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April 6, 2004 LB 613, 850

Sarpy County issued a resolution supporting this bill. There are a lot of agencies involved and groups involved in this bill--the domestic violence groups, prosecutors, law enforcement. And eventually what came across was LB 850 as amended. And I will just leave it there and take any questions if anybody has any questions.

SENATOR CUDABACK: Thank you, Senator Mossey. You've heard the opening on AM3325, offered by Senator Mossey to LB 613. Open for discussion on that motion. Senator Brashear, Mossey.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. Senator Mossey has, as he has, of course, every right to do, has offered this amendment on LB 613. And he's incorporated within his amendment the Judiciary Committee amendment, which was a rewrite of his LB 850. And so in support of his introduction and in support of the record, I'd like to introduce...give you some comments about the Judiciary Committee amendment. First, the amendment, which he has incorporated--I will refer to it as the amendment, but it is in...the amendment of his bill, which is now incorporated in his amendment to LB 613. First, the amendment strikes Section 6 of his bill, and proposes to amend the factors that judges may consider when determining bail to include the threat posed by the defendant to another individual or the public. This change requires a constitutional amendment to properly implement, and therefore we removed it from the bill. Second, the amendment makes technical and grammatical changes to Section 2, which defines the offenses of first-, second-, and third-degree domestic assault. The language "threatens another intimate partner in a menacing manner," that phrase being in quotes, found in the definition of third-degree domestic assault, is replaced by the phrase "places, by physical menace, his or her intimate partner in fear of imminent bodily injury." The purpose of the change was to be consistent with the definition of abuse found in Section 42-903 of the Domestic Abuse Act in the proposed change to Section 42-404.02, found in Section 3 of the bill. Third, the amendment alters the definition of "intimate partner" found in Section 2 of the bill, and the definition of "household member" found in Sections 3 and 10. The amendment replaces the phrase "intimate or sexual relationship" with "a dating relationship,"