

One Hundred Seventh Legislature - First Session - 2021

Introducer's Statement of Intent

LB302

Chairperson: Senator Curt Friesen

Committee: Transportation and Telecommunications

Date of Hearing: January 25, 2021

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Currently, if a person is cited by police with a charge of driving under the influence, that person's operator's license is temporarily suspended until the criminal case alleging driving under the influence is resolved. Under current law if the defendant is charged with driving under the influence but is acquitted at trial or prevails in a motion to suppress, and the criminal charge of driving under the influence is dismissed, that person's operator's license is automatically reinstated. Similarly, under current law if the prosecutor opts not to file the charge of driving under the influence, that person's operator's license is automatically reinstated. However, current law is unclear what happens when a prosecutor files charges, and subsequently dismissed those charges

Legislative Bill 302 would clarify this by amending section 60-498.02 to provide that if a person is cited by the police and then charged with driving under the influence, but subsequently the prosecuting attorney decides to dismiss that charge, then that person can similarly have their license reinstated as if charges were never initially filed.

Principal Introducer: _____

Senator Matt Hansen, M.