

AMENDMENTS TO LB 497

Introduced by Council, 11.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 29-2259.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 29-2259.01 (1) There is hereby created the Probation Cash
6 Fund. All ~~funds~~ money collected pursuant to subdivisions (2)(m)
7 and (2)(o) of section 29-2262 and subdivisions (4)(a) and (4)(b)
8 of section 60-4,115 shall be remitted to the State Treasurer for
9 credit to the fund.

10 (2) Expenditures from the money in the fund collected
11 pursuant to subdivisions (2)(m) and (2)(o) of section 29-2262 shall
12 include, but not be limited to, supplementing any state funds
13 necessary to support the costs of the services for which the ~~funds~~
14 were money was collected.

15 (3)(a) The Office of Probation Administration shall use
16 no more than five percent of the money in the fund collected in
17 each fiscal year pursuant to subdivisions (4)(a) and (4)(b) of
18 section 60-4,115 for administrative costs of the office.

19 (b) Expenditures from the money in the fund collected
20 pursuant to subdivisions (4)(a) and (4)(b) of section 60-4,115
21 shall also be used to provide for the cost of installing, removing,
22 and maintaining an ignition interlock device in accordance with
23 subsection (9) of section 60-6,211.05. The office shall not be

1 required to pay costs authorized under this subdivision that exceed
2 the amount of funds available for this purpose.

3 (4) Any money in the fund available for investment
4 shall be invested by the state investment officer pursuant to
5 the Nebraska Capital Expansion Act and the Nebraska State Funds
6 Investment Act.

7 (5) The State Treasurer shall transfer any money in the
8 Ignition Interlock Device Fund on the effective date of this act to
9 the Probation Cash Fund.

10 Sec. 2. Section 60-498.02, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 60-498.02 (1) At the expiration of thirty days after the
13 date of arrest as described in subsection (2) of section 60-6,197
14 or if after a hearing pursuant to section 60-498.01 the director
15 finds that the operator's license should be revoked, the director
16 shall (a) revoke the operator's license of a person arrested for
17 refusal to submit to a chemical test of blood, breath, or urine
18 as required by section 60-6,197 for a period of one year and
19 (b) revoke the operator's license of a person who submits to a
20 chemical test pursuant to such section which discloses the presence
21 of a concentration of alcohol specified in section 60-6,196 for a
22 period of ninety days unless the person's driving record abstract
23 maintained in the department's computerized records shows one or
24 more prior administrative license revocations on which final orders
25 have been issued during the immediately preceding twelve-year
26 period at the time the order of revocation is issued, in which case
27 the period of revocation shall be one year. Except as otherwise

1 provided in section 60-6,211.05, a new operator's license shall
2 not be issued to such person until the period of revocation has
3 elapsed. If the person subject to the revocation is a nonresident
4 of this state, the director shall revoke only the nonresident's
5 operating privilege as defined in section 60-474 of such person and
6 shall immediately forward the operator's license and a statement of
7 the order of revocation to the person's state of residence.

8 (2) At the expiration of thirty days after an order of
9 revocation is entered under subsection (1) of this section, any
10 person whose operator's license has been administratively revoked
11 for a period of ninety days for submitting to a chemical test
12 pursuant to section 60-6,197 which disclosed the presence of a
13 concentration of alcohol in violation of section 60-6,196 may make
14 application to the director for issuance of an employment driving
15 permit pursuant to section 60-4,130.

16 (3) (a) At the expiration of thirty days after an order
17 of administrative license revocation for ninety days is entered
18 under subsection (1) of this section, any person who submitted to
19 a chemical test pursuant to section 60-6,197 which disclosed the
20 presence of a concentration of alcohol in violation of section
21 60-6,196 is eligible for an order to allow application for an
22 ignition interlock permit to operate a motor vehicle equipped with
23 an ignition interlock device pursuant to section 60-6,211.05 upon
24 presentation of sufficient evidence to the Department of Motor
25 Vehicles that such a device is installed.

26 (b) At the expiration of sixty days after an order of
27 administrative license revocation for one year is entered under

1 subsection (1) of this section, any person who submitted to
2 a chemical test pursuant to section 60-6,197 which disclosed
3 the presence of a concentration of alcohol in violation of
4 section 60-6,196 is eligible for an order to allow application
5 for an ignition interlock permit in order to operate a motor
6 vehicle equipped with an ignition interlock device pursuant to
7 section 60-6,211.05 upon presentation of sufficient evidence to the
8 Department of Motor Vehicles that such a device is installed.

9 (c) A person operating a motor vehicle pursuant to this
10 subsection shall only operate the motor vehicle to and from his
11 or her residence, ~~to~~ his or her place of employment, his or
12 her school, ~~or an alcohol treatment program,~~ required visits with
13 his or her probation officer, or an ignition interlock service
14 facility. Such permit shall indicate for which purposes the permit
15 may be used. All permits issued pursuant to this subsection shall
16 indicate that the permit is not valid for the operation of any
17 commercial motor vehicle.

18 (4) No person shall be eligible for an employment driving
19 permit or an ignition interlock permit during any period of time
20 during which his or her operator's license is subject to an
21 administrative revocation order for refusal to submit to a chemical
22 test of blood, breath, or urine as required by section 60-6,197.

23 (5) A person may have his or her eligibility for a
24 license reinstated upon payment of a reinstatement fee as required
25 by section 60-694.01.

26 (6) (a) A person whose operator's license is subject to
27 revocation pursuant to subsection (3) of section 60-498.01 shall

1 have all proceedings dismissed or his or her operator's license
2 immediately reinstated without payment of the reinstatement fee
3 upon receipt of suitable evidence by the director that:

4 (i) Within the thirty-day period following the date
5 of arrest, the prosecuting attorney responsible for the matter
6 declined to file a complaint alleging a violation of section
7 60-6,196 and notified the director by first-class mail or facsimile
8 transmission of such decision and the director received such notice
9 within such period or the notice was postmarked within such period;
10 or

11 (ii) The defendant, after trial, was found not guilty
12 of violating section 60-6,196 or such charge was dismissed on the
13 merits by the court.

14 (b) The director shall adopt and promulgate rules and
15 regulations establishing standards for the presentation of suitable
16 evidence of compliance with subdivision (a) of this subsection.

