

January 9, 1980

LB 374

to secure the payment of a fine or costs, then that fact would be stated on the document in addition to the date that the document will expire pursuant to compliance with the court order. I move that LB 374 be advanced to E & R Initial.

SPEAKER MARVEL: The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, a question of Senator Nichol.

SENATOR NICHOL: Yes, sir.

SENATOR COPE: Senator Nichol, I think you said the court can ask, now is that strong enough or must or however it should be stated?

SENATOR NICHOL: No, this allows them to do it, in other words to take their...it does not require that they do it.

SENATOR COPE: Why not require for everyone?

SENATOR NICHOL: Certain restrictions, there are other things that would happen of a lesser nature whereby the judge may not wish to do it. He may wish to work along with him because if he knows the person and knows where he lives and knows that it isn't necessary for him to do this, the judge may not wish to do it. This is enabling action, Senator Cope, rather than mandatory.

SENATOR COPE: I realize that. Couldn't the judge do this the same way on the little slip that he writes out and say that this doesn't affect this man but he was arrested for so and so?

SENATOR NICHOL: Presently he does not have power to take that original driver's license away from him, and if he does...he does have power to take it away from him, but if he does, then all of his driving abilities are taken away from him and he cannot do anything else. In other words, he does not have anything on his person to show that he has authority to drive a car at all. So if the judge wants to suspend his driver's license for a certain length of time for any of the three reasons that I showed, then he may lift his driver's license, give him a copy of it with the notation on the copy stating what the restriction is for.

SENATOR COPE: I realize that but I can also see where a judge has that jurisdiction, you might get unfair...one