

April 20, 1979

LB 534

After you have that simple explanation I would move the adoption of the amendment.

SPEAKER MARVEL: Motion is the adoption of the amendment to the committee amendments. All those in favor vote aye, those opposed vote no. Voting on the amendment to the committee amendments. Record.

CLERK: 19 ayes, no nays on the adoption of the committee amendment, Mr. President.

SPEAKER MARVEL: Motion is carried the amendment is adopted. Senator Stoney.

SENATOR STONEY: Mr. Speaker and members of the Legislature, the committee amendments would accomplish two things. They clarify the provisions of this act with those of LB 808 which was passed during the 1978 legislative session. These amendments clarify that any infraction established under 534 would also apply the citation in lieu of arrest system which is established in 29-422. That is the first. The second committee amendment removes from Section 4 of the act the requirement that information relating to the arrest or conviction of a person for an infraction shall be removed from the records of law enforcement agencies two years after the arrest conviction. This amendment was suggested by the Nebraska State Patrol and other law enforcement agency personnel that testified before the Judiciary Committee on this proposal. This expungment requirement would create great administrative difficulties to remove such references to arrests for conviction. It would be very hard to remove this information from the record without having the information on a computer. This is currently not done with many of our records. Also it raises the difficulty that the arrest might be for a misdemeanor and that the defendant through plea bargaining or plea negotiations have the offense reduced to an infraction. The question then becomes what must be purged from the record. Also the law enforcement people felt that sometimes these records were of value in future investigations. I move for the adoption of the committee amendments as amended.

SPEAKER MARVEL: Motion is on the committee amendments as amended. All those in favor vote aye, those opposed vote no. Voting on the committee amendments as amended to LB 534. Have you all voted? Record.

CLERK: 25 ayes, no nays on the adoption of the committee amendments, Mr. President.

3755