

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

March 8, 2005            LB 362, 363

clarifies archaic language in Nebraska statutes, Section 29-504. Originally adopted in 1873, the statute contains awkward phrasing, directing the magistrate to, quote, proceed as soon as may be, in the presence of the accused, to inquire into the complaint, end quote. LB 362 changes the language, directing the magistrate to, proceed as soon as practical under the circumstances. LB 362 was advanced by the Judiciary Committee 7 to 0, and I urge your support in moving it on to Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on LB 362. Open for discussion on that motion. Senator Bourne, there are no lights on. He waives the opportunity to close. The question before the body is, shall LB 362 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 362. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 362.

SENATOR CUDABACK: LB 362 does advance. Mr. Clerk, LB 363.

CLERK: LB 363, by Senator Bourne. (Read title.) Introduced January 11, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on advancement of LB 363.

SENATOR BOURNE: Thank you, Mr. President, members. LB 363 inserts unintentionally omitted language pertaining to the crime of criminal attempt as defined in Nebraska statutes, Section 28-201. The statute penalizes criminal attempt based upon the felony grade of attempted crime, except where the attempted crime is a Class IC or a Class ID felony, which are currently...which are not currently referenced in the statute. The absence of these two recently created felony offenses is an oversight. LB 363 simply corrects the omission by including these two classes in the list of Class I felonies. The correction does not alter the intent or purpose of the crime of