17 (c) If a charge is filed for a violation of section
18 60-6,196 pursuant to an arrest for which all proceedings were
19 dismissed under this subsection, the prosecuting attorney shall
20 notify the director by first-class mail or facsimile transmission
21 of the filing of such charge and the director may reinstate an
22 administrative license revocation under this section as of the
23 date that the director receives notification of the filing of the
24 charge, except that a revocation shall not be reinstated if it was
25 dismissed pursuant to section 60-498.01.

26 Sec. 3. Section 60-4,115, Revised Statutes Cumulative
27 Supplement, 2008, is amended to read:

1 60-4,115 (1) Fees for operators' licenses and state
2 identification cards shall be collected and distributed according
3 to the table in subsection (2) of this section, except for the
4 ignition interlock permit and associated fees as outlined in
5 subsection (4) of this section. County officials shall remit the
6 county portion of the fees collected to the county treasurer for
7 placement in the county general fund. All other fees collected
8 shall be remitted to the State Treasurer for credit to the
9 appropriate fund. The State Treasurer shall transfer an amount
10 equal to three dollars and fifty cents times the number of original
11 or renewal Class M licenses issued pursuant to section 60-4,127
12 during the previous year from the Department of Motor Vehicles Cash
13 Fund to the Motorcycle Safety Education Fund.

14 (2) The fees provided in this subsection in the
15 following dollar amounts apply for operators' licenses and state
16 identification cards.

	Department			
	County of Motor		State	
Document	Total	General	Vehicles	General
	Fee	Fund	Cash Fund	Fund
21 State identification card:				
22 Valid for 1 year or less	5.00	2.75	1.25	1.00
23 Valid for more than 1 year				
24 but not more than 2 years	10.00	2.75	4.00	3.25
25 Valid for more than 2 years				
26 but not more than 3 years	14.00	2.75	5.25	6.00
27 Valid for more than 3 years				

1	but not more than 4 years	19.00	2.75	8.00	8.25
2	Valid for more than 4 years				
3	for person under 21	24.00	2.75	10.25	11.00
4	Valid for 5 years	24.00	3.50	10.25	10.25
5	Duplicate or replacement	11.00	2.75	6.00	2.25
6	Class O or M operator's license:				
7	Valid for 1 year or less	5.00	2.75	1.25	1.00
8	Valid for more than 1 year				
9	but not more than 2 years	10.00	2.75	4.00	3.25
10	Valid for more than 2 years				
11	but not more than 3 years	14.00	2.75	5.25	6.00
12	Valid for more than 3 years				
13	but not more than 4 years	19.00	2.75	8.00	8.25
14	Valid for 5 years	24.00	3.50	10.25	10.25
15	Bioptic or telescopic lens restriction:				
16	Valid for 1 year or less	5.00	0	5.00	0
17	Valid for more than 1 year				
18	but not more than 2 years	10.00	2.75	4.00	3.25
19	Duplicate or replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0
22	Provisional operator's permit:				
23	Original	15.00	2.75	12.25	0
24	Bioptic or telescopic lens restriction:				
25	Valid for 1 year or less	5.00	0	5.00	0
26	Valid for more than 1 year				
27	but not more than 2 years	15.00	2.75	12.25	0

1	Duplicate or replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	LPD-learner's permit:				
5	Original	8.00	.25	5.00	2.75
6	Duplicate or replacement	11.00	2.75	6.00	2.25
7	Add, change, or remove class,				
8	endorsement, or restriction	5.00	0	5.00	0
9	LPE-learner's permit:				
10	Original	8.00	.25	5.00	2.75
11	Duplicate or replacement	11.00	2.75	6.00	2.25
12	Add, change, or remove class,				
13	endorsement, or restriction	5.00	0	5.00	0
14	School permit:				
15	Original	8.00	.25	5.00	2.75
16	Duplicate or replacement	11.00	2.75	6.00	2.25
17	Add, change, or remove class,				
18	endorsement, or restriction	5.00	0	5.00	0
19	Farm permit:				
20	Original or renewal	5.00	.25	0	4.75
21	Duplicate or replacement	5.00	.25	0	4.75
22	Temporary	5.00	.25	0	4.75
23	Add, change, or remove class,				
24	endorsement, or restriction	5.00	0	5.00	0
25	Driving permits:				
26	Employment	45.00	0	5.00	40.00
27	Medical hardship	45.00	0	5.00	40.00

1	Duplicate or replacement	10.00	.25	5.00	4.75
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	Commercial driver's license:				
5	Valid for 1 year or less	11.00	1.75	5.00	4.25
6	Valid for more than 1 year				
7	but not more than 2 years	22.00	1.75	5.00	15.25
8	Valid for more than 2 years				
9	but not more than 3 years	33.00	1.75	5.00	26.25
10	Valid for more than 3 years				
11	but not more than 4 years	44.00	1.75	5.00	37.25
12	Valid for 5 years	55.00	1.75	5.00	48.25
13	Bioptic or telescopic lens restriction:				
14	Valid for one year or less	11.00	1.75	5.00	4.25
15	Valid for more than 1 year				
16	but not more than 2 years	22.00	1.75	5.00	15.25
17	Duplicate or replacement	11.00	2.75	6.00	2.25
18	Add, change, or remove class,				
19	endorsement, or restriction	10.00	1.75	5.00	3.25
20	LPC-learner's permit:				
21	Original or renewal	10.00	.25	5.00	4.75
22	Duplicate or replacement	10.00	.25	5.00	4.75
23	Add, change, or remove class,				
24	endorsement, or restriction	10.00	.25	5.00	4.75
25	Seasonal permit:				
26	Original or renewal	10.00	.25	5.00	4.75
27	Duplicate or replacement	10.00	.25	5.00	4.75

1	Add, change, or remove class,				
2	endorsement, or restriction	10.00	.25	5.00	4.75
3	School bus permit:				
4	Original or renewal	5.00	0	5.00	0
5	Duplicate or replacement	5.00	0	5.00	0
6	Add, change, or remove class,				
7	endorsement, or restriction	5.00	0	5.00	0

8 (3) If the department issues an operator's license or a
9 state identification card, the department shall remit the county
10 portion of the fees to the State Treasurer for credit to the
11 Department of Motor Vehicles Cash Fund.

12 (4) (a) The fee for an ignition interlock permit shall be
13 forty-five dollars. Five dollars of the fee shall be remitted to
14 the State Treasurer for credit to the Department of Motor Vehicles
15 Cash Fund. Forty dollars of the fee shall be remitted to the State
16 Treasurer for credit to the ~~Ignition Interlock Device~~ Probation
17 Cash Fund.

