

discretion because, after all, there are two convictions back there and a third one at hand or there aren't.

SENATOR LINDSAY: Oh, it is no different than any other plea bargaining case. The prosecutor has to look at the case that he is trying to get a conviction on, and see if those facts, if he can prove enough facts to support a conviction there. If there is no conviction on the crime with which the defendant has been charged...

SPEAKER WITHEM: Time.

SENATOR LINDSAY: ...the habitual criminal thing is going to go away anyway.

SPEAKER WITHEM: Senator Hall.

SENATOR HALL: (Mike off) to Senator Chambers.

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Hall. Mr. Speaker and members of the Legis'ature, I think the discussion that Senator Lindsay and Senator Beutler were having was very instructive and the answers Senator Lindsay gave are correct. It doesn't matter when these other felonies were committed, or where they were committed, nor the nature of the felony. I am glad that Senator Beutler's question pointed out something that he and I were talking about. This amendment that we are considering now is to be made a part of additional, new language that would create a minimum 25-year sentence. There are a number of things being done in this bill, all of them overly harsh, in my opinion, few of them carefully considered. I am going to read for you the motor vehicle homicide statute. A person, and it is 28-306, (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska, or in violation of any city or village ordinance commits motor vehicle homicide. So if you accidentally cause the death of a person while you are driving a vehicle and you are in violation of a statute or a city ordinance, that is motor vehicle homicide. If you are not in violation of any law and you kill somebody, it is simply an accident. The statute continues at number (2), except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor. So if you are violating the