

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 16, 2000 LB 1004

SENATOR CHAMBERS: That's what I would like to see...

SPEAKER KRISTENSEN: ...some showing.

SENATOR CHAMBERS: ...so that this is not just a perfunctory type of requirement which, as you pointed out, none of us wants, where the prosecutor just says, I don't know anything, and that takes care of it.

SPEAKER KRISTENSEN: And having done those, then there's little mechanical issues about, okay, they're arrested in December, you run their driving record in December to check on how you're going to charge them so you can give them adequate notice of the possible penalties and so on, trial or plea takes place that summer, and sentencing happens in let's say September. So is the driving record that you ran in December sufficient, or does it have to be at the time of sentencing? You'll get all those little questions about how close in time does it have to be? I assume that that's in the discretion of the court, if they think that it is ripe or it is not stale information would be my attitude. But that...

SENATOR CHAMBERS: Well, they put...

SPEAKER KRISTENSEN: ...would be a question I'd have.

SENATOR CHAMBERS: ...they put in the statute the methodology by which to calculate the prior 12 years during which the person's record could be utilized. So I think with the record we're putting together here it's helpful, but I think, based on this discussion, we might need to put something else into this section, even if it's to prescribe a form similar to what Senator Bromm had outlined that the prosecutor should be required to present to the court. But under no circumstances do I want a prosecutor to just be able to come in and say, I've done what I ought to do, and maybe have a judge like Judge Coady, who whatever you say is all right. We've got to put something in there, because we're writing the law in an area for Nebraska, in an area that's new for, us by allowing these foreign judgments, well maybe I should say convictions in other states to apply in Nebraska, but they're, in effect, foreign