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LB 265

SENATOR CHAMBERS: Now, misleading information may not necessarily be false. It could be factually true, but it could be misleading. There is no reference to misleading.

SENATOR BRASHEAR: That's correct.

SENATOR CHAMBERS: What would be wrong with requiring these actions to be knowingly and intentionally done, and to include information or evidence that is knowingly and intentionally misleading?

SENATOR BRASHEAR: In the pure sense of your question, I don't think there would be anything wrong with requiring that.

SENATOR CHAMBERS: And it wouldn't hurt...

SENATOR BRASHEAR: I'm not certain it is required or that this is flawed this way. But there would be nothing wrong with doing it your way.

SENATOR CHAMBERS: Well, when we draft bills that create new law, new crimes, we routinely...and I've seen it done in the Judiciary Committee...put "knowingly and intentionally." Why do we then not just strike "knowingly and intentionally" from all those laws, and say, we will presume that the court will require it? Or, why, when we're drafting a bill creating a new crime, can we not put "knowingly and intentionally" as a requirement? Is there so much pride of authorship here that we cannot craft a tight piece of legislation?

SPEAKER BROMM: One minute.

SENATOR BRASHEAR: No. No, I'm not trying to demonstrate any pride of authorship. What I'm trying to be responsive to is, I'm not certain we always get "knowingly and intentionally" in wherever maybe we could use it, and I'm not certain we leave it out. I mean, that's just the enormity of the amount of law we work with, and the failure to be perfectly consistent all the time.

SENATOR CHAMBERS: But when we're working as we are now, the