

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT (CORRECTED)
LB998

Hearing Date: Friday January 31, 2014
Committee On: Judiciary
Introducer: Karpisek
One Liner: Change provisions and penalties relating to prohibited acts regarding ignition interlock devices

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill
Nay:		
Absent:	1	Senator Seiler
Present Not Voting:		

Proponents:

SEN.RUSS KARPISEK
MANDY GRULKEY
SCOTT GROPP

Representing:

INTRODUCER
NEBRASKA CRIMINAL DEFENSE ATTORNEY
NCDA

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB998 would amend 83-1,127.02 and 60-6,211.11, to change the penalty for tampering with an ignition interlock device installed under a court, DMV, or Board of Pardons order, from a Class IV felony to a Class I misdemeanor, in certain circumstances.

Penalties under 83-1,127.02 and 60-6,211.11, as amended by LB998:

Class IV felony

page 2, line 8: tampering with an ignition interlock device installed under a court or DMV order

page 2, line 25: operating a motor vehicle equipped with an ignition interlock device in violation of a court or DMV order, with BAC at or above .02.

page 3, line 24: operating a motor vehicle equipped with an ignition interlock device which has been disabled, bypassed, or altered (line 17-22)

page 3, line 24: operating a motor vehicle equipped with an ignition interlock device, without obtaining an ignition interlock permit (line 22-24)

page 4, line 10: operating a motor vehicle equipped with an ignition interlock device in violation of a Board of Pardons' order, with BAC at or above .02.

Class I misdemeanor

page 2, line 17: operating a motor vehicle which is not equipped with an ignition interlock device, in violation of a court or DMV order

page 4, line 3: operating a motor vehicle which is not equipped with an ignition interlock device, in violation of a Board of

Pardons' order

Class III misdemeanor

page 2, line 12: operating a motor vehicle equipped with an ignition interlock device in violation of a court or DMV order, with BAC below .02.

Revocation of license for 15 years, as a part of the judgment of conviction for a violation of this subsection. (page 4, line 12)

Explanation of amendments:

Penalties under 83-1,127.02 and 60-6,211.11, as amended by AM2079 to LB998:

Class IV felony

tampering with or circumventing, then operating, a motor vehicle equipped with an ignition interlock device, in violation of Court, DMV, or Board of Pardons order, when driver has a BAC at or above .02

operating a motor vehicle without an ignition interlock device, in violation of Court, DMV, or Board of Pardons order, when driver has a BAC at or above .02

Class I misdemeanor

tampering with or circumventing, then operating, a motor vehicle equipped with an ignition interlock device, in violation of Court, DMV, or Board of Pardons order

operating a motor vehicle without an ignition interlock device, in violation of Court, DMV, or Board of Pardons order

Class III misdemeanor

operating a motor vehicle equipped with an ignition interlock device, in violation of Court, DMV, or Board of Pardons order

Revocation of license for 15 years, as a part of the judgment of conviction for a violation of this subsection.

AM2079 also includes an emergency clause; this bill will go into effect when passed and signed into law.

Brad Ashford, Chairperson