

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB238**

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**Hearing Date:** Wednesday March 04, 2009  
**Committee On:** Judiciary  
**Introducer:** Lathrop  
**One Liner:** Adopt the Public Power Infrastructure Protection Act and change penalty provisions regarding trespass

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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<b>Proponents:</b> Sen. Steve Lathrop Tom Richards Don Wesely	<b>Representing:</b> Introducer Omaha Public Power District; NE Power Association Alter Trading Company
<b>Opponents:</b>	<b>Representing:</b>
<b>Neutral:</b>	<b>Representing:</b>

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**Summary of purpose and/or changes:**

LB 238 would amend 28-520 to provide for the offense of criminal trespass when a person "enters" or secretly remains on public power facility property without consent from a person authorized to provide consent to be on facility property. A violation of this section of LB 238 would be a Class I misdemeanor (1year/\$1,000/Both).

LB 238 would also create a criminal offense when a person damages or destroys or attempts to damage or destroy any machine, facility, or apparatus owned by a public power supplier and such machine, facility or apparatus is used to generate electricity. LB 238 would also prohibit damage, injury or destruction to any facility, electric wire, pole, bracket, insulator or other appliance owned by the public power supplier that is used for conducting, transforming, transmitting or distributing electricity. A violation under this act is a Class IV felony (5 years/\$10,000/Both).

A person would be guilty of committing a Class II felony (50yr max/ 1yr min) if such person willfully and maliciously cause damage or attempt to cause damage to a nuclear power facility. This provision would also cover acts and omissions of persons employed by the nuclear facility that are outside official rules or directives relating to facility operation.

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**Explanation of amendments:**  
AM 903 to LB 238

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LB 238 was amended by AM 903 which would provide for the following:

On page 4, line 25, strike "(a)" and after "maliciously" insert "(a)"

The Committee believes by making this change, we avoid criminalizing legitimate accidents by employees that may result in facility damage.

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Brad Ashford, Chairperson