18 (b) The fee for a duplicate or replacement ignition
19 interlock permit shall be ten dollars. Twenty-five cents of the
20 fee shall be remitted to the county treasurer for credit to the
21 county general fund. Five dollars of the fee shall be remitted to
22 the State Treasurer for credit to the Department of Motor Vehicles
23 Cash Fund. Four dollars and seventy-five cents of the fee shall
24 be remitted to the State Treasurer for credit to the ~~Ignition~~
25 ~~Interlock Device~~ Probation Cash Fund.

26 (c) The fee for adding, changing, or removing a class,
27 endorsement, or restriction on an ignition interlock permit shall

1 be five dollars. The fee shall be remitted to the State Treasurer
2 for credit to the Department of Motor Vehicles Cash Fund.

3 (5) This subsection applies beginning on the
4 implementation date designated by the director pursuant to
5 section 60-462.02. The department and its agents may collect an
6 identity security surcharge to cover the cost of security and
7 technology practices used to protect the identity of applicants for
8 and holders of operators' licenses and state identification cards
9 and to reduce identity theft, fraud, and forgery and counterfeiting
10 of such licenses and cards to the maximum extent possible. The
11 surcharge shall be in addition to all other required fees for
12 operators' licenses and state identification cards. The amount of
13 the surcharge shall be determined by the department. The surcharge
14 shall not exceed eight dollars. The surcharge shall be remitted to
15 the State Treasurer for credit to the Department of Motor Vehicles
16 Cash Fund.

17 Sec. 4. Section 60-4,118.06, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 60-4,118.06 (1) Upon receipt by the director of (a)
20 a certified copy of a court order issued pursuant to section
21 60-6,211.05, a certified copy of an order for installation of an
22 ignition interlock device and issuance of an ignition interlock
23 permit pursuant to subdivision (1), (2), or ~~(2)~~ (3) of section
24 60-6,197.03, or a copy of an order from the Board of Pardons
25 pursuant to section 83-1,127.02, (b) sufficient evidence that
26 the person has surrendered his or her operator's license to the
27 Department of Motor Vehicles and installed an approved ignition

1 interlock device in accordance with such order, and (c) payment of
2 the fee provided in section 60-4,115, such person may apply for
3 an ignition interlock permit. A person subject to administrative
4 license revocation under section 60-498.02 shall be eligible for
5 an ignition interlock permit as provided in such section. The
6 director shall issue an ignition interlock permit for the operation
7 of a motor vehicle equipped with an ignition interlock device.
8 Any person issued an ignition interlock permit pursuant to a
9 court order shall only operate the motor vehicle equipped with an
10 ignition interlock device to and from his or her residence, his or
11 her place of employment, his or her school, an alcohol treatment
12 program, required visits with his or her probation officer, or an
13 ignition interlock service facility. The ~~Such~~ permit shall indicate
14 for which purposes the permit may be used. All permits issued
15 pursuant to this subsection shall indicate that the permit is
16 not valid for the operation of any commercial motor vehicle. The
17 department shall not issue an ignition interlock permit to any
18 person convicted of a second or subsequent violation of section
19 60-6,196 or 60-6,197 until at least one year of the operator's
20 license revocation has elapsed.

21 (2) Upon expiration of the revocation period or upon
22 expiration of an order issued by the Board of Pardons pursuant
23 to section 83-1,127.02, a person may apply to the department
24 in writing for issuance of an operator's license. Regardless of
25 whether the license surrendered by such person under subsection
26 (1) of this section has expired, the person shall apply for a new
27 operator's license pursuant to the Motor Vehicle Operator's License

1 Act.

2 (3) A person who operates a motor vehicle in violation
3 of the purposes for operation indicated on the ignition interlock
4 permit shall be guilty of a Class II misdemeanor, shall have his or
5 her ignition interlock permit revoked, and shall serve the balance
6 of any revocation period without the privilege to operate a motor
7 vehicle using an ignition interlock device.

8 Sec. 5. Section 60-6,197.01, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 60-6,197.01 (1) Upon conviction for a violation described
11 in section 60-6,197.06 or a second or subsequent violation of
12 section 60-6,196 or 60-6,197, the court shall impose either of the
13 following restrictions:

14 (a) (i) The court shall order all motor vehicles owned by
15 the person so convicted immobilized at the owner's expense for a
16 period of time not less than five days and not more than eight
17 months and shall notify the Department of Motor Vehicles of the
18 period of immobilization. Any immobilized motor vehicle shall be
19 released to the holder of a bona fide lien on the motor vehicle
20 executed prior to such immobilization when possession of the motor
21 vehicle is requested as provided by law by such lienholder for
22 purposes of foreclosing and satisfying such lien. If a person tows
23 and stores a motor vehicle pursuant to this subdivision at the
24 direction of a peace officer or the court and has a lien upon such
25 motor vehicle while it is in his or her possession for reasonable
26 towing and storage charges, the person towing the vehicle has the
27 right to retain such motor vehicle until such lien is paid. For

1 purposes of this subdivision, immobilized or immobilization means
2 revocation or suspension, at the discretion of the court, of the
3 registration of such motor vehicle or motor vehicles, including the
4 license plates; and

5 (ii) (A) Any immobilized motor vehicle shall be released
6 by the court without any legal or physical restraints to any
7 registered owner who is not the registered owner convicted of a
8 second or subsequent violation of section 60-6,196 or 60-6,197
9 if an affidavit is submitted to the court by such registered
10 owner stating that the affiant is employed, that the motor vehicle
11 subject to immobilization is necessary to continue that employment,
12 that such employment is necessary for the well-being of the
13 affiant's dependent children or parents, that the affiant will not
14 authorize the use of the motor vehicle by any person known by the
15 affiant to have been convicted of a second or subsequent violation
16 of section 60-6,196 or 60-6,197, that affiant will immediately
17 report to a local law enforcement agency any unauthorized use of
18 the motor vehicle by any person known by the affiant to have been
19 convicted of a second or subsequent conviction of section 60-6,196
20 or 60-6,197, and that failure to release the motor vehicle would
21 cause undue hardship to the affiant.

