain over that forever.

SENATOR BEUTLER: Yeah, I'm not talking as between theft and using the vehicle but as between using the vehicle and entering the vehicle. If I...if I enter the vehicle with an intent to steal it but do not, that's a greater offense than if I enter the vehicle and go ahead and steal it or use it under the...the language of the statute.

SENATOR LINDSAY: Senator Beutler, maybe the best way is to give an example. Oftentimes, right now in Omaha anyway, motor vehicles are stolen with the intention of you steal the car, you go commit a drive-by shooting or you go commit whatever other crime, then you either abandon the car or return it roughly to the same area. At that point, they cannot charge you with auto theft because you never intended to exert such domain over that, that the person was going to be deprived of the ownership of that vehicle. So all they can charge them with, in that case, is unauthorized use. All they've done is used it without permission. But if this statute passes, they get in the car and they use it with the intent to commit that crime, then they have committed...then they have used the old...and this is based on the old breaking and entering a motor vehicle from the old pre-recodification language. And so it separates that type of