

1 Minimum - one hundred dollars fine
2 Class V misdemeanor.....Maximum - no imprisonment, one hun-
3 dred dollars fine
4 Minimum - none
5 Class W misdemeanor..... Driving under the influence or implied
6 consent
7 First conviction
8 Maximum - sixty days imprisonment and
9 five hundred dollars fine
10 Mandatory minimum - seven days
11 ~~imprisonment and four hundred dollars~~
12 imprisonment and five hundred dollars
13 fine
14 Second conviction
15 Maximum - six months imprisonment and
16 five hundred dollars fine
17 Mandatory minimum - thirty days
18 imprisonment and five hundred dollars
19 fine
20 Third conviction
21 Maximum - one year imprisonment and
22 ~~six hundred dollars fine~~
23 one thousand dollars fine
24 Mandatory minimum - ninety days
25 imprisonment
26 and ~~six hundred dollars fine~~
27 and one thousand dollars fine

28 (2) Sentences of imprisonment in misdemeanor cases shall
29 be served in the county jail, except that in the following

1 circumstances the court may, in its discretion, order that such
2 sentences be served in institutions under the jurisdiction of the
3 Department of Correctional Services:

4 (a) If the sentence is for a term of one year upon
5 conviction of a Class I misdemeanor;

6 (b) If the sentence is to be served concurrently or
7 consecutively with a term for conviction of a felony; or

8 (c) If the Department of Correctional Services has
9 certified as provided in section 28-105 as to the availability of
10 facilities and programs for short-term prisoners and the sentence
11 is for a term of six months or more.

12 Sec. 2. Section 60-498.02, Reissue Revised Statutes of
13 Nebraska, is amended to read:

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

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

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

19 (b) At the expiration of sixty days after an order of
20 revocation is entered under subdivision (1) (a) of this section, any
21 person whose operator's license has been administratively revoked
22 for refusal to submit to a chemical test pursuant to section
23 60-6,197, may make application to the director for issuance of
24 an employment driving permit pursuant to section 60-4,130 unless
25 the person's driving record abstract maintained in the department's
26 computerized records shows one or more prior administrative license
27 revocations on which final orders have been issued during the

1 immediately preceding ~~twelve-year~~ fifteen-year period at the time
2 the order of revocation is issued.

3 (3) (a) At the expiration of thirty days after an order
4 of administrative license revocation for ninety days is entered
5 under subdivision (1) (b) of this section, any person who submitted
6 to a chemical test pursuant to section 60-6,197 which disclosed
7 the presence of a concentration of alcohol in violation of section
8 60-6,196 is eligible for an order to allow application for an
9 ignition interlock permit to operate a motor vehicle equipped with
10 an ignition interlock device pursuant to section 60-6,211.05 upon
11 presentation of sufficient evidence to the department that such a
12 device is installed.

13 (b) At the expiration of sixty days after an order of
14 administrative license revocation for one year is entered under
15 subdivision (1) (b) of this section, any person who submitted to
16 a chemical test pursuant to section 60-6,197 which disclosed
17 the presence of a concentration of alcohol in violation of
18 section 60-6,196 is eligible for an order to allow application
19 for an ignition interlock permit in order to operate a motor
20 vehicle equipped with an ignition interlock device pursuant to
21 section 60-6,211.05 upon presentation of sufficient evidence to the
22 department that such a device is installed.

23 (c) At the expiration of sixty days after an order
24 of administrative license revocation is entered under subdivision
25 (1) (a) of this section, any person who refused to submit to a
26 chemical test pursuant to section 60-6,197 is eligible for an order
27 to allow application for an ignition interlock permit in order to

1 operate a motor vehicle equipped with an ignition interlock device
2 pursuant to section 60-6,211.05 upon presentation of sufficient
3 evidence to the department that such a device is installed, unless
4 the person's driving record abstract maintained in the department's
5 computerized records shows one or more prior administrative license
6 revocations on which final orders have been issued during the
7 immediately preceding ~~twelve-year~~ fifteen-year period at the time
8 the order of revocation is issued.

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

17 (4) A person may have his or her eligibility for a
18 license reinstated upon payment of a reinstatement fee as required
19 by section 60-694.01.