22 (B) A registered owner who executes an affidavit pursuant
23 to subdivision (1) (a) (ii) (A) of this section which is acted upon
24 by the court and who fails to immediately report an unauthorized
25 use of the motor vehicle which is the subject of the affidavit is
26 guilty of a Class IV misdemeanor and may not file any additional
27 affidavits pursuant to subdivision (1) (a) (ii) (A) of this section.

1 (C) The department shall adopt and promulgate rules and
2 regulations to implement the provisions of subdivision (1)(a) of
3 this section; or

4 (b) As an alternative to subdivision (1)(a) of this
5 section, the court shall order the convicted person, in order to
6 operate a motor vehicle, to obtain an ignition interlock permit and
7 install an ignition interlock device on each ~~of the motor vehicles~~
8 vehicle owned or operated by the convicted person if he or she
9 was sentenced to an operator's license revocation of at least one
10 year, ~~and has completed at least one year of such revocation.~~ No
11 ignition interlock permit may be issued until sufficient evidence
12 is presented to the department that an ignition interlock device
13 is installed on each vehicle and that the applicant is eligible
14 for use of an ignition interlock device. The installation of an
15 ignition interlock device shall be for a period not less than six
16 months, ~~commencing upon the end of such year of the operator's~~
17 ~~license revocation.~~ Notwithstanding any other provision of law,
18 if the owner was convicted of a second or subsequent violation
19 of section 60-6,196 or 60-6,197, no ignition interlock device or
20 ignition interlock permit shall be ordered by any court or state
21 agency under any circumstances until at least one year of the
22 operator's license revocation shall have elapsed.

23 (2) In addition to the restrictions required by
24 subdivision (1)(b) of this section, the court may require a person
25 convicted of a second or subsequent violation of section 60-6,196
26 or 60-6,197 to use a continuous alcohol monitoring device and
27 abstain from alcohol use for a period of time not to exceed

1 the maximum term of license revocation ordered by the court. A
2 continuous alcohol monitoring device shall not be ordered for a
3 person convicted of a second or subsequent violation unless the
4 installation of an ignition interlock device is also required.

5 Sec. 6. Section 60-6,197.02, Revised Statutes Cumulative
6 Supplement, 2008, is amended to read:

7 60-6,197.02 (1) A violation of section 60-6,196 or
8 60-6,197 shall be punished as provided in section 60-6,197.03.
9 For purposes of sentencing under section 60-6,197.03:

10 (a) Prior conviction means a conviction for a violation
11 committed within the twelve-year period prior to the offense for
12 which the sentence is being imposed as follows:

13 (i) For a violation of section 60-6,196:

14 (A) Any conviction for a violation of section 60-6,196;

15 (B) Any conviction for a violation of a city or village
16 ordinance enacted in conformance with section 60-6,196;

17 (C) Any conviction under a law of another state if, at
18 the time of the conviction under the law of such other state,
19 the offense for which the person was convicted would have been a
20 violation of section 60-6,196; or

21 (D) Any conviction for a violation of section 60-6,198;

22 or

23 (ii) For a violation of section 60-6,197:

24 (A) Any conviction for a violation of section 60-6,197;

25 (B) Any conviction for a violation of a city or village
26 ordinance enacted in conformance with section 60-6,197; or

27 (C) Any conviction under a law of another state if, at

1 the time of the conviction under the law of such other state,
2 the offense for which the person was convicted would have been a
3 violation of section 60-6,197;

4 (b) Prior conviction includes any conviction under
5 section 60-6,196, 60-6,197, or 60-6,198, or any city or village
6 ordinance enacted in conformance with any of such sections, as
7 such sections or city or village ordinances existed at the time of
8 such conviction regardless of subsequent amendments to any of such
9 sections or city or village ordinances; and

10 (c) Twelve-year period means the period computed from the
11 date of the prior offense to the date of the offense which resulted
12 in the conviction for which the sentence is being imposed.

13 (2) In any case charging a violation of section 60-6,196
14 or 60-6,197, the prosecutor or investigating agency shall use due
15 diligence to obtain the person's driving record from the Department
16 of Motor Vehicles and the person's driving record from other
17 states where he or she is known to have resided within the last
18 twelve years. The prosecutor shall certify to the court, prior
19 to sentencing, that such action has been taken. The prosecutor
20 shall present as evidence for purposes of sentence enhancement a
21 court-certified copy or an authenticated copy of a prior conviction
22 in another state. The court-certified or authenticated copy shall
23 be prima facie evidence of such prior conviction.

24 (3) For each conviction for a violation of section
25 60-6,196 or 60-6,197, the court shall, as part of the judgment of
26 conviction, make a finding on the record as to the number of the
27 convicted person's prior convictions. The convicted person shall

1 be given the opportunity to review the record of his or her prior
2 convictions, bring mitigating facts to the attention of the court
3 prior to sentencing, and make objections on the record regarding
4 the validity of such prior convictions.

5 (4) A person arrested of a violation of section 60-6,196
6 or 60-6,197 before the effective date of this act, but sentenced
7 pursuant to section 60-6,197.03 for such violation on or after the
8 effective date of this act, shall be sentenced according to the
9 provisions of section 60-6,197.03 in effect on the date of arrest.

10 Sec. 7. Section 60-6,197.03, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 60-6,197.03 Any person convicted of a violation of
13 section 60-6,196 or 60-6,197 shall be punished as follows:

14 (1) Except as provided in subdivision (2) of this
15 section, if such person has not had a prior conviction, such person
16 shall be guilty of a Class W misdemeanor, and the court shall,
17 as part of the judgment of conviction, order that the operator's
18 license of such person be revoked or impounded for a period of six
19 months from the date ordered by the court. If the court orders the
20 person's operator's license impounded, the court shall also order
21 that the person shall not operate a motor vehicle for a period
22 of six months and shall not order the installation of an ignition
23 interlock device or an ignition interlock permit. If the court
24 orders the person's operator's license revoked, the revocation
25 period shall be for six months. The revocation order shall require
26 that the person not drive for a period of thirty days, after which
27 the court may order that and the court shall order that after

1 ~~thirty days of no driving,~~ the person may apply for an ignition
2 interlock permit for the remainder of the revocation period and
3 ~~shall~~ have an ignition interlock device installed on any motor
4 vehicle he or she operates during the remainder of the revocation
5 period. Such revocation or impoundment shall be administered upon
6 sentencing, upon final judgment of any appeal or review, or upon
7 the date that any probation is revoked.

