

is becoming a different person from what he was when he first came down here. And Senator Lindsay got slightly off the beam when he made an agreement or seems to be agreeing with the idea that if a city decides to draft an ordinance that is not similar to a state offense, but it can put you in jail for six months, the person doesn't get a jury trial. I am not so concerned about...

SPEAKER WITHEM: Time.

SENATOR CHAMBERS: ...drunk drivers.

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker and colleagues. And I will try not to get slightly off the beam, Senator Chambers. I will try to focus in on the issue, if I can. First of all, I'd like to point out, Senator Chambers, that my bill did exactly what you are talking about. My bill said that you could ask for...that you could not ask for a jury trial unless the penalty would include imprisonment. That is exactly what I was trying to do. And so I didn't mess with anything else at all. Now the injection of the city or village ordinance thing is something that the committee has raised, and that's fine, and whatever the body or the committee and you decide to do with that, I will live with that. I simply was bringing a bill to try to clarify that, and I think it was really helpful for what you're talking about, that clearly where the penalty does not include imprisonment, then you don't get a jury trial. Otherwise, you do. So I just wanted to clarify that on the record. You know, and, secondly, I guess you start...you start with the constitutional provisions both Nebraska and the U.S. Constitution provide and can argue the merits of that, but it is in the Constitution that those offenses where the imprisonment possibility of six months or less are considered petty offenses and you are not absolutely entitled to a jury trial unless the state law allows you to have one. That's where we start. So our state laws have been broader and more compassionate for the rights of people than the Constitution of the United States or the Constitution of the State of Nebraska. So before we shame ourselves too much, I don't know what all other states do, but I know Nebraska has been more liberal with respect to granting jury trials in the state of our laws than the Constitution. So I guess that's a point that I wanted to try to bring out also. I think, I don't see Senator Lindsay,