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contact is inappropriate...

SENATOR CHAMBERS: I understand.

SENATOR FLOOD: ...but I add the word "inappropriate" because there are behaviors less than actual sexual contact that are...that should be considered illegal as well--inappropriate touching, not necessarily...

SENATOR CHAMBERS: Well, here's the thrust of my question. Do you think that this individual must commit an overt act involving a victim, or simply develop what a prosecutor might determine is the intent to do so if given the opportunity? Is an act required? And I'm not talking about a statutory definition; your view. In your view, must there be an act, or is it simply a mental process entirely that stamps one a predator?

SENATOR FLOOD: Not necessarily an act, as far as I'm concerned. If an individual makes contact with a child and specifically elicits or says to the child, why don't you come over this afternoon and I'd like you to sleep in my bed, or I would like to invite you to do something that's obviously against the law, I'm not going to go into specifics, that invitation or offer to a child, I think, is a criminal manifestation of that predator's intent to harm the child. So I think that, in and of itself, should be an illegal act.

SENATOR CHAMBERS: But is the intent alone, not accompanied by an act, first degree sexual assault of a child in Nebraska or anyplace else?

SENATOR FLOOD: No, I believe that would be attempted sexual...first degree sexual assault of a child.

SENATOR CHAMBERS: If a person is trying to arrange a meeting with a prostitute and makes it clear that he wants to pay for sex, but the act is not completed, say that the purported prostitute is an undercover officer, is that person charged with prostitution or soliciting prostitution?