8 If the court places such person on probation or suspends
9 the sentence for any reason, the court shall, as one of the
10 conditions of probation or sentence suspension, order that the
11 operator's license of such person be revoked for a period of
12 sixty days from the date ordered by the court. The court may
13 order that during the period of revocation the person apply
14 for unless otherwise authorized by an order for an ignition
15 interlock permit and the installation of an ignition interlock
16 device issued pursuant to section 60-6,211.05. Such ~~and such~~
17 order of probation or sentence suspension shall also include, as
18 one of its conditions, the payment of a four-hundred-dollar fine;

19 (2) If such person has not had a prior conviction
20 and, as part of the current violation, had a concentration of
21 fifteen-hundredths of one gram or more by weight of alcohol per
22 one hundred milliliters of his or her blood or fifteen-hundredths
23 of one gram or more by weight of alcohol per two hundred ten
24 liters of his or her breath, such person shall be guilty of a
25 Class W misdemeanor, and the court shall, as part of the judgment
26 of conviction, revoke the operator's license of such person for
27 a period of one year from the date ordered by the court. The

1 revocation order shall require that the person not drive for a
2 period of sixty days, after which the court may order that and
3 ~~shall order that after sixty days of no driving,~~ the person
4 may apply for an ignition interlock permit for the remainder
5 of the revocation period and ~~shall~~ have an ignition interlock
6 device installed on any motor vehicle he or she operates during
7 the remainder of the revocation period. Such revocation shall be
8 administered upon sentencing, upon final judgment of any appeal or
9 review, or upon the date that any probation is revoked.

10 If the court places such person on probation or suspends
11 the sentence for any reason, the court shall, as one of the
12 conditions of probation or sentence suspension, order that the
13 operator's license of such person be revoked for a period of one
14 year from the date ordered by the court. The court may order
15 that during the period of revocation the person apply unless
16 ~~otherwise authorized by an order~~ for an ignition interlock permit
17 and installation of an ignition interlock device issued pursuant
18 to section 60-6,211.05. If the court orders that the person apply
19 for an ignition interlock permit, the court shall also order
20 that the person submit to a mandatory assessment by a certified
21 substance abuse professional regarding whether the person has an
22 alcohol abuse problem and submit to alcohol abuse counseling if
23 such certified substance abuse professional determines that such
24 counseling is appropriate. Such ~~and such~~ order of probation or
25 sentence suspension shall also include, as conditions, the payment
26 of a five-hundred-dollar fine and either confinement in the city or
27 county jail for two days or the imposition of not less than one

1 hundred twenty hours of community service;

2 (3) Except as provided in subdivision (5) of this
3 section, if such person has had one prior conviction, such person
4 shall be guilty of a Class W misdemeanor, and the court shall,
5 as part of the judgment of conviction, order that the operator's
6 license of such person be revoked for a period of one year from
7 the date ordered by the court. The revocation order shall require
8 that the person not drive for a period of sixty days, after
9 which the court may order that the person apply for an ignition
10 interlock permit for the remainder of the revocation period and
11 have an ignition interlock device installed on any motor vehicle
12 he or she owns or operates during the remainder of the revocation
13 period. and shall issue an order pursuant to section 60-6,197.01.
14 Such ~~orders~~ revocation shall be administered upon sentencing, upon
15 final judgment of any appeal or review, or upon the date that any
16 probation is revoked.

17 If the court places such person on probation or suspends
18 the sentence for any reason, the court shall, as one of the
19 conditions of probation or sentence suspension, order that the
20 operator's license of such person be revoked for a period of one
21 year from the date ordered by the court. The revocation order
22 shall require that the person not drive for a period of forty-five
23 days, after which the court may order that during the period of
24 revocation the person apply for unless otherwise authorized by
25 an order for an ignition interlock permit and installation of an
26 ignition interlock device issued pursuant to section 60-6,211.05
27 and shall issue an order pursuant to section 60-6,197.01. If

1 the court orders that the person apply for an ignition interlock
2 permit, the court shall also order that the person submit to a
3 mandatory assessment by a certified substance abuse professional
4 regarding whether the person has an alcohol abuse problem and
5 submit to alcohol abuse counseling if such certified substance
6 abuse professional determines that such counseling is appropriate.

7 Such ~~and such~~ order of probation or sentence suspension shall
8 also include, as conditions, the payment of a five-hundred-dollar
9 fine and either confinement in the city or county jail for ten
10 days or the imposition of not less than two hundred forty hours of
11 community service;

12 (4) Except as provided in subdivision (6) of this
13 section, if such person has had two prior convictions, such person
14 shall be guilty of a Class W misdemeanor, and the court shall,
15 as part of the judgment of conviction, order that the operator's
16 license of such person be revoked for a period of fifteen years
17 from the date ordered by the court and shall issue an order
18 pursuant to section 60-6,197.01. Such orders shall be administered
19 upon sentencing, upon final judgment of any appeal or review, or
20 upon the date that any probation is revoked.

21 If the court places such person on probation or suspends
22 the sentence for any reason, the court shall, as one of the
23 conditions of probation or sentence suspension, order that the
24 operator's license of such person be revoked for a period of at
25 least two years but not more than fifteen years from the date
26 ordered by the court. The revocation order shall require that the
27 person not drive for a period of forty-five days, after which the

1 court may order that during the period of revocation the person
2 apply for unless otherwise authorized by an order for an ignition
3 interlock permit and installation of an ignition interlock device
4 issued pursuant to section 60-6,211.05 and shall issue an order
5 pursuant to section 60-6,197.01. Such ~~and such~~ order of probation
6 or sentence suspension shall also include, as conditions, the
7 payment of a six-hundred-dollar fine and confinement in the city or
8 county jail for thirty days;

9 (5) If such person has had one prior conviction
10 and, as part of the current violation, had a concentration of
11 fifteen-hundredths of one gram or more by weight of alcohol per
12 one hundred milliliters of his or her blood or fifteen-hundredths
13 of one gram or more by weight of alcohol per two hundred ten
14 liters of his or her breath or refused to submit to a test as
15 required under section 60-6,197, such person shall be guilty of a
16 Class I misdemeanor, and the court shall, as part of the judgment
17 of conviction, revoke the operator's license of such person for
18 a period of at least one year but not more than fifteen years
19 from the date ordered by the court and shall issue an order
20 pursuant to section 60-6,197.01. Such revocation and order shall be
21 administered upon sentencing, upon final judgment of any appeal or
22 review, or upon the date that any probation is revoked. The court
23 shall also sentence such person to serve at least ninety days'
24 imprisonment in the city or county jail or an adult correctional
25 facility.