20 (5) (a) A person whose operator's license is subject to
21 revocation pursuant to subsection (3) of section 60-498.01 shall
22 have all proceedings dismissed or his or her operator's license
23 immediately reinstated without payment of the reinstatement fee
24 upon receipt of suitable evidence by the director that:

25 (i) Within the thirty-day period following the date
26 of arrest, the prosecuting attorney responsible for the matter
27 declined to file a complaint alleging a violation of section

1 60-6,196 and notified the director by first-class mail or facsimile
2 transmission of such decision and the director received such notice
3 within such period or the notice was postmarked within such period;
4 or

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

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

11 (c) If a charge is filed for a violation of section
12 60-6,196 pursuant to an arrest for which all proceedings were
13 dismissed under this subsection, the prosecuting attorney shall
14 notify the director by first-class mail or facsimile transmission
15 of the filing of such charge and the director may reinstate an
16 administrative license revocation under this section as of the
17 date that the director receives notification of the filing of the
18 charge, except that a revocation shall not be reinstated if it was
19 dismissed pursuant to section 60-498.01.

20 Sec. 3. Section 60-4,129, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-4,129 (1) Any individual whose operator's license
23 is revoked under section 60-498.02, 60-4,183, or 60-4,186 or
24 suspended under section 43-3318 shall be eligible to operate any
25 motor vehicle, except a commercial motor vehicle, in this state
26 under an employment driving permit. An employment driving permit
27 issued due to a revocation under section 60-498.02, 60-4,183, or

1 60-4,186 is valid for the period of revocation. An employment
2 driving permit issued due to a suspension of an operator's license
3 under section 43-3318 is valid for no more than three months
4 and cannot be renewed. An employment driving permit shall not
5 be issued to any person subject to an administrative license
6 revocation who submitted to a chemical test pursuant to section
7 60-6,197 which disclosed the presence of a concentration of alcohol
8 in violation of section 60-6,196 if the person's driving record
9 abstract maintained in the department's computerized records shows
10 one or more prior administrative license revocations on which
11 final orders have been issued during the immediately preceding
12 ~~twelve-year~~ fifteen-year period at the time the order of revocation
13 is issued.

14 (2) Any person whose operator's license has been
15 suspended or revoked pursuant to any law of this state, except
16 section 43-3318, 60-498.02, 60-4,183, or 60-4,186, shall not be
17 eligible to receive an employment driving permit during the period
18 of such suspension or revocation.

19 (3) An individual who is issued an employment driving
20 permit may operate any motor vehicle, except a commercial motor
21 vehicle, (a) from his or her residence to his or her place
22 of employment and return and (b) during the normal course of
23 employment if the use of a motor vehicle is necessary in the course
24 of such employment. Such permit shall indicate for which purposes
25 the permit may be used. All permits issued pursuant to this section
26 shall indicate that the permit is not valid for the operation of
27 any commercial motor vehicle.

1 (4) The operation of a motor vehicle by the holder of
2 an employment driving permit, except as provided in this section,
3 shall be unlawful. Any person who violates this section shall be
4 guilty of a Class IV misdemeanor.

5 (5) The director shall revoke the employment driving
6 permit for an individual upon receipt of an abstract of conviction,
7 other than a conviction which is based upon actions which resulted
8 in the application for such employment driving permit, indicating
9 that the individual committed an offense for which points are
10 assessed pursuant to section 60-4,182. If the permit is revoked
11 in this manner, the individual shall not be eligible to receive
12 an employment driving permit for the remainder of the period of
13 suspension or revocation of his or her operator's license.

14 Sec. 4. Section 60-601, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-601 Sections 60-601 to 60-6,379 and section 7 of this
17 act shall be known and may be cited as the Nebraska Rules of the
18 Road.

19 Sec. 5. Section 60-697, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-697 (1) The driver of any vehicle involved in an
22 accident upon either a public highway, private road, or private
23 drive, resulting in injury or death to any person, shall ~~(1)~~ (a)
24 immediately stop such vehicle at the scene of such accident and
25 ascertain the identity of all persons involved, ~~(2)~~ (b) give his
26 or her name and address and the license number of the vehicle and
27 exhibit his or her operator's license to the person struck or the

1 occupants of any vehicle collided with, and ~~(3)~~ (c) render to any
2 person injured in such accident reasonable assistance, including
3 the carrying of such person to a physician or surgeon for medical
4 or surgical treatment if it is apparent that such treatment is
5 necessary or is requested by the injured person.

6 (2) Any person violating any of the provisions of this
7 section shall upon conviction thereof be punished as provided in
8 section 60-698.

