

E & R Initial. Thank you.

PRESIDENT MOUL: Thank you, Senator Kristensen. We will now vote on the motion to advance LB 421. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 25 ayes, 2 nays, Madam President, on the advancement of LB 421.

PRESIDENT MOUL: LB 421 is advanced. LB 430.

CLERK: Madam President, LB 430, a bill introduced by Senator Abboud, Hohenstein and Robak. (Read title.) The bill was introduced on January 14, referred to the Judiciary Committee. The bill was advanced to General File. There are Committee amendments pending by the Judiciary Committee.

PRESIDENT MOUL: Senator Abboud.

SENATOR ABOUDD: Yes, Madam President, members, I will be handling the committee amendments. First off, the amendment deletes Section 1 of the original bill concerning manslaughter, and Section 2 of the bill is retained. The section that is deleted, provided for changes in the manslaughter section that were...there was some controversy about a court case, a Nebraska Supreme Court case that further defined what is, in fact, manslaughter, and as a result of discussions within the committee that section was deleted to be revisited at a later time. The second portion of the committee amendment provides that in cases of rape, which is defined as sexual assault in the first degree, in order to obtain the enhanced penalty for a subsequent offense, the amendment clarifies that a prior offense can be a conviction under any other similar state or federal jurisdiction. Third, the amendment provides that an enhanced penalty for unauthorized use of a motor vehicle where a subsequent is currently...first offense is a Class III misdemeanor and all subsequent offenses that are considered Class III misdemeanor, this changes the provision for subsequent offenses to second offense to a Class I misdemeanor and third offense for stealing of an automobile, unauthorized use of a vehicle to a Class IV felony. The final portion of the committee amendment states that it would require defendants who are going to use the alibi defense to provide to the prosecutor notice of not less than three days before trial. This three-day