26 If the court places such person on probation or suspends
27 the sentence for any reason, the court shall, as one of the

1 conditions of probation or sentence suspension, order that the
2 operator's license of such person be revoked for a period of at
3 least one year but not more than fifteen years from the date
4 ordered by the court. The revocation order shall require that the
5 person not drive for a period of forty-five days, after which the
6 court may order that during the period of revocation the person
7 apply for unless otherwise authorized by an order for an ignition
8 interlock permit and installation of an ignition interlock device
9 issued pursuant to section 60-6,211.05 and shall issue an order
10 pursuant to section 60-6,197.01. If the court orders that the
11 person apply for an ignition interlock permit, the court shall
12 also order that the person submit to a mandatory assessment by a
13 certified substance abuse professional regarding whether the person
14 has an alcohol abuse problem and submit to alcohol abuse counseling
15 if such certified substance abuse professional determines that such
16 counseling is appropriate. Such ~~7~~ and such order of probation or
17 sentence suspension shall also include, as conditions, the payment
18 of a one-thousand-dollar fine and confinement in the city or county
19 jail for thirty days;

20 (6) If such person has had two prior convictions
21 and, as part of the current violation, had a concentration of
22 fifteen-hundredths of one gram or more by weight of alcohol per one
23 hundred milliliters of his or her blood or fifteen-hundredths of
24 one gram or more by weight of alcohol per two hundred ten liters
25 of his or her breath or refused to submit to a test as required
26 under section 60-6,197, such person shall be guilty of a Class IIIA
27 felony, and the court shall, as part of the judgment of conviction,

1 revoke the operator's license of such person for a period of
2 fifteen years from the date ordered by the court and shall issue
3 an order pursuant to section 60-6,197.01. Such revocation and order
4 shall be administered upon sentencing, upon final judgment of any
5 appeal or review, or upon the date that any probation is revoked.
6 The court shall also sentence such person to serve at least one
7 hundred eighty days' imprisonment in the city or county jail or an
8 adult correctional facility.

9 If the court places such person on probation or suspends
10 the sentence for any reason, the court shall, as one of the
11 conditions of probation or sentence suspension, order that the
12 operator's license of such person be revoked for a period of at
13 least five years but not more than fifteen years from the date
14 ordered by the court. The revocation order shall require that the
15 person not drive for a period of forty-five days, after which the
16 court may order that during the period of revocation the person
17 apply for unless otherwise authorized by an order for an ignition
18 interlock permit and installation of an ignition interlock device
19 issued pursuant to section 60-6,211.05 and shall issue an order
20 pursuant to section 60-6,197.01. If the court orders that the
21 person apply for an ignition interlock permit, the court shall
22 also order that the person submit to a mandatory assessment by a
23 certified substance abuse professional regarding whether the person
24 has an alcohol abuse problem and submit to alcohol abuse counseling
25 if such certified substance abuse professional determines that such
26 counseling is appropriate. Such ~~7~~ and such order of probation or
27 sentence suspension shall also include, as conditions, the payment

1 of a one-thousand-dollar fine and confinement in the city or county
2 jail for sixty days;

3 (7) Except as provided in subdivision (8) of this
4 section, if such person has had three prior convictions, such
5 person shall be guilty of a Class IIIA felony, and the court shall,
6 as part of the judgment of conviction, order that the operator's
7 license of such person be revoked for a period of fifteen years
8 from the date ordered by the court and shall issue an order
9 pursuant to section 60-6,197.01. Such orders shall be administered
10 upon sentencing, upon final judgment of any appeal or review, or
11 upon the date that any probation is revoked. The court shall also
12 sentence such person to serve at least one hundred eighty days'
13 imprisonment in the city or county jail or an adult correctional
14 facility.

15 If the court places such person on probation or suspends
16 the sentence for any reason, the court shall, as one of the
17 conditions of probation or sentence suspension, order that the
18 operator's license of such person be revoked for a period of
19 fifteen years from the date ordered by the court. The revocation
20 order shall require that the person not drive for a period of
21 forty-five days, after which the court may order that during
22 the period of revocation the person apply for unless otherwise
23 authorized by an order for an ignition interlock permit and
24 installation of an ignition interlock device issued pursuant to
25 section 60-6,211.05 and shall issue an order pursuant to section
26 60-6,197.01. Such ~~7~~ and such order of probation or sentence
27 suspension shall also include, as conditions, the payment of a

1 one-thousand-dollar fine and confinement in the city or county jail
2 for ninety days;

3 (8) If such person has had three prior convictions
4 and, as part of the current violation, had a concentration of
5 fifteen-hundredths of one gram or more by weight of alcohol per one
6 hundred milliliters of his or her blood or fifteen-hundredths of
7 one gram or more by weight of alcohol per two hundred ten liters
8 of his or her breath or refused to submit to a test as required
9 under section 60-6,197, such person shall be guilty of a Class III
10 felony, and the court shall, as part of the judgment of conviction,
11 revoke the operator's license of such person for a period of
12 fifteen years from the date ordered by the court and shall issue
13 an order pursuant to section 60-6,197.01. Such revocation and order
14 shall be administered upon sentencing, upon final judgment of any
15 appeal or review, or upon the date that any probation is revoked.

16 If the court places such person on probation or suspends
17 the sentence for any reason, the court shall, as one of the
18 conditions of probation or sentence suspension, order that the
19 operator's license of such person be revoked for a period of
20 fifteen years from the date ordered by the court. The revocation
21 order shall require that the person not drive for a period of
22 forty-five days, after which the court may order that during
23 the period of revocation the person apply for unless otherwise
24 authorized by an order for an ignition interlock permit and
25 installation of an ignition interlock device issued pursuant
26 to section 60-6,211.05 and shall issue an order pursuant to
27 section 60-6,197.01. If the court orders that the person apply

1 for an ignition interlock permit, the court shall also order
2 that the person submit to a mandatory assessment by a certified
3 substance abuse professional regarding whether the person has an
4 alcohol abuse problem and submit to alcohol abuse counseling if
5 such certified substance abuse professional determines that such
6 counseling is appropriate. Such ~~7~~ and such order of probation or
7 sentence suspension shall also include, as conditions, the payment
8 of a one-thousand-dollar fine and confinement in the city or county
9 jail for one hundred twenty days;

10 (9) Except as provided in subdivision (10) of this
11 section, if such person has had four or more prior convictions,
12 such person shall be guilty of a Class III felony, and the court
13 shall, as part of the judgment of conviction, order that the
14 operator's license of such person be revoked for a period of
15 fifteen years from the date ordered by the court and shall issue
16 an order pursuant to section 60-6,197.01. Such orders shall be
17 administered upon sentencing, upon final judgment of any appeal or
18 review, or upon the date that any probation is revoked.