9 Sec. 6. Section 60-698, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-698 ~~Every person convicted of violating section 60-697~~
12 ~~relative to the duty to stop in the event of certain accidents~~
13 ~~shall be guilty of a Class IIIA felony.~~ (1) Any person convicted of
14 violating section 60-697 relative to the duty to stop in the event
15 of certain accidents shall be guilty of (a) a Class IIIA felony
16 if the accident resulted in an injury to any person other than a
17 serious bodily injury as defined in section 60-6,198 or death or
18 (b) a Class III felony if the accident resulted in the death of any
19 person or serious bodily injury as defined in section 60-6,198.

20 (2) The court shall, as part of the judgment of
21 conviction, order such person not to drive any motor vehicle
22 for any purpose for a period of not less than one year nor more
23 than fifteen years from the date ordered by the court, and shall
24 order that the operator's license of such person be revoked for
25 a like period. The order of the court shall be administered upon
26 sentencing, upon final judgment of any appeal or review, or upon
27 the date that any probation is revoked, whichever is later.

1 Sec. 7. In addition to any other penalty provided for
2 operating a motor vehicle in violation of section 60-6,196, if a
3 person has a prior conviction as defined in section 60-6,197.02
4 for a violation punishable as a felony under section 60-6,197.03
5 and is subsequently found to have operated or been in the actual
6 physical control of any motor vehicle when such person has (1) a
7 concentration of two-hundredths of one gram or more by weight of
8 alcohol per one hundred milliliters of his or her blood or (2)
9 a concentration of two-hundredths of one gram or more by weight
10 of alcohol per two hundred ten liters of his or her breath, such
11 person shall be guilty of a Class IIIA misdemeanor.

12 Sec. 8. Section 60-6,197.02, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-6,197.02 (1) A violation of section 60-6,196 or
15 60-6,197 shall be punished as provided in section 60-6,197.03
16 and section 7 of this act. For purposes of sentencing under section
17 60-6,197.03 and section 7 of this act:

18 (a) Prior conviction means a conviction for a violation
19 committed within the ~~twelve-year~~ fifteen-year period prior to the
20 offense for which the sentence is being imposed as follows:

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

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

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

25 (C) Any conviction under a law of another state if, at
26 the time of the conviction under the law of such other state,
27 the offense for which the person was convicted would have been a

1 violation of section 60-6,196; or

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

3 or

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

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

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

8 (C) Any conviction under a law of another state if, at
9 the time of the conviction under the law of such other state,
10 the offense for which the person was convicted would have been a
11 violation of section 60-6,197;

12 (b) Prior conviction includes any conviction under
13 section 60-6,196, 60-6,197, or 60-6,198, or any city or village
14 ordinance enacted in conformance with any of such sections, as
15 such sections or city or village ordinances existed at the time of
16 such conviction regardless of subsequent amendments to any of such
17 sections or city or village ordinances; and

18 (c) ~~Twelve-year~~ Fifteen-year period means the period
19 computed from the date of the prior offense to the date of the
20 offense which resulted in the conviction for which the sentence is
21 being imposed.

22 (2) In any case charging a violation of section 60-6,196
23 or 60-6,197, the prosecutor or investigating agency shall use due
24 diligence to obtain the person's driving record from the Department
25 of Motor Vehicles and the person's driving record from other states
26 where he or she is known to have resided within the last ~~twelve~~
27 fifteen years. The prosecutor shall certify to the court, prior

1 to sentencing, that such action has been taken. The prosecutor
2 shall present as evidence for purposes of sentence enhancement a
3 court-certified copy or an authenticated copy of a prior conviction
4 in another state. The court-certified or authenticated copy shall
5 be prima facie evidence of such prior conviction.

6 (3) For each conviction for a violation of section
7 60-6,196 or 60-6,197, the court shall, as part of the judgment of
8 conviction, make a finding on the record as to the number of the
9 convicted person's prior convictions. The convicted person shall
10 be given the opportunity to review the record of his or her prior
11 convictions, bring mitigating facts to the attention of the court
12 prior to sentencing, and make objections on the record regarding
13 the validity of such prior convictions.

14 (4) A person arrested for a violation of section 60-6,196
15 or 60-6,197 before ~~May 14, 2009~~, the effective date of this act
16 but sentenced pursuant to section 60-6,197.03 for such violation
17 on or after ~~May 14, 2009~~, the effective date of this act shall
18 be sentenced according to the provisions of section 60-6,197.03 in
19 effect on the date of arrest.

