

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 26, 2003 LB 111

emergency. People fear suicide bombers in America. We debate the need for war in Iraq. To protect America and our future is to protect our young. In many cases, the war we need to fight seems close to home. And with that, I'd like to add that if it's not up the Legislature to enact laws that protect our children, then whose responsibility is that? And I would encourage the advancement of LB 111 to Select File with the emergency clause and the current penalty of a Class IV felony, which I think is very reasonable under cases like this.

SPEAKER BROMM: Thank you, Senator Mossey. Discussion? You've heard the opening on LB 111. Any further discussion on the bill? Senator Beutler.

SENATOR BEUTLER: Senator Mossey, I wanted to explore a couple provisions of the bill along the lines that we discussed privately just a few minutes ago. But, you know, we start from the premise that this is a disgusting business altogether, and I think everybody can agree upon that, but one of the principles of law that we try to construct universally, regardless of the subject matter area, is to be sure that crimes are punished proportionately; that is, that you don't have an equal or greater punishment for somebody that we would all agree committed a lesser crime. In this instance, you're changing the statute, 813, from a Class II misdemeanor, not up to a Class I misdemeanor but on up another notch to the felony level. This statute references another section of statutes which I think it is intended to compliment, and that section of statutes is 28-1463.01, .02, and right in there, and under that section of statutes there are penalties for doing different things, for creating this kind of pornography, for employing children in the business of this kind of pornography, and then those of the highest penalties, and then it says it shall be unlawful for a person to knowingly possess with intent to sell, deliver, distribute, trade, et cetera, and the penalty for that is a Class IV felony, the same as the penalty that you're suggesting for this particular statute. So that we would be treating a dealer in child pornography, a person who's going to distribute or deliver, we would be treating them the same in terms of the possible punishment as we would a person under this bill who is not attempting to distribute or make the situation worse but is