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white in the statute that says you may do this, they simply do not look at it. This is just a means to make them look at this option, and hopefully order restitution and make the person responsible for the damage, to begin with, be the one to pay for it. Thank you.

SENATOR CUDABACK: Thank you, Senator Aguilar. You've heard the opening on AM2704 to AM2566. Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Senator Aguilar, place a shining star upon the highest bough. (Laughter) Mr. President, members of the Legislature, Senator Aguilar's amendment is permissive language, but it does not say anything about the situation where the owner may have known that this activity is going on, and the argument could be made, well, that's something the judge will look at. Maybe so, and maybe not. I don't like to leave things to chance when you're talking about judges imposing burdens on people, even those convicted of a crime. Senator Aguilar, I'd like to ask you a question.

SENATOR CUDABACK: Senator Aguilar, would you respond?

SENATOR AGUILAR: I will.

SENATOR CHAMBERS: Suppose a person is convicted and the judge orders restitution, and down the line the person is granted a new trial and found to be actually innocent, that this person, in fact, was not the one who did this. What then?

SENATOR AGUILAR: Well, I think obviously, he would have a civil remedy to get his money back.

SENATOR CHAMBERS: Against whom, the property owner?

SENATOR AGUILAR: Yes.

SENATOR CHAMBERS: And suppose the property owner said, you got a judgment, now collect it, and this person says, well, I don't have what it takes to hire another lawyer to put a lien against your property or try to get what I'm out of. If judges can do