19 If the court places such person on probation or suspends
20 the sentence for any reason, the court shall, as one of the
21 conditions of probation or sentence suspension, order that the
22 operator's license of such person be revoked for a period of
23 fifteen years from the date ordered by the court. The revocation
24 order shall require that the person not drive for a period of
25 forty-five days, after which the court may order that during
26 the period of revocation the person apply for unless otherwise
27 authorized by an order for an ignition interlock permit and

1 installation of an ignition interlock device issued pursuant to
2 section 60-6,211.05 and shall issue an order pursuant to section
3 60-6,197.01. Such ~~and such~~ order of probation or sentence
4 suspension shall also include, as conditions, the payment of a
5 one-thousand-dollar fine and confinement in the city or county jail
6 for one hundred eighty days; and

7 (10) If such person has had four or more prior
8 convictions and, as part of the current violation, had a
9 concentration of fifteen-hundredths of one gram or more by weight
10 of alcohol per one hundred milliliters of his or her blood or
11 fifteen-hundredths of one gram or more by weight of alcohol per
12 two hundred ten liters of his or her breath or refused to submit
13 to a test as required under section 60-6,197, such person shall
14 be guilty of a Class II felony and the court shall, as part of
15 the judgment of conviction, revoke the operator's license of such
16 person for a period of fifteen years from the date ordered by the
17 court and shall issue an order pursuant to section 60-6,197.01.
18 Such revocation and order shall be administered upon sentencing,
19 upon final judgment of any appeal or review, or upon the date that
20 any probation is revoked.

21 If the court places such person on probation or suspends
22 the sentence for any reason, the court shall, as one of the
23 conditions of probation or sentence suspension, order that the
24 operator's license of such person be revoked for a period of
25 fifteen years from the date ordered by the court. The revocation
26 order shall require that the person not drive for a period of
27 forty-five days, after which the court may order that during

1 the period of revocation the person apply for unless otherwise
2 authorized by an order for an ignition interlock permit and
3 installation of an ignition interlock device issued pursuant
4 to section 60-6,211.05 and shall issue an order pursuant to
5 section 60-6,197.01. If the court orders that the person apply
6 for an ignition interlock permit, the court shall also order
7 that the person submit to a mandatory assessment by a certified
8 substance abuse professional regarding whether the person has an
9 alcohol abuse problem and submit to alcohol abuse counseling if
10 such certified substance abuse professional determines that such
11 counseling is appropriate. Such ~~7~~ and such order of probation or
12 sentence suspension shall also include, as conditions, the payment
13 of a one-thousand-dollar fine and confinement in the city or county
14 jail for one hundred eighty days.

15 Sec. 8. Section 60-6,197.06, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 60-6,197.06 (1) Unless otherwise provided by law pursuant
18 to an ignition interlock permit, any ~~Any~~ person operating a motor
19 vehicle on the highways or streets of this state while his or her
20 operator's license has been revoked pursuant to section 28-306,
21 section 60-698, subdivision (4), (5), (6), (7), (8), (9), or
22 (10) of section 60-6,197.03, or section 60-6,198, or pursuant to
23 subdivision (2)(c) or (2)(d) of section 60-6,196 or subdivision
24 (4)(c) or (4)(d) of section 60-6,197 as such subdivisions existed
25 prior to July 16, 2004, shall be guilty of a Class IV felony,
26 and the court shall, as part of the judgment of conviction, revoke
27 the operator's license of such person for a period of fifteen

1 years from the date ordered by the court and shall issue an order
2 pursuant to section 60-6,197.01. Such revocation and order shall be
3 administered upon sentencing, upon final judgment of any appeal or
4 review, or upon the date that any probation is revoked.

5 (2) If such person has had a conviction under this
6 section or under subsection (6) of section 60-6,196 or subsection
7 (7) of section 60-6,197, as such subsections existed prior to July
8 16, 2004, prior to the date of the current conviction under this
9 section, such person shall be guilty of a Class III felony, and
10 the court shall, as part of the judgment of conviction, revoke
11 the operator's license of such person for a period of fifteen
12 years from the date ordered by the court and shall issue an order
13 pursuant to section 60-6,197.01. Such revocation and order shall be
14 administered upon sentencing, upon final judgment of any appeal or
15 review, or upon the date that any probation is revoked.

16 Sec. 9. Section 60-6,211.05, Revised Statutes Cumulative
17 Supplement, 2008, is amended to read:

18 60-6,211.05 (1)(a) If an order of probation is granted
19 under section 60-6,196 or 60-6,197, as such sections existed
20 prior to July 16, 2004, or section 60-6,196 or 60-6,197 and
21 sections 60-6,197.02 and 60-6,197.03, as such sections existed on
22 or after July 16, 2004, the court may order that the defendant
23 ~~to~~ install an ignition interlock device of a type approved by
24 the Director of Motor Vehicles on each motor vehicle operated
25 by the defendant during the period of probation. Upon sufficient
26 evidence of installation, the defendant may apply to the director
27 for an ignition interlock permit pursuant to section 60-4,118.06.

