

SENATOR WILL: Just, Senator Hall, I would yield to Senator Chambers.

SENATOR HALL: Senator Chambers.

SENATOR CHAMBERS: Thank you. So this doesn't count against my three. But this may seem like a very innocuous amendment, on its face, but I'm going to discuss it, then ask Senator Lindsay a couple of questions. When you talk about these specific statutes in Nebraska, you can go to those statutes and know precisely what it is you're talking about. If a person was convicted or has a conviction on his or her record of a felony which is to be used for the purpose of the habitual criminal statute, the person convicted can go back and, although maybe not have any of those taken off the record, challenge the validity of some of those convictions to determine whether or not they fit. Did the person have counsel? Was there adequate representation, and things of that kind. But, anyway, when you talk about a similar statute in another state here's what you have to consider. States define words in a different way. In this state, we have classifications of offenses and each offense is named according to that classification, a felony, a misdemeanor, whatever degree of felony it is. Another state may define the term "felony" and it's defined in terms not of whether the crime is violent or not but based on the amount of time you would have to serve if convicted of that offense. So here's the question I would like to ask Senator Lindsay, if he's able to respond.

SENATOR HALL: Senator Lindsay, if you would respond.

SENATOR LINDSAY: Yes.

SENATOR CHAMBERS: Senator Lindsay, what is meant when this amendment that you're proposing says, a similar statute? And let me tell you what I'm getting at. Does that mean the statute is worded in a similar fashion even if the offense that's described is not deemed a felony under that statute in that state?

SENATOR LINDSAY: That would not be the intent but that might be the literal...that might be the literal translation, although earlier in the habitual criminal statute it refers to felony.

SENATOR CHAMBERS: But,...oh, excuse me.