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FLOOR DEBATE

March 25, 2004      LB 139

and substitute the one that Senator Brashear had described which will strike the offending three words. (FA1608, Legislative Journal page 1262.)

SENATOR CUDABACK:            Seeing no objection, so ordered.  
Mr. Clerk,...

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, for those who may have been following the discussion based on the text of the amendment, if you will look in line 2 of page 1, at the end of the line are three words, "and other civil." Those words are stricken. That means that this bill will deal only with employment matters. As to what Senator Landis said, he read the words but I don't think he understands them, and it's good he brought it up because others may have misread them in the same way he did. I have dealt with DNA cases. I don't mean as the one who gave the test, but I've read voluminously on the subject. I've read federal cases. I've read federal debates on legislation proposed by Congress which will come up with a bill very similar to the one that the Legislature enacted pursuant to a bill that I introduced, so when you talk about these matters, it's something that I do have a bit of understanding about, and I'm not asking you to just take my word for it. I'm going to look at the language Senator Landis called your attention to, and because others may have experienced the same problem he did, I want to deal head-on with it. On page 1, starting in line 21, you have this language and it will continue to the top of page 2 in lines 1 and 2: "If the DNA report concludes that the initial body fluids were not those of the person, the person shall be cleared of any accusation of wrongdoing to the extent to which such such body fluid test was the basis of such accusation of wrongdoing." It does not say the person is cleared of wrongdoing. It says to the extent that the body fluid test was the basis of the accusation. There will be a clearing. So here's what it means. You eliminate that body fluid test. Any other evidence you have is not touched by this amendment. It talks about a test that was made on body fluids which were not the fluids of the individual accused. If the only basis for the accusation is the body fluid which was from somebody other than the one accused, then the one accused will be exonerated completely, and that is what is done right