1 The device shall, without tampering or the intervention of another
2 person, prevent the defendant from operating the motor vehicle
3 when the defendant has an alcohol concentration greater than
4 three-hundredths of one gram or more by weight of alcohol per one
5 hundred milliliters of his or her blood or three-hundredths of one
6 gram or more by weight of alcohol per two hundred ten liters of his
7 or her breath. ~~the levels prescribed in section 60-6,196.~~

8 (b) If the court orders an ignition interlock permit
9 and installation of an ignition interlock device as part of the
10 judgment of conviction pursuant to subdivision (1), ~~or~~ (2), ~~or~~ (3)
11 of section 60-6,197.03, the device shall be of a type approved
12 by the director and shall be installed on each motor vehicle
13 operated by the defendant. The device shall, without tampering
14 or the intervention of another person, prevent the defendant from
15 operating the motor vehicle when the defendant has an alcohol
16 concentration greater than three-hundredths of one gram or more by
17 weight of alcohol per one hundred milliliters of his or her blood
18 or three-hundredths of one gram or more by weight of alcohol per
19 two hundred ten liters of his or her breath. ~~the levels prescribed~~
20 ~~in section 60-6,196.~~

21 (2) If the court orders installation of an ignition
22 interlock device and issuance of an ignition interlock permit
23 pursuant to subsection (1) of this section, the court may also
24 order the use of a continuous alcohol monitoring device and
25 abstention from alcohol use at all times. The device shall, without
26 tampering or the intervention of another person, test and record
27 the alcohol consumption level of the defendant on a periodic basis

1 and transmit such information to probation authorities.

2 (3) Any order issued by the court pursuant to this
3 section shall not take effect until the defendant is eligible
4 to operate a motor vehicle pursuant to subsection (3) of section
5 60-498.02.

6 ~~(4)~~ (4)(a) If the court orders an ignition interlock
7 device or the Board of Pardons orders an ignition interlock device
8 under section 83-1,127.02, the court or the Board of Pardons shall
9 order the ~~Department of Motor Vehicles to issue to the~~ defendant
10 to apply for an ignition interlock permit as provided in section
11 60-4,118.06 which indicates that the defendant is only allowed to
12 operate a motor vehicle equipped with an ignition interlock device.

13 (b) Such court order shall remain in effect for a period
14 of time as determined by the court not to exceed the maximum
15 term of revocation which the court could have imposed according
16 to the nature of the violation and shall allow operation of an
17 ignition-interlock-equipped motor vehicle only to and from the
18 defendant's residence, ~~to~~ the defendant's place of employment,
19 the defendant's school, or an alcohol treatment program, required
20 visits with his or her probation officer, or an ignition interlock
21 service facility.

22 (c) Such Board of Pardons order shall remain in effect
23 for a period of time not to exceed any period of revocation the
24 applicant is subject to at the time the application for a license
25 ~~reinstatement~~ reprieve is made.

26 (5) A person who tampers with or circumvents an ignition
27 interlock device installed under a court order while the order is

1 in effect, ~~or~~ who operates a motor vehicle which is not equipped
2 with an ignition interlock device in violation of a court order
3 made pursuant to this section, or who otherwise operates a motor
4 vehicle equipped with an ignition interlock device in violation of
5 the requirements of the court order under which the device was
6 installed shall be guilty of a Class II misdemeanor.

7 (6) Any person restricted to operating a motor vehicle
8 equipped with an ignition interlock device, pursuant to a Board of
9 Pardons order, who operates upon the highways of this state a motor
10 vehicle without such device or if the device has been disabled,
11 bypassed, or altered in any way, shall be punished as provided in
12 subsection (3) of section 83-1,127.02.

13 (7) If a person ordered to use a continuous alcohol
14 monitoring device and abstain from alcohol use pursuant to a court
15 order as provided in subsection (2) of this section violates the
16 provisions of such court order by removing, tampering with, or
17 otherwise bypassing the continuous alcohol monitoring device or
18 by consuming alcohol while required to use such device, he or
19 she shall have his or her ignition interlock permit revoked and
20 be unable to apply for reinstatement for the duration of the
21 revocation period imposed by the court.

22 (8) The director shall adopt and promulgate rules and
23 regulations ~~to approve~~ regarding the approval of ignition interlock
24 devices, and the means of installation of the installing ignition
25 interlock devices, and the means of administering the ignition
26 interlock permit program.

27 (9) The costs incurred in order to comply with the

1 ignition interlock requirements of this section shall be paid
2 by the person complying with an order for an ignition interlock
3 permit and installation of an ignition interlock device ~~pursuant to~~
4 ~~section 60-6,211.05 or 83-1,127.02~~ unless the court or the Board
5 of Pardons has determined the person to be ~~indigent~~, incapable of
6 paying for the cost of installation, removal, or maintenance of the
7 ignition interlock device in accordance with this subsection.

8 (10) (a) An ignition interlock service facility shall
9 notify the appropriate district probation office, if the order is
10 made pursuant to subdivision (1) (a) of this section, or notify
11 the appropriate court if the order is made pursuant to subdivision
12 (1) (b) of this section, of any evidence of tampering with or
13 circumvention of an ignition interlock device, or any attempts to
14 do so, when the facility becomes aware of such evidence.

15 (b) If a district probation office receives evidence of
16 tampering with or circumvention of an ignition interlock device, or
17 any attempts to do so, from an ignition interlock service facility,
18 the district probation office shall notify the appropriate court of
19 such violation. The court shall immediately schedule an evidentiary
20 hearing to be held within fourteen days after receiving such
21 evidence, either from the district probation office or an ignition
22 interlock service facility, and the court shall cause notice of
23 the hearing to be given to the person operating a motor vehicle
24 pursuant to an order under subsection (1) of this section. If
25 the person who is the subject of such evidence does not appear
26 at the hearing and show cause why the order made pursuant to
27 subsection (1) of this section should remain in effect, the court

1 shall rescind the original order. Nothing in this subsection shall
2 apply to an order made by the Board of Pardons pursuant to section
3 83-1,127.02.

4 (11) Notwithstanding any other provision of law, the
5 costs associated with the installation, maintenance, and removal
6 of a court-ordered ignition interlock device by the Office of
7 Probation Administration shall not be construed so as to create
8 an order of probation when an order for the installation of an
9 ignition interlock device and ignition interlock permit was made
10 pursuant to subdivision (1)(b) of this section as part of a
11 conviction.

12 Sec. 10. Original section 29-2259.01, Reissue Revised
13 Statutes of Nebraska, and sections 60-498.02, 60-4,115,
14 60-4,118.06, 60-6,197.01, 60-6,197.02, 60-6,197.03, 60-6,197.06,
15 and 60-6,211.05, Revised Statutes Cumulative Supplement, 2008, are
16 repealed.

17 Sec. 11. The following section is outright repealed:
18 Section 60-6,211.10, Revised Statutes Cumulative Supplement, 2008.

19 Sec. 12. Since an emergency exists, this act takes effect
20 when passed and approved according to law.