

February 9, 1979

LB 111

and automatically converts it to a certain number of days. The reason the Court said this is unconstitutional is because a poor person thereby becomes imprisoned simply because he or she is poor. So there must be an alternative method provided for allowing these types of fines or punishments to be discharged. The amendments that I am offering would incorporate and somewhat modify other provisions of statute that already deal with this situation. It would provide for an installment method of paying a fine if a person does not have the money to pay it in a lump sum. This is the alternative which has been used in other states to avoid the constitutional question. If there were no alternative like this, the Supreme Court's decision would apparently mandate that if only a fine is required as a punishment and a person has no means to pay that fine, you would have to discharge the person. Although I am against overly harsh punishments, I am not in favor of saying that if a person does commit an offense and a fine is levied, that person should not have to make any attempt whatsoever to pay it. So the amendment now will incorporate into this bill the allowance of the installment plan which exists already but it would tie it to the provision that should the person after being given a reasonable amount of time to pay the fine not satisfy it, and should that person be imprisoned, then the amount credited to that person against the fine would be \$25 a day, and in no case could that person by discharging the fine in this fashion be required to serve more days than could be imposed if the sentence would allow for a prison term or confinement. To give an example, if a person were convicted of violation of a local ordinance and it might carry a sentence of five days and up to \$300 fine and the person were given a \$300 fine, serving that at a rate of \$25 a day would be twelve days, but since the maximum amount of time that could be imposed were a sentence of confinement imposed is five days, the maximum amount of time that person could be required to serve would be the five days. The issue is not that difficult and the explanation complicates it more than what it really is. So if it is not clear and you have any questions, I would answer them but my motion now is that you adopt this amendment.

PRESIDENT: Is there any further discussion on the amendment? Now these are all considered in one amendment, Senator Chambers, is that not correct?

SENATOR CHAMBERS: Yes.

PRESIDENT: So we are talking now to the amendments to LB 111. All right, Senator Chambers, there is no further close then?