

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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April 27, 2005 LB 117

ASSISTANT CLERK: Mr. President, under consideration was LB 117. When we recessed at lunch, we were considering FA189. (Legislative Journal page 1322.)

SENATOR CUDABACK: You heard the Clerk state the present situation. Those wishing to speak to FA189 to LB 117 are Senators Stuthman, Aguilar, and Beutler. If you wish to continue, leave your lights on. Senator Stuthman, you're recognized.

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. First of all, I would like to engage in a little bit of discussion with Senator Bourne, if I could so so, please.

SENATOR CUDABACK: Senator Bourne, would you yield?

SENATOR BOURNE: Certainly.

SENATOR STUTHMAN: Senator Bourne, in this divided portion of the bill, tell me just exactly how much the penalties are increased or what does this really do in comparison to what we have right now as far as drug offenses.

SENATOR BOURNE: Great question, Senator Stuthman. Basically, this change would be the same as the enhanced penalty for dealing when we, you know, we do the dealing of drugs on schoolyards, where it enhances the penalty. This one, however, says that if you are doing this type of conduct and you are knowingly or intentionally possessing a firearm while in the process of possessing or manufacturing or trafficking meth, then the penalty described is enhanced by one. So if you were manufacturing, distributing less than 10 grams of meth, and you have a firearm, it would be a Class II felony. If you are manufacturing, possessing or trafficking meth, have a gun, and you are in violation of the cocaine penalties, then it's a Class IB felony; and the same for base cocaine. It just basically takes them up one gradation. So if it was a, you know, a Class II felony, it goes up one degree simply because of the firearm.