

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

April 28, 2003 LB 265

use deadly force to defend property, but that's not always true, in fact most of the time probably would not be true. And then there's the question of what is deadly force, and the question of what is grave bodily harm. And this then takes you through a further analysis that the court goes through dealing with the questions of ability, opportunity and jeopardy. And it says in order for you to claim that you were reasonably in fear of your life or the lives of others you had a right to protect, three conditions must be met. Ability: The assailant must have the ability to inflict death or grave bodily injury. This could be by means of a weapon. Do you know if he has a weapon? This could also be a means of a weapon such as a brick, a scissors, or a two-by-four or a bottle. This could be by means of a disparity of force, such as male versus female. Then it goes down to talk about opportunity, goes on to talk about jeopardy, what you knew at the time, motivations, and you can see there are four more substantial paragraphs on the questions and problems you have to look out for. I think in the bill it provides that in order to get a handgun you have to go through some training, and they'll try to take you through the law with regard to the use of force. But I think you only have to go through that training once, and a very reasonable question to ask is, given the complexity of the law in this area, can a person be expected to remember it one year later, two years later, three years later? And furthermore, even if it's there somewhere in the back of their minds,...

SPEAKER BROMM: One minute.

SENATOR BEUTLER: ...when a moment comes up when they're feeling heated or emotional, somebody has taken the bike out of the garage and running away with it, or driving your car out of the garage and driving it away, are they going to remember the details of the law of deadly force before they decide to shoot or not to shoot? It is a responsibility when you have a deadly weapon, it's a responsibility that I think most people don't realize. They don't realize the obligations and the fine lines that the law draws in terms of the use of the weapon.

SPEAKER BROMM: Time.