

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 23, 2006 LB 1060

SENATOR FLOOD: ...federal property in our state.

SENATOR CHAMBERS: Accepted. Do you think the State Patrol, county sheriffs, and local police should respect the statutory law of this state?

SENATOR FLOOD: Yes, I do.

SENATOR CHAMBERS: Do you think they should engage in subterfuges to circumvent the statutes?

SENATOR FLOOD: Would you define "subterfuge"?

SENATOR CHAMBERS: A stratagem or a scheme to avoid having to comply with the law.

SENATOR FLOOD: No, they should not engage in that kind of behavior or activity.

SENATOR CHAMBERS: And I knew what your answers would be. But after I go into what I'm going to go into, you may want to amend what you said, in view of the facts that I'll lay out. But that's all I will ask you. Members of the Legislature, I, down through the years, have tried to put things into the law that would make law enforcement cease conduct that would put other people in danger. So many years ago, in fact, in 1978, Section 29-2262.01 was put in place. Then it was amended in 1988 to complete the language that you will hear, that I'm going to read: "A person placed on probation by a court of the State of Nebraska, an inmate of any jail or correctional or penal facility, or an inmate who has been released on parole, probation, or work release shall be prohibited from acting as an undercover agent or employee of any law enforcement agency of the state or any political subdivision. Any evidence derived in violation of this section shall not be admissible against any person in any proceeding whatsoever." That last sentence had to be put in to take away any benefit that law enforcement could derive by violating this provision. Some tried to get around it, and the evidence that they procured was not utilized. So they decided to join hands with the federal government, and said, since the language is not binding on the federal