

April 14, 1982

LB 568

SENATOR HABERMAN: Why, Senator Koch, I will be more than pleased to explain this bill to you. I am sorry that you don't understand it but on the first conviction, Senator Koch, the judge can put them in jail for seven days. He can fine them \$200 and he can suspend the license for six months. On the second conviction, Senator Koch, he can put them in jail thirty days, fine them \$500 and suspend their license for one year. On the third conviction, he can put them in jail for three months with a six months maximum, fine them \$500 and a permanent license suspension. Now those seven days, and thirty days, and three months are mandatory. Now if you want me to tell you also what happens if they are put on probation or do you understand that part, Senator Koch?

SENATOR KOCH: Well, Mr. Chairman, I have never been on probation but, Senator Haberman, please explain it to me, will you? What is the process of probation?

SENATOR HABERMAN: I sure will, Senator Koch, be pleased to. If the courts feel that probation is what they want to do, then the conditions of probation on the first conviction, Senator Koch, is they suspend the driver's license for sixty days. On the second conviction, if probation is granted, the conditions of probation, Senator Koch, must include 48 hours in jail and a license suspension of six months. On the third and subsequent convictions, if probation is granted, conditions of probation must include seven days in jail and one year's suspension. There is no pretrial diversion. The penalty for driving when a person's license has been permanently revoked under this bill is a Class IV felony which can be up to five years and a \$10,000 fine or both. The Director of Motor Vehicles can administratively revoke the driver's license for one year when a person refuses to take the blood alcohol content test. The current law allows only a six month revocation. That is the sum and substance of what the bill does, Senator Koch.

SENATOR KOCH: Thank you, Senator Haberman, that was well done. I just wanted to know if you know what is in your bill. We can proceed. I withdraw my IPP. I now understand it. I am even more frightened.

SENATOR CLARK: That is withdrawn. Thank you. All right, the Clerk will read LB 568.

ASSISTANT CLERK: (Read LB 568 on Final Reading.)

SENATOR CLARK: We must be in our seats please. Everyone will be in their seat before we continue. The Clerk will continue.

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