

March 10, 1987

LB 568

I am looking at page 12, Section 8, "A prosecutor shall investigate the prior driving record," etcetera, etcetera, etcetera, and on line 19, "He or she shall prosecute that person for that crime and shall not plea bargain on that charge." That is all I want to know. Do we want plea bargaining on rape if we don't want it on drunken driving? That is the only thing I am offering this amendment for. All right, Bill....I asked Senator Nichol a question.

SENATOR NICHOL: Senator Higgins, I think you are looking at the green copy, are you not?

SENATOR HIGGINS: Well, yes.

SENATOR NICHOL: Well, I am sorry but we abandoned that quite some time ago and we are on the white copy and that doesn't mention what you talked about. So I really don't think what you want is in this bill.

SENATOR HIGGINS: Sweet William!

SENATOR NICHOL: Yes, dear.

SENATOR HIGGINS: Five minutes ago I asked you if plea bargaining was still in your bill, and you said, yes.

SENATOR NICHOL: Well, because of the way the judge has to handle the situation he is very hamstrung to do plea bargaining. Good luck to you, but I don't think you want that in this bill.

SENATOR HIGGINS: But did I ask you just a few minutes ago if plea bargaining was in the bill?

SENATOR NICHOL: The plea bargaining is in the bill but not as plea bargaining because the way the judge has to file the charge plea bargaining is not mentioned in it and he has to take into consideration the previous drunken driving record. So...but in the white copy plea bargaining isn't mentioned and I think I am trying to help you.

SENATOR CLARK: Do you still want to challenge the Chair?

SENATOR HIGGINS: No, I won't challenge the Chair. I get the feeling of the body. Thank you.

SENATOR CLARK: The next amendment, please.

CLERK: Mr. President, the only amendment I have left on the bill is from Senator DeCamp.

8672