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SENATOR CHAMBERS: Well, the court...

SPEAKER BROMM: ...or consider ordering a trial, a new trial, based on DNA testing?

SENATOR CHAMBERS: The court said it was going to treat the motion to vacate that exists under the DNA Testing Act--and my light is on--the same as they would treat a motion to dismiss in a criminal case where DNA evidence was not involved. And in doing that, I think they blurred the distinction between DNA evidence that would compel the release of a person and DNA evidence that would raise sufficient questions to justify a new trial. Under the court standard, you'd have to prove innocence before you could even get a new trial.

SPEAKER BROMM: So basically, it short-circuits it in a way so that if you have DNA evidence that would meet this standard, the court would actually order the release of the person if there's clear and convincing evidence of innocence, rather than order a new trial and have a court or a jury make the determination.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: My light is on and then...because it's not a yes or no answer.

SENATOR CUDABACK: Thank you, Senator Bromm. Your time is up. Senator Tyson, followed by Senator Chambers and Senator Friend. Senator Tyson.

SENATOR TYSON: Thank you, Mr. President. On consideration of this in Judiciary Committee, I was the only member of the committee to vote no. The other members...other members of the committee, Senator Brashear, Senator Chambers, Senators Foley, Mines, Mossey, Pedersen and Quandahl, voted to advance it. I voted not to. I was persuaded by Joe Kelly--Joe Kelly is the Lancaster County Deputy Attorney. I was persuaded that there was no need for this legislation, that they have Bronson as an avenue for appeal, and I would offer to you now at this time that this bill is on General File. It has not been subject to