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SENATOR CHAMBERS: ...is not done, then you couldn't enhance. I'm saying all that to say this, it cannot be enough in the first instance for a prosecutor in Nebraska to say, well I made a call over to Iowa and they said this person was convicted, and that's not enough, that won't stand. So let's get away from that and just look at this language. I think, if it can be shown that the prosecutor did not exercise the due diligence which is mandated by the statute, this section has not been complied with and it therefore cannot be used for enhancement. That's my take on it. I could be mistaken, but I want that out there and we can continue the discussion, because I think it's a crucial point.

PRESIDENT MAURSTAD: Senator Bromm, on AM2740 to LB 1004.

SENATOR BROMM: Thank you, Lieutenant Governor. Could I ask Senator Chambers if he would engage in a discussion...

SENATOR CHAMBERS: Yes.

SENATOR BROMM: ...on this issue?

PRESIDENT MAURSTAD: Senator Chambers.

SENATOR CHAMBERS: And before we do, I want to let Senator Bromm know that this is the first instance where this particular issue was raised to me, so I'm just kind of woolgathering and stumbling along here.

SENATOR BROMM: As am I, Senator Chambers. Let me query a couple of points here. When you said that failure to comply with this section would not permit enhancement of the charge, you're not in any way saying that this would affect the original charge of first offense DUI, are you?

SENATOR CHAMBERS: No, what I'm saying, before any of this happens, a person is brought to trial for having been driving drunk. Let's say that that conviction occurs, because we cannot even talk about enhancement without a conviction.

SENATOR BROMM: Um-hum.