

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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this language is in the...in the Journal at page, I think it's...Mr. Clerk, what page of the Journal is that in?

CLERK: Your amendment, Senator, is on page 1015.

SENATOR BROMM: Page 1015 of the Journal, and the amendment reads, and I'm going to read it to you because I think we need to look at this. "In any case charging a violation under this section, the prosecutor or investigating agency shall use due diligence to obtain the defendant's driver's rec...driving record from the Department of Motor Vehicles and the defendant's driving record from other states where he or she is known to have resided within the last twelve years. The prosecutor shall certify to the court, prior to sentencing, that such action has been taken." As a practical matter, normally when there is an arrest of this nature, there is an inquiry made through the database, through law enforcement, and that database will...will reflect...will reflect if the person has been arrested previously in this state. There also is pretty good database, if that person has a driver's license that has been issued, for example, in Iowa, then that database is able to search Iowa for a prior driving history or to determine whether their license is suspended or has been suspended and that sort of thing. If the person has moved into this state and previously had an Arkansas driver's license, that also gives the database the opportunity to search that state from whence that individual came, because then they know where they previously had a driver's license. So those are ways that would be most common for the investigating agency or the prosecutor to have knowledge of where the defendant resided within the last twelve years. Now there may be situations where the individual says where he has resided, and that would be another opportunity for them to take that information and search, try to search the records in the state where that person lived. The twelve years is in there because that is the length of time that our laws allow us to use prior convictions, so we think we should be consistent in that regard. In my opinion, the words "due diligence" are important because that means that the prosecutor or investigating agency uses the same, consistent, thorough standard of care in trying to ascertain prior convictions in other states where the person has...has lived. It does mean that in every case you have to search the records of 50 states, because that is not...that's