20 Sec. 9. Section 60-6,197.03, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-6,197.03 Any person convicted of a violation of
23 section 60-6,196 or 60-6,197 shall be punished as follows:

24 (1) Except as provided in subdivision (2) of this
25 section, if such person has not had a prior conviction, such
26 person shall be guilty of a Class W misdemeanor, and the court
27 shall, as part of the judgment of conviction, order that the

1 operator's license of such person be revoked or impounded for a
2 period of six months from the date ordered by the court. If the
3 court orders the person's operator's license impounded, the court
4 shall also order that the person shall not operate a motor vehicle
5 for a period of six months and shall not order the installation
6 of an ignition interlock device or an ignition interlock permit.
7 If the court orders the person's operator's license revoked, the
8 revocation period shall be for six months. The revocation order
9 shall require that the person not drive for a period of thirty
10 days, after which the court may order that the person apply for
11 an ignition interlock permit for the remainder of the revocation
12 period and have an ignition interlock device installed on any motor
13 vehicle he or she operates during the remainder of the revocation
14 period. Such revocation or impoundment shall be administered upon
15 sentencing, upon final judgment of any appeal or review, or upon
16 the date that any 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 sixty
21 days from the date ordered by the court. The court may order that
22 during the period of revocation the person apply for an ignition
23 interlock permit and the installation of an ignition interlock
24 device pursuant to section 60-6,211.05. Such order of probation or
25 sentence suspension shall also include, as one of its conditions,
26 the payment of a ~~four-hundred-dollar~~ five-hundred-dollar fine;

27 (2) If such person has not had a prior conviction

1 and, as part of the current violation, had a concentration of
2 fifteen-hundredths of one gram or more by weight of alcohol per
3 one hundred milliliters of his or her blood or fifteen-hundredths
4 of one gram or more by weight of alcohol per two hundred ten
5 liters of his or her breath, such person shall be guilty of a
6 Class W misdemeanor, and the court shall, as part of the judgment
7 of conviction, revoke the operator's license of such person for
8 a period of one year from the date ordered by the court. The
9 revocation order shall require that the person not drive for
10 a period of sixty days, after which the court may order that
11 the person apply for an ignition interlock permit pursuant to
12 subdivision (1)(b) of section 60-6,197.01 for the remainder of the
13 revocation period and have an ignition interlock device installed
14 on any motor vehicle he or she operates during the remainder of
15 the revocation period. Such revocation shall be administered upon
16 sentencing, upon final judgment of any appeal or review, or upon
17 the date that any probation is revoked.

18 If the court places such person on probation or suspends
19 the sentence for any reason, the court shall, as one of the
20 conditions of probation or sentence suspension, order that the
21 operator's license of such person be revoked for a period of one
22 year from the date ordered by the court. The revocation order
23 shall require that the person not drive for a period of forty-five
24 days, after which the court may order that the person apply for
25 an ignition interlock permit pursuant to subdivision (1)(b) of
26 section 60-6,197.01 for the remainder of the revocation period
27 and have an ignition interlock device installed on any motor

1 vehicle he or she operates during the remainder of the revocation
2 period. Such revocation shall be administered upon sentencing, upon
3 final judgment of any appeal or review, or upon the date that
4 any probation is revoked. Such order of probation or sentence
5 suspension shall also include, as conditions, the payment of a
6 five-hundred-dollar fine and either confinement in the city or
7 county jail for two days or the imposition of not less than one
8 hundred twenty hours of community service;

9 (3) Except as provided in subdivision (5) of this
10 section, if such person has had one prior conviction, such person
11 shall be guilty of a Class W misdemeanor, and the court shall,
12 as part of the judgment of conviction, order that the operator's
13 license of such person be revoked for a period of one year from
14 the date ordered by the court. The revocation order shall require
15 that the person not drive for a period of sixty days, after which
16 the court may order that the person apply for an ignition interlock
17 permit for the remainder of the revocation period and have an
18 ignition interlock device installed on any motor vehicle he or
19 she owns or operates during the remainder of the revocation period
20 and shall issue an order pursuant to subdivision (1)(b) of section
21 60-6,197.01. Such revocation shall be administered upon sentencing,
22 upon final judgment of any appeal or review, or upon the date that
23 any probation is revoked.

