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FLOOR DEBATE

April 6, 2004 LB 943

he's filed it, and he's not on the floor.

SENATOR CUDABACK: Mr. Clerk.

SENATOR THOMPSON: Oh, there you are. It's been filed. Okay. I would like to withdraw this amendment, please.

SENATOR CUDABACK: It is withdrawn.

ASSISTANT CLERK: Senator Chambers would move to amend with AM3563. (Legislative Journal page 1472.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment to LB 943 with AM3563.

SENATOR CHAMBERS: Mr. President, members of the Legislature, if this amendment becomes at all controversial I will pull it, because I don't want to pull down Senator Thompson's bill. She has worked hard and she has gotten the bill this far, and I would not want this amendment to do that. I will tell you what it will do. The Department of Corrections asked that this legislation be brought. There currently is in statute a bill...a law dealing with sexual assault upon an inmate or a parolee. Now, what I'm going to tell you about the way some are interpreting that bill will make you wonder what they're thinking, but nevertheless, the department wanted to get away from that. There are instances where a person who works in one of these capacities dealing with an inmate may be the inmate's spouse and that does not constitute a conflict of any kind. Some people are interpreting the bill to say that if these spouses have a sexual encounter, that constitutes sexual assault of the inmate. I believe any rational person would show...would say that that is not the case. That is not what the bill is intended to do, the law, so what this amendment does is...and it was a bill advanced by the Judiciary Committee. It was supported by Corrections. There was no controversy, no opposition. It puts in the proviso that if the person is the spouse of the inmate then this sexual assault language does not apply. There's also clarifying language to make it encompass all officials or employees who would deal with these inmates, makes sure it applies to all of them. It was something the