

April 20, 1979

LB 534

SPEAKER MARVEL: Committee amendments are adopted. Now the motion is....

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, I think that there may be some questions about this particular bill. Senator Murphy I think has one, and I believe that Senator DeCamp might be able to provide some information on this bill.

SPEAKER MARVEL: Senator Murphy, do you have a question of Senator DeCamp?

SENATOR MURPHY: Not specifically.

SPEAKER MARVEL: Okay. Senator DeCamp, do you have any comments on the bill?

SENATOR DE CAMP: Just to move it be advanced unless there are some specific questions. I can give you some information. In the 1977 rewrite of the criminal code many acts were classified as Class IV and Class V misdemeanors because the fine fit the fines that were given for those classifications. Now, some of these acts were to be published simply by a small fine and there was no original intention of having these acts considered criminal in nature or have the offender carry a criminal record. This type of classification also allows the offender the right to trial by jury and the opportunity of representation by public funded counsel, two very expensive rights as you know, that the tax payers had to pick up. So this infraction system would set it so that they would not allow the offender of an infraction the right to these two procedures but it does not, however, absolutely exclude the offender from the right of this appeal. Many of these offenses will be processed through a citation procedure with minimal contesting of the charges. Basically what we are talking about are very minor things that we don't want to use the whole full blown criminal process in. You may remember, oh a dozen of these or fifty that were listed in the old criminal statutes for cutting down a tree or not cutting your grass on time, not cleaning your sidewalk on time, so on and so forth. It is just a pretty expensive criminal process so if we use an infraction system it resolves it and that is the goal.

SPEAKER MARVEL: Any other discussion? Senator Stoney, do you have any other remarks? Motion is to advance the bill to E & R