

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

March 25, 2004 LB 139

on the motion to return.

SENATOR BROWN: Senator Chambers made...I had said in my opening remarks and I will very possibly pull this amendment and refile it if it gets...if the Chambers amendment gets attached, but I'd like to pose to Senator Chambers a question about who this would apply to if we have...the major group that are required to be tested under these circumstances are people who are transportation workers because our safety is involved. Would Senator Chambers yield to a question?

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Yes, I will.

SENATOR BROWN: For whom do you intend this to be an issue of application?

SENATOR CHAMBERS: Any employee who may face accusations. It could be a Corrections employee at the state level, the county level, in the city. It could be a hospital worker. It could be a member of a police department. It could be any individual who works a job where an accusation is made, based on tests of body fluids, any category of employee. And the way the amendment is drafted, it would apply to any employee.

SENATOR BROWN: Well, since the group that is required to be tested is exempted, then I'm not certain that this is going to have a lot of reach. But apart from that, because the amendment says "any body fluid" and the body fluid that is used most often for drug and alcohol testing is urine, and because urine is for most people not a sample that can be used for DNA testing, I think we've created a system where we are sort of promising that there is the potential for exoneration, and yet there's absolutely no way that it can happen under our current system. There are some labs that will say for females that you may be able to...may be able to use urine for DNA identify test. It requires...because females have some skin cells, or more likely to have skin cells in their urine than males. So there are a few epithelioidal cells that are in the urine and can be amplified, which is a much more complicated process than what