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each kind by the type of assault, whether it was with fists or strangulations or with blows or however it was done?

SENATOR BRASHEAR: With all due regard as a matter of policy, Senator Beutler, it doesn't bother me at all and, yes, I think it's appropriate in this instance to separate out the act of strangulation and to prosecute it as such.

SENATOR BEUTLER: Even though the penalty is about the same as for assault?

SENATOR BRASHEAR: Yes.

SENATOR BEUTLER: Okay. Let me move on to Section 3 of the bill. Section 3 has to do with coaxing by means of a computer a young person with respect to certain set of acts. In the usual set up of the law, if somebody attempts to commit a crime, then that attempt is also a crime. And it's a crime I think usually one level below the level of the crime which you are attempting. In this case, the attempt in some instances is going to be punished more than the crime itself. If you look under 28-320.01, sexual assault of a child, sexual assault of a child is a Class IV felony in some instances. An attempt to get somebody to commit a Class IV felony is a Class III felony. Usually the relationship of the crime and the attempt is to make the attempt always less of a crime than the actual crime, so that you don't encourage people to move from the attempt to the crime itself for fear, hopefully, in some instances, that the greater punishment would yet deter them from the crime. How do we justify, in this instance, simply because it's done by computer, that the attempt is greater punishment than the crime? That would be my question on Section 3.

SENATOR BRASHEAR: I understand your logic, Senator Beutler, as you've applied it, but in this instance, we don't know what they are attempting to lure to. We assume, in the worst consequence, it's a first-degree sexual assault. And so in that case, then the penalties and the gradations aren't disproportionate or out of order.

SENATOR BEUTLER: In that case, what you're saying would work in