24 If the court places such person on probation or suspends
25 the sentence for any reason, the court shall, as one of the
26 conditions of probation or sentence suspension, order that the
27 operator's license of such person be revoked for a period of one

1 year from the date ordered by the court. The revocation order
2 shall require that the person not drive for a period of forty-five
3 days, after which the court may order that during the period of
4 revocation the person apply for an ignition interlock permit and
5 installation of an ignition interlock device pursuant to section
6 60-6,211.05 and shall issue an order pursuant to subdivision
7 (1)(b) of section 60-6,197.01. Such order of probation or sentence
8 suspension shall also include, as conditions, the payment of a
9 five-hundred-dollar fine and either confinement in the city or
10 county jail for ten days or the imposition of not less than two
11 hundred forty hours of 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 an ignition interlock permit and installation of an
3 ignition interlock device issued pursuant to section 60-6,211.05
4 and shall issue an order pursuant to subdivision (1)(b) of section
5 60-6,197.01. Such order of probation or sentence suspension shall
6 also include, as conditions, the payment of a ~~six-hundred-dollar~~
7 one-thousand-dollar fine and confinement in the city or county jail
8 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 one
12 hundred milliliters of his or her blood or fifteen-hundredths of
13 one gram or more by weight of alcohol per two hundred ten liters
14 of his or her breath or refused to submit to a test as required
15 under section 60-6,197, such person shall be guilty of a Class
16 I misdemeanor, and the court shall, as part of the judgment of
17 conviction, order payment of a one-thousand-dollar fine and revoke
18 the operator's license of such person for a period of at least one
19 year but not more than fifteen years from the date ordered by the
20 court and shall issue an order pursuant to section 60-6,197.01.
21 Such revocation and order shall be administered upon sentencing,
22 upon final judgment of any appeal or review, or upon the date that
23 any probation is revoked. The court shall also sentence such person
24 to serve at least ninety days' imprisonment in the city or county
25 jail or an adult correctional 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 an ignition interlock permit and installation of an
8 ignition interlock device issued pursuant to section 60-6,211.05
9 and shall issue an order pursuant to subdivision (1)(b) of section
10 60-6,197.01. Such order of probation or sentence suspension shall
11 also include, as conditions, the payment of a one-thousand-dollar
12 fine and confinement in the city or county jail for thirty days;

13 (6) If such person has had two prior convictions
14 and, as part of the current violation, had a concentration of
15 fifteen-hundredths of one gram or more by weight of alcohol per one
16 hundred milliliters of his or her blood or fifteen-hundredths of
17 one gram or more by weight of alcohol per two hundred ten liters
18 of his or her breath or refused to submit to a test as required
19 under section 60-6,197, such person shall be guilty of a Class IIIA
20 felony, and the court shall, as part of the judgment of conviction,
21 revoke the operator's license of such person for a period of
22 fifteen years from the date ordered by the court and shall issue
23 an order pursuant to section 60-6,197.01. Such revocation and order
24 shall be administered upon sentencing, upon final judgment of any
25 appeal or review, or upon the date that any probation is revoked.
26 The court shall also sentence such person to serve at least one
27 hundred eighty days' imprisonment in the city or county jail or an

1 adult correctional facility.

2 If the court places such person on probation or suspends
3 the sentence for any reason, the court shall, as one of the
4 conditions of probation or sentence suspension, order that the
5 operator's license of such person be revoked for a period of at
6 least five years but not more than fifteen years from the date
7 ordered by the court. The revocation order shall require that the
8 person not drive for a period of forty-five days, after which the
9 court may order that during the period of revocation the person
10 apply for an ignition interlock permit and installation of an
11 ignition interlock device issued pursuant to section 60-6,211.05
12 and shall issue an order pursuant to subdivision (1)(b) of section
13 60-6,197.01. Such order of probation or sentence suspension shall
14 also include, as conditions, the payment of a one-thousand-dollar
15 fine and confinement in the city or county jail for sixty days;

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

1 If the court places such person on probation or suspends
2 the sentence for any reason, the court shall, as one of the
3 conditions of probation or sentence suspension, order that the
4 operator's license of such person be revoked for a period of
5 fifteen years from the date ordered by the court. The revocation
6 order shall require that the person not drive for a period of
7 forty-five days, after which the court may order that during the
8 period of revocation the person apply for an ignition interlock
9 permit and installation of an ignition interlock device issued
10 pursuant to section 60-6,211.05 and shall issue an order pursuant
11 to subdivision (1)(b) of section 60-6,197.01. Such order of
12 probation or sentence suspension shall also include, as conditions,
13 the payment of a ~~one-thousand-dollar~~ two-thousand-dollar fine and
14 confinement in the city or county jail for ninety days;

