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SENATOR CHAMBERS: I don't think the failure to comply with this particular section would have anything to do with guilt or innocence on the underlying charge, because that is separate, that has been taken care of.

SENATOR BROMM: Um-hum.

SENATOR CHAMBERS: Now, the defendant might challenge that on appeal, but that part of the action could not be challenged for failure to comply with the enhancement effort.

SENATOR BROMM: And...and I'm sort of thinking as I'm raising these questions,...

SENATOR CHAMBERS: As am I.

SENATOR BROMM: ...let's say that the prosecutor finds the defendant has been convicted in Iowa, two years ago, but he fails to find that he had a conviction in Kansas, four years ago. He enhances with the Iowa conviction, gets the second offense based on that enhancement. Defendant appeals saying you didn't find the Kansas one, so you didn't do due diligence. Now, how...how is the defendant...how is the court...how should the court respond to that? How is a defendant prejudiced by that? Or, let me go one step further in my thinking,...

SENATOR CHAMBERS: Counselor, let me...let me cut to the chase on what you're...

SENATOR BROMM: ...or...

SENATOR CHAMBERS: ...presenting to the honorable court. (Laugh) We do not require you to be duplicative, we do not require you to pile on. You want to show that there has been one other valid conviction in another state for the enhancement being undertaken; you have established that one that you needed, so you're not required to go beyond that and pile on when none of those would serve any useful purpose.

SENATOR BROMM: Okay, that would be my opinion also. The other aspect of this that I wanted to make, and I think the prosecutor