

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

March 23, 2004 LB 943

to redraft the Nebraska Criminal Code. And this was done at Senator Luedtke's request, I think when he was Speaker back in the mid-1977s. And they hired some law students at the time to work on this, and I happened to be one of those law students. And as you went through the Criminal Code, you began to recognize that for historic reasons, that at the time I didn't understand, political reasons in part, duplicative and overlapping and confusing kinds of things came into our statutes that really didn't make sense, and that was what Senator Luedtke was pointing out at that particular point in time. And he asked to have the whole Criminal Code revised and there was a major revision of the Criminal Code in 1977. Many, many things were changed, basically, to make the criminal penalties more even or fair and not to have a separate statute for stealing a pig and stealing a cow and stealing a sheep, but rather to give a monetary value and then punish those things in accordance with the severity of the crime. And it occurs to me that I now see that same process happening over time to our Criminal Code today. And for example, an assault is committed when one intentionally or knowingly causes serious bodily injury to another. That's assault in the first degree and, as you know, there are lesser degrees of assault. But it doesn't matter whether you cause that serious injury by strangling them, by slicing them with a knife, by doing any number of bad things that can cause serious bodily harm. The crime was assaulting and causing serious bodily harm. And so I guess my question to you is, the offense of strangulation seems to me just one type of assault and why is it that we want to have a separate statute, in the first place, and complicate matters further...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...and make it more difficult to understand? And, secondly, might it not make more sense simply to amend in some way the assault statute, assault in the first degree, if somehow that's deficient, so that at least everything is in one place and not scattered all over the Criminal Code? So those are the thoughts that I'm having and I would give you probably very little time here to respond, but I will give you what time I have left, and I would like to explore that a little further. Thank you.