

reckless. And these are some of the kind of things that I meant where if they want to do something along this line where we have other places in the statute where an act may be intentional, then some other version of it may be reckless, they usually make the reckless a different offense and then a negligent one even less than that. When we come to motor vehicles, we have reckless driving, we have negligent driving, we have careless driving, but they could not take the same situation and say it's either reckless, negligent or careless, you know, be three different things based on the same facts. And the reason I'm giving you another example so you won't think I'm just using smoke and mirrors by saying there are problems in the bill without ever showing specific problems and this was one of those we were going to try to do something about. But that's what I see as something wrong with the bill. Now do you agree, and however you want to answer it, forget how I'm asking it, what is your opinion, I will ask to make the question neutral, about a provision that makes an act both intentional and unintentional?

SENATOR BROMM: I...my...my impression would be that that's not...that's not good drafting and it's contradictory. It's vague. It's overly broad. It's probably not...you probably won't get a conviction to stand under that provision.

SENATOR CHAMBERS: Thank you, Senator.

SENATOR BROMM: Because I...I got the Nebraska jury instruction book right over here and I was trying to fit some things and the instructions would be very confusing to a jury.

SENATOR CHAMBERS: Thank you. And, Senator Bromm, don't feel picked on. The reason I wanted to ask you, because by having this back and forth it's clear that you are not taking the same view of the bill over all that I am, but on some things like this, just looking at the drafting, forgetting whether we want this provision or not,...

SENATOR BROMM: Um-hum.

SENATOR CHAMBERS: ..something is very wrong here and this could not be operative. So what I...and thank you, Senator Bromm. What I would ask the members who have paid any attention, why do we want to put something in a bill that we know cannot work, that a court recently ruled on and said that kind of thing is unconstitutional and...