

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

April 8, 2004      LB 958

SENATOR CHAMBERS:    Yes.

SENATOR FRIEND:    ...and Senator Erdman is standing right next to you.

SENATOR CHAMBERS:    Actually, he's not but...

SENATOR FRIEND:    Well, let's say that he was. That's the analogy...

SENATOR CHAMBERS:    Okay.

SENATOR FRIEND:    ...or the hypothetical. I run over and I punch Senator Erdman between the eyes and my elbow flies up and hits you right in the eye. The intent wasn't there. I mean I might have known you were there or not; I hit you in the eye. You get assaulted. Am I guilty for two assaults there?

SENATOR CHAMBERS:    Well, there is an automatic reaction I'd have. And your mistake would carry its own punishment because you talked about wallowing in your own blood on the floor. I would feel that you did it on purpose because you popped Senator Erdman and I'd have felt you were trying to kill two birds with one stone and I would retaliate.

SENATOR FRIEND:    But that's not the point. Let's say I assumed that (laugh)...let's say that...

SENATOR CUDABACK:    One minute.

SENATOR FRIEND:    ...you...my intent was to hurt Senator Erdman. You were there and you got hurt too. Am I guilty of two assaults or not? I'm asking. I don't know, according to our code right now.

SENATOR CHAMBERS:    Senator, if you take an act which is designed to hurt Senator Erdman standing right here and we're joined at the hip almost, it can be concluded that you intended to harm both of us if the same act hit both of us, but you've got two separate individuals standing here known to be distinct and separate.