

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

March 27, 2003 LB 208

they are being charged with second offense. We want the attorney...the prosecutor to say why those have been ignored.

SENATOR CHAMBERS: Well, whether we want that or not, and if you put it in the statute, it's there, that is not the purpose of a charging document. The purpose of a charging document is to accuse an individual of having violated a...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...specific law at a specific time and place, and you state how that is a violation of the law and so forth. But to put a person's criminal history in a charging document is not appropriate. So here's what I'm going to ask you, did the county attorney say that this provision should be put in? Who said that this provision should be put in? I'll ask it that way.

SENATOR KRUSE: I think county attorneys agreed to it, yes.

SENATOR CHAMBERS: Well, they can do that anyway, can't they?

SENATOR KRUSE: No. Well, they don't...they could

SENATOR CHAMBERS: So why don't they do it?

SENATOR KRUSE: That's our question, why don't they do it? Because a second offense, they can plea bargain an outrageous number of convictions...

SENATOR CHAMBERS: Well, why do they want to...

SENATOR KRUSE: ...on second offense.

SENATOR CHAMBERS: ...why do they want us to put something into the law that they can do already? Isn't that unnecessary surplusage?

SENATOR KRUSE: Because many times it's not being done. We want it done.