

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

January 24, 2006 LB 779

SENATOR FLOOD: Attempted...

SENATOR CHAMBERS: Well, let me put it like this.

SENATOR FLOOD: I'd have to think about that.

SENATOR CHAMBERS: There is a distinction between the act and things leading up to the act.

SENATOR FLOOD: Well, there has to be an overt act. The actus reus and the mens rea, as you'll recall from law school, must be present in most of our crimes except statutory rape and other crimes like that. You could be charged if...you know, obviously, you can be charged with a crime if you make contact with a prostitute and the act never occurs. We see those stings all the time. I don't know if they're in Omaha very often, but you often see them showcased on television where the vice squad comes in and makes the appropriate arrest, so that is a crime. As far as what the specific crime would be, I would probably need to look at our statutes and make sure I understand how we view it in Nebraska.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Right. There can be criminal conduct which does not result in the act itself, but all the surrounding circumstances indicate that were not something intervening--law enforcement, in the form of a sting--the act would be completed, the person is not charged with the act because the act was not completed. And to convict of a crime you have to prove every essential element of the offense, and if the offense itself was not committed you cannot have the element. So I'm getting to that distinction between the two, and my time is up, but this last time I will be able, perhaps, to complete what I'm trying to get across. Thank you, Mr. President.

SENATOR CUDABACK: You may continue.

SENATOR CHAMBERS: Thank you, Mr. President. And, Senator Flood, as ironic as it may seem, you may have more attention this morning when your bill itself is not before us than will be