

CHAPTER 18 • EXERCISE 7

PUBLIC AFFAIRS REPORTING

House Bill 371

Write a news story about the bill reprinted here and about your state Senate's debate on the bill, which follows. You may quote the senators' remarks directly. Assume that the Senate debate and vote on the bill happened today. Assume also that your state's House of Representatives has already passed the bill by a vote of 101 to 23. In the text of the bill, the passages that have lines through them will be deleted from the current law, and passages that are underlined will be added to the law.

H.B. 371

An Act relating to crimes and offenses.

Section 1. Section 28-105, Revised Statutes, is amended to read:

28-105. (1) For purposes of the Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into eight classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felonyDeath

Class IA felonyLife imprisonment

Class IB felony.....Maximum—life imprisonment

.....~~Minimum—ten years imprisonment~~

.....Minimum—twenty years imprisonment

Class IC felony.....Maximum—fifty years imprisonment

.....Mandatory minimum—five years imprisonment

Class ID felonyMaximum—fifty years imprisonment

.....Mandatory minimum—three years imprisonment

Class II felony.....Maximum—fifty years imprisonment

.....Minimum—one year imprisonment

Class III felony.....Maximum—twenty years imprisonment

.....Minimum—one year imprisonment

Class IV felonyMaximum—five years imprisonment

.....Minimum—none

(2) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

Section 2. Section 28-1205, Revised Statutes, is amended to read:

28-1205 (1) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state, or any person who unlawfully possesses a firearm, a knife, brass or iron knuckles, or any other deadly weapon during the commission of any felony which may be prosecuted in a court of this state commits the offense of using ~~firearms~~ a deadly weapon to commit a felony.

(2) (a) Use of ~~firearms~~ a deadly weapon other than a firearm to commit a felony is a Class III felony.

(b) Use of a deadly weapon which is a firearm to commit a felony is a Class II felony.

Section 3. Section 28-1206, Revised Statutes, is amended to read:

28-1206. (1) Any person who possesses any firearm ~~with a barrel less than eighteen inches in length~~ or brass or iron knuckles who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of ~~firearms~~ a deadly weapon by a felon or a fugitive from justice.

(2) (a) Possession of ~~firearms~~ a deadly weapon other than a firearm by a felon or a fugitive from justice ~~or a felon~~ is a Class IV felony.

(b) Possession of a deadly weapon which is a firearm by a felon or a fugitive from justice is a Class III felony.

Section 4. Section 29-2221, Revised Statutes, is amended to read:

29-2221. (1) Whoever has been twice convicted of a crime, sentenced, and committed to prison, in this or any other state or by the United States or once in this state and once at least in any other state or by the United States, for terms of not less than one year each shall, upon conviction of a felony committed in this state, be deemed a habitual criminal and shall be punished by imprisonment in a Department of Correctional Services adult correctional facility for a ~~term of not less than ten nor~~ mandatory minimum term of ten years and a maximum term of not more than sixty years, except that:

(2) If the felony committed is manslaughter, armed robbery, rape, arson or kidnapping, as those terms are defined in the Criminal Code, or vehicular homicide while under the influence of alcohol, and at least one of the habitual criminal's prior felony convictions was for such a violation or a violation of a similar statute in another state or in the United States, the mandatory minimum term shall be twenty-five years and the maximum term not more than sixty years.

Section 5. Section 29-2262, Revised Statutes, is amended to read:

29-2262. (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a

habitual criminal pursuant to section 29-2221.

Section 6. Section 29-2525, Revised Statutes, is amended to read:

29-2525. (1) In cases where the punishment is capital, no notice of appeal shall be required and within the time prescribed by section 25-1931 for the commencement of appeals, the clerk of the district court in which the conviction was had shall notify the court reporter who shall prepare a bill of exceptions as in other cases. The Clerk of the Supreme Court shall, upon receipt of the transcript, docket the case. The Supreme Court shall expedite the rendering of its opinion on any appeal, giving the matter priority over civil and noncapital matters.

Section 7. The following shall be added to the Criminal Code of the Revised Statutes:

(1) A person commits the offense of assault on an officer using a motor vehicle if he or she intentionally and knowingly causes bodily injury to a peace officer or employee of the Department of Correctional Services (a) by using a motor vehicle to run over or to strike such officer or employee or (b) by using a motor vehicle to collide with such officer's or employee's motor vehicle, while such officer or employee is engaged in the performance of his or her duties.

(2) Assault on an officer using a motor vehicle shall be a Class IV felony.

EXCERPTS OF FINAL DEBATE IN THE SENATE

Sen. Dan Twoshoes, D-Henderson: "If a farmer finds a weasel in his henhouse, he shoots

it. I wish we could do the same with some of the two-legged weasels. But at least we can lock them up and keep them away from decent people. That's what this bill will do. It increases the prison sentence for criminals who use deadly weapons—especially guns—in the commission of crimes and it increases the penalties on felons and fugitives who possess deadly weapons. This bill will keep criminals off our streets by preventing judges from placing criminals on probation when this legislature has imposed a mandatory minimum sentence. And most importantly, this bill sets a mandatory minimum sentence for habitual criminals who commit serious crimes.”

Sen. Sally Ong, R-Wakarusa: “I agree with Sen. Twoshoes that we need to keep habitual criminals off our streets, and if it were not for one provision, I could support this bill. I speak of the inclusion of vehicular homicide while under the influence of alcohol as one of those offenses requiring a 25-year mandatory minimum sentence. I understand the pain felt by those who lose a loved one in an accident caused by a drunken driver. That's how my brother died five years ago. But the people who drive while drunk need help, not a 25-year prison sentence.”

Sen. John Percy, D-(Your city), and chairman of the Judiciary Committee: “I want to address Sen. Ong's concerns about the vehicular homicide provision. The Judiciary Committee debated this provision extensively, and we heard testimony from many people in law enforcement and social work. It was clear to us that a person who abuses alcohol and then drives an automobile is aware that she or he is behaving recklessly. If a habitual criminal engages in such reckless behavior and causes a fatal injury, then that should be treated as an extremely serious crime.”

Sen. William Antonucci, R-(Your city): “We’re fooling ourselves if we think that this bill will have any impact on crime in this state. Criminals don’t think they’ll be caught when they rob or kill, so increasing the penalties means nothing to them. What we’ll be doing is wasting money warehousing criminals for years and years. The more people we jam into our prisons, the more we are going to have to pay to operate the prisons—even if we let the prisons become pigsties. We would do better to hire more police, prosecutors and judges. We will deter more crime by increasing the chances that crooks will be caught and prosecuted than by increasing the sentences for the few who now are prosecuted.”

After debate, the Senate voted 40-12 in favor of the bill. The bill now goes to the governor, Laura Riley, who must sign it before it can become law. Her press secretary says the governor supports the bill and intends to sign it.