

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

January 15, 2004 LB 452

treating somebody from another state more harshly than it would one of their own citizens similarly situated doing the same thing. The U.S. Constitution, nor the Nebraska Constitution, for that matter, would allow this Legislature to enact and allow the courts to enforce a law that says if a person from Kansas robs a bank, that shall be a Class II felony; if a person from Nebraska robs the same bank, it will be a Class I misdemeanor. That cannot wash. We cannot classify crimes on the basis of a person's origin. The crime exists because the person engaged in conduct that is prohibited by the statute. And the statute has to treat all violators similarly. The difference in treatment comes when you have a penalty that gives the judge a range of discretion. But the person is charged with the same offense, the person faces the same possible punishment. When you draft a statute of the kind we have before us today, you start out with different punishments, based on whether a person is from within Nebraska and commits the offense, or is from outside Nebraska and commits the offense. I am not a busybody, brothers and sisters. Somebody could live across the street from me, or next-door to me, and never register or license his or her vehicle, and I'm not going to snitch, because it is no concern of mine. I'm not a cop, and I'm not a snitch. I'm not a stool pigeon. And if somebody wants to cut a corner and they think they can get away with it and are willing to pay the cost if they get caught, that's between them and the law, not me. But Americans are being encouraged, especially under things like the PATRIOT Act, to spy on their neighbors, to tattletale, and to do all such things as that. But if the same thing were done to them, they would be very offended. To bring it back to this bill, Senator Smith has said--and he's not the first one; I've heard a lot of people say it--there are people who tell him about others who are driving vehicles that are not properly registered. How does that hurt somebody who has registered his or her car? If my neighbor is a thief and I'm not, how does it hurt me because he's a thief, as long as he's not stealing from me? The ones who bother me the most are these big corporations that we allow to steal legally, and we do have to pay more taxes as a result of that. But we don't get upset there. But if it's a neighbor,...

SENATOR CUDABACK: One minute.