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

1 If the court places such person on probation or suspends
2 the sentence for any reason, the court shall, as one of the
3 conditions of probation or sentence suspension, order that the
4 operator's license of such person be revoked for a period of
5 fifteen years from the date ordered by the court. The revocation
6 order shall require that the person not drive for a period of
7 forty-five days, after which the court may order that during the
8 period of revocation the person apply for an ignition interlock
9 permit and installation of an ignition interlock device issued
10 pursuant to section 60-6,211.05 and shall issue an order pursuant
11 to subdivision (1)(b) of section 60-6,197.01. Such order of
12 probation or sentence suspension shall also include, as conditions,
13 the payment of a ~~one-thousand-dollar~~ two-thousand-dollar fine and
14 confinement in the city or county jail for one hundred twenty days;

15 (9) Except as provided in subdivision (10) of this
16 section, if such person has had four or more prior convictions,
17 such person shall be guilty of a Class III felony with a minimum
18 sentence of two years' imprisonment, and the court shall, as part
19 of the judgment of conviction, order that the operator's license of
20 such person be revoked for a period of fifteen years from the date
21 ordered by the court and shall issue an order pursuant to section
22 60-6,197.01. Such orders shall be administered upon sentencing,
23 upon final judgment of any appeal or review, or upon the date that
24 any probation is revoked.

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

1 operator's license of such person be revoked for a period of
2 fifteen years from the date ordered by the court. The revocation
3 order shall require that the person not drive for a period of
4 forty-five days, after which the court may order that during the
5 period of revocation the person apply for an ignition interlock
6 permit and installation of an ignition interlock device issued
7 pursuant to section 60-6,211.05 and shall issue an order pursuant
8 to subdivision (1)(b) of section 60-6,197.01. Such order of
9 probation or sentence suspension shall also include, as conditions,
10 the payment of a ~~one-thousand-dollar~~ two-thousand-dollar fine and
11 confinement in the city or county jail for one hundred eighty days;
12 and

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

1 If the court places such person on probation or suspends
2 the sentence for any reason, the court shall, as one of the
3 conditions of probation or sentence suspension, order that the
4 operator's license of such person be revoked for a period of
5 fifteen years from the date ordered by the court. The revocation
6 order shall require that the person not drive for a period of
7 forty-five days, after which the court may order that during the
8 period of revocation the person apply for an ignition interlock
9 permit and installation of an ignition interlock device issued
10 pursuant to section 60-6,211.05 and shall issue an order pursuant
11 to subdivision (1)(b) of section 60-6,197.01. Such order of
12 probation or sentence suspension shall also include, as conditions,
13 the payment of a ~~one-thousand-dollar~~ two-thousand-dollar fine and
14 confinement in the city or county jail for one hundred eighty days.

15 Sec. 10. Section 60-6,198, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-6,198 (1) Any person who, while operating a motor
18 vehicle in violation of section 60-6,196 or 60-6,197, proximately
19 causes serious bodily injury to another person or an unborn child
20 of a pregnant woman shall be guilty of a Class IIIA felony and
21 the court shall, as part of the judgment of conviction, order
22 the person not to drive any motor vehicle for any purpose for a
23 period of at least sixty days and not more than fifteen years from
24 the date ordered by the court and shall order that the operator's
25 license of such person be revoked for the same period.

26 (2) For purposes of this section, serious bodily injury
27 ~~shall mean~~ means bodily injury which involves a substantial risk of

1 death, a substantial risk of serious permanent disfigurement, or a
2 temporary or protracted loss or impairment of the function of any
3 part or organ of the body.

4 (3) For purposes of this section, unborn child ~~shall have~~
5 has the same meaning as in section 28-396.

6 Sec. 11. Section 83-1,135, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 83-1,135 Sections 83-170 to 83-1,135 and section 12 of
9 this act shall be known and may be cited as the Nebraska Treatment
10 and Corrections Act.

11 Sec. 12. The board shall require any person who is
12 incarcerated pursuant to subdivision (9) or (10) of section
13 60-6,197.03 to complete all diagnostic evaluations provided by
14 the department and all programming required by the department prior
15 to being considered eligible for parole.

16 Sec. 13. Original sections 28-106, 60-498.02, 60-4,129,
17 60-601, 60-697, 60-698, 60-6,197.02, 60-6,197.03, 60-6,198, and
18 83-1,135, Reissue Revised Statutes of Nebraska, are repealed.