

LEGISLATIVE BILL 317

Approved by the Governor March 17, 1973

Introduced by Kelly, 35

AN ACT to amend sections 39-794 and 39-795, Revised Statutes Supplement, 1972, relating to rules of the road; to provide for records of persons placed on probation; to provide for the furnishing of abstracts of judgments of conviction or probation; to provide when points shall and shall not be assessed; and to repeal the original sections.

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

Section 1. That section 39-794, Revised Statutes Supplement, 1972, be amended to read as follows:

39-794. Every court in this state shall make complete entries in the court docket, including the judgment of conviction or probation, of every case in which a person is charged with violation of any provision of Chapter 39, article 7, Chapter 60, articles 4 and 5 or any amendments thereto, or any traffic regulations in city or village ordinances. In the event that such person is convicted, or placed on probation, or that his bail is forfeited, a certified abstract of such judgment as provided in section 39-796 shall be sent forthwith by the court to the Director of Motor Vehicles and to the county treasurer of the county wherein the person convicted person or placed on probation was licensed; Provided, that the Director of Motor Vehicles shall not assess such person with any points under section 39-7,128 for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged the court shall notify the director of such fact.

Sec. 2. That section 39-795, Revised Statutes Supplement, 1972, be amended to read as follows:

39-795. Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of or probation for any violation of any of the provisions of Chapter 39, article 7, Chapter 60, articles 4 and 5, or any amendments thereto, or any traffic regulations in city or village ordinances, send to the Director of Motor Vehicles and to the county treasurer an abstract of such judgment on the standard form of abstract for conviction reports; Provided, that the director shall not assess such person with any points under section 39-7, 128 for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged, the court shall notify the director of such fact. An abstract of the judgment of conviction shall likewise be forwarded on such forms to the Director of Motor Vehicles and the National Crime Information Center upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The director, the National Crime Information Center, and the county treasurer shall keep such conviction reports in their offices, and they shall be open to the inspection of any person during reasonable business hours.

Sec. 3. That original sections 39-794 and 39-795, Revised Statutes Supplement, 1972, are repealed.