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March 16, 2000 LB 921, 930, 944, 960, 1004, 1018, 1192, 1317  
LR 314-316

due diligence? Can he allege that?

SENATOR BROMM: Senator Kristensen,...

PRESIDENT MAURSTAD: One minute.

SENATOR BROMM: ...I...I...I would assume that he could raise that in his appeal. I think it would be...I think it would be unlikely that that would be a grounds for reversal because, really, he's asking that he be prosecuted perhaps more strenuously than he has been. I mean, it's sort of a Catch-22, but...

SPEAKER KRISTENSEN: I...and...

SENATOR BROMM: ...I...I get your point, and it's probably something, it's a procedural thing that possibly could be raised on appeal. I would hope it wouldn't be something that would be grounds for reversal or...or...

SPEAKER KRISTENSEN: And then last, I'm going to throw this out, and Senator Chambers, I didn't give you any time, if you have something different, please, the other one is, what is the remedy, if you don't use due diligence? What remedy does the defendant have, because it wouldn't be grounds for overturning a conviction. Is...what is that remedy?

SENATOR BROMM: Well, I won't interrupt you, but my take...

PRESIDENT MAURSTAD: Time. Thank you, Senator Bromm. Thank you, Senator Kristensen. Members, while the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 314-316, and LB 921, LB 1192, LB 930, LB 944, LB 960, LB 1317. (Journal shows LB 1018 also signed.) Further debate on the Bromm amendment to LB 1004? Senator Chambers, followed by Senator Bromm.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I was listening to the discussion between Senator Kristensen and Senator Bromm. And, based on the wording of this proposed amendment, perhaps the remedy would be that this section could not be used as a basis for any of the proceedings