

LEGISLATIVE BILL 534

Approved by the Governor May 17, 1979

Introduced by Keyes, 3

AN ACT relating to infractions; to change a definition; to provide penalties; to provide for a nonjury trial; to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943, and section 29-431, Revised Statutes Supplement, 1978; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-431, Revised Statutes Supplement, 1978, be amended to read as follows:

29-431. As used in this act unless the context otherwise requires, infraction shall mean the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony, ~~and which shall be a civil offense.~~

Sec. 2. Except as provided in section 29-427, Reissue Revised Statutes of Nebraska, 1943, for any offense classified as an infraction, a citation shall be issued in lieu of arrest or continued custody pursuant to sections 29-422 to 29-430, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 3. Any person guilty of an infraction when a penalty is not otherwise specified shall: (1) For the first offense be fined not more than one hundred dollars; (2) upon a second conviction for the same infraction within a two-year period be fined not less than one hundred dollars and not more than three hundred dollars; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars and not more than five hundred dollars.

Sec. 4. The trial of any person for an infraction shall be by the court without a jury. All other rights provided by the Constitution of the United States made applicable to the states by the Fourteenth Amendment to the Constitution of the United States and the Constitution of the State of Nebraska shall apply to persons charged with an infraction.

Sec. 5. Any person charged with commission of an infraction which was committed more than two years after such person's last conviction for the same

infraction shall be charged as though the most recent infraction was a first offense.

Sec. 6. That section 24-536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-536. Either party to any case in county or municipal court, except criminal cases arising under city or village ordinances, ~~and~~ and traffic infractions, and other infractions, and except any matter arising under the provisions of the Nebraska Probate Code, may demand a trial by jury. In civil cases, the demand must be in writing and must be filed on or before answer day. All provisions of law relating to juries in the district courts shall apply to juries in the county and municipal courts and the district court jury list shall be used, except that juries in the county and municipal courts shall consist of six persons.

Sec. 7. That original section 24-536, Reissue Revised Statutes of Nebraska, 1943, and section 29-431, Revised Statutes Supplement, 1978, are repealed.