

AMENDMENTS TO LB998

Introduced by Judiciary

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

3 Section 1. Section 60-6,211.11, Revised Statutes
4 Cumulative Supplement, 2012, is amended to read:

5 60-6,211.11 (1) ~~Any~~ Except as provided in subsection
6 (2) of this section, any person who ordered by a court or
7 the Department of Motor Vehicles to operate only motor vehicles
8 equipped with an ignition interlock device is guilty of a Class I
9 misdemeanor if he or she (a) tampers with or circumvents and then
10 operates a motor vehicle equipped with an ignition interlock device
11 installed under a the court order or Department of Motor Vehicles
12 order while the order is in effect or who (b) operates a motor
13 vehicle which is not equipped with an ignition interlock device
14 in violation of a the court order or Department of Motor Vehicles
15 order. shall be guilty of a Class IV felony.

16 (2) Any person ordered by a court or the Department of
17 Motor Vehicles to operate only motor vehicles equipped with an
18 ignition interlock device is guilty of a Class IV felony if he
19 or she (a)(i) tampers with or circumvents and then operates a
20 motor vehicle equipped with an ignition interlock device installed
21 under the court order or Department of Motor Vehicles order while
22 the order is in effect or (ii) operates a motor vehicle which
23 is not equipped with an ignition interlock device in violation

1 of the court order or Department of Motor Vehicles order and (b)
2 operates the motor vehicle as described in subdivision (a)(i) or
3 (ii) of this subsection when he or she has a concentration of
4 two-hundredths of one gram or more by weight of alcohol per one
5 hundred milliliters of his or her blood or a concentration of
6 two-hundredths of one gram or more by weight of alcohol per two
7 hundred ten liters of his or her breath.

8 ~~(2)~~ (3) Any person who otherwise operates a motor vehicle
9 equipped with an ignition interlock device in violation of the
10 requirements of the court order or Department of Motor Vehicles
11 order under which the device was installed shall be guilty of a
12 Class III misdemeanor.

13 Sec. 2. Section 83-1,127.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 83-1,127.02 (1) The Board of Pardons may, in its sole
16 discretion, when granting a reprieve to any person who has made
17 application pursuant to section 60-6,209, order such person to
18 obtain an ignition interlock permit and to operate only motor
19 vehicles equipped with an ignition interlock device approved by
20 the Director of Motor Vehicles. The Board of Pardons may order the
21 person to hold the ignition interlock permit and use an ignition
22 interlock device for a period of time not to exceed any period of
23 revocation the applicant is subject to at the time the application
24 for a license reinstatement is made.

25 (2) Any person ordered by the Board of Pardons to operate
26 only motor vehicles equipped with such an ignition interlock device
27 shall make application to the director for the issuance of an

1 ignition interlock permit pursuant to section 60-4,118.06.

2 ~~(3) Any (3)(a) Except as provided in subdivision (3)(b)~~
3 ~~of this subsection, any such person restricted to operating a~~
4 ~~motor vehicle equipped with such an ignition interlock device who~~
5 ~~is guilty of a Class I misdemeanor if he or she (i) operates~~
6 ~~upon the highways of this state a motor vehicle without such~~
7 ~~an ignition interlock device, who (ii) operates a motor vehicle~~
8 ~~equipped with such an ignition interlock device which has been~~
9 ~~disabled, bypassed, or altered in any way, or who (iii) operates~~
10 ~~a motor vehicle equipped with such an ignition interlock device~~
11 ~~without obtaining an ignition interlock permit, is guilty of a~~
12 ~~Class IV felony.~~

13 (b) Any such person restricted to operating a motor
14 vehicle equipped with such an ignition interlock device is guilty
15 of a Class IV felony if he or she (i)(A) operates upon the
16 highways of this state a motor vehicle without such an ignition
17 interlock device, (B) operates a motor vehicle equipped with such
18 an ignition interlock device which has been disabled, bypassed, or
19 altered in any way, or (C) operates a motor vehicle equipped with
20 such an ignition interlock device without obtaining an ignition
21 interlock permit and (ii) operates the motor vehicle as described
22 in subdivision (i)(A), (B), or (C) of this subdivision when he or
23 she has a concentration of two-hundredths of one gram or more by
24 weight of alcohol per one hundred milliliters of his or her blood
25 or a concentration of two-hundredths of one gram or more by weight
26 of alcohol per two hundred ten liters of his or her breath.

27 (4) The court shall, as a part of the judgment

1 of conviction for a violation of subdivision (3)(b) of this
2 subsection, order such person not to drive any motor vehicle for
3 any purpose for a period of fifteen years from the date ordered by
4 the court. The court shall also order that the operator's license
5 of such person be revoked for a like period. The revocation shall
6 be administered upon sentencing, upon the final judgment of any
7 appeal or review, or upon the date that any probation is revoked.

8 Sec. 3. Original section 83-1,127.02, Reissue Revised
9 Statutes of Nebraska, and section 60-6,211.11, Revised Statutes
10 Cumulative Supplement, 2012, are repealed.

11 Sec. 4. Since an emergency exists, this act takes effect
12 when passed and approved according to law.