

February 5, 1992 LB 291

SENATOR KRISTENSEN: Yes.

SENATOR BEUTLER: But as I understand the bill now, let's say that I am a young adult, age 20, and it's Friday night. I come out of a house party, I have been there all evening. I have been nursing one drink all night long illegally, but I have been nursing it all night long. I walk out in the street, I get into my car, I turn on the ignition, I still have the drink in my hand, and as I have mentioned, I have taken a couple swallows of it earlier in the house. A policeman stops me, I roll down my window, the glass is still there and I am a minor in possession.

SENATOR KRISTENSEN: Yes.

SENATOR BEUTLER: Charge one.

SENATOR KRISTENSEN: Right.

SENATOR BEUTLER: Charge two, it is .02 and I am in the car, so I am now subject to my second Class III misdemeanor. Charge three, you are going to take away my license because of that, too. So aren't we dealing with a triple penalty instead of a double penalty?

SENATOR KRISTENSEN: Can I ask you just two more questions...

SENATOR BEUTLER: Sure.

SENATOR KRISTENSEN: ...to fulfill that fact pattern? One, had you started the car...

SENATOR BEUTLER: Yes.

SENATOR KRISTENSEN: ...and were you in actual control of it?

SENATOR BEUTLER: Yes, yes.

SENATOR KRISTENSEN: Okay, there is the second offense that caused the crime. You are in control of the motor vehicle and you had over .02.

SENATOR BEUTLER: Thank you. That is all I want to know. So now you are in...that, I mean this bill is worse than I thought because now I realize suddenly that not only can they charge you