

SENATOR HALL: (Response inaudible.)

SENATOR KRISTENSEN: Well, I could be wrong. Senator Hall, could you just tell me the difference between this and AM2670.

SENATOR HALL: The difference is I'd missed five...I had missed making the change in a couple different places.

SENATOR KRISTENSEN: Okay, it should be five years, though.

SENATOR HALL: That's correct.

SENATOR KRISTENSEN: Okay, okay, okay. Thank you. What we're doing is going from ten years to five years for counting your prior convictions. So if you had a conviction in 1983, you had one in '84, you had one in '85, there would be 3 convictions, under this amendment you would never consider those convictions in '82, '83, '84, and '85. Under our current law you would consider those for enhancing the penalty. So you're chopping in half the time you go back to pick those offenses up. It's a policy choice. The key is you probably are going to have a real tough time of getting four convictions in a five year period of time. So, in effect, this four year penalty really wouldn't come into play, because your chances of getting four convictions in five years really are pretty slim, and, if you are, the criminal justice system is probably following up on that individual case. And I'm not telling you the criminal justice system isn't infallible, but that's the reason I characterized this amendment as honey and poison. The honey is you get the increased fourth conviction, the poison is you probably are never ever going to get to that point because you reduce this to a five year period of time. If we divide the amendment in half and take the first half, yeah, I like that, the second half. At least at this point I don't think it's something that makes good policy for the State of Nebraska. Thank you.

SPEAKER BAACK: Thank you, Senator Kristensen. Senator Schimek. Senator Cudaback. Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. Again, I rise in support of the amendment. The honey and poison analogy, I guess, is probably a good one. I would argue, though, that Senator Kristensen has his honey and his poison mixed up. The poison that is out here is LB 291, through the committee