

balance of the amendment deals with Sections 4 and 5 of the bill. In the Baack amendment that was adopted the provision for purposes of conviction after a period of time has gone by was put in place that if six years elapsed without any subsequent offense that an individual convicted again had to be treated as if it were, for sentencing purposes, as if it were a first offense. What the Kristensen amendment does in 3901 is changes that to eight years. What my amendment would do is basically nothing more than split the difference and put it at seven. Under the Baack amendment Nebraska was similar to virtually every state around us, similar or harsher than every state around us, more harsh rather, to every state around us as it related to the down time, if you will, with regard to the second conviction if some years elapse, basically the six. Under the Kristensen amendment it raises it up to eight. The original bill as it came out of committee was at ten. This amendment takes it to seven. The seven and seven amendment does this. It says that for purposes of second conviction the mandatory minimum is not 30 days, a month in jail, but seven days and that if seven years elapse between the time an individual gets a first and a second offense, that they would have to be treated for sentencing purposes as if it were a first offense. I would urge the body to adopt the amendment at seven years. Nebraska will be the toughest state around us in terms of this issue. There are many states that do not have anywhere near the six or seven years. This would put us in the lead in the Midwest. I am not fond of the amendment, but it is better than the provision that is currently before us. I prefer the way that the Baack amendment was laid out on this issue, six years, had us in a similar fashion to other states around us. I believe that that was appropriate. Seven years is basically a compromise and splits the difference. I don't think there is any justification at all for the 30 days terms of the mandatory minimum and I would urge that that be dropped to seven. The example that Senator Chambers gives, whether it be an every day example or not is still in a...it's a possibility. The issue of a 30 days mandatory minimum is not a possibility. It's a mandatory minimum, those are the key words there. I would hope that the body would support the amendment to reduce the mandatory minimum from 30 to 7 and the time frame from eight to seven for purposes of the second conviction.

SENATOR WARNER: Senator Pirsch, do you wish to speak to the Hall amendment?