

February 5, 1992 LB 291

with a minor...as a minor in possession, but they are going to have a second Class III misdemeanor against you because you are in that car with alcohol on your breath, and then they are going to take away your license from you also. This, I didn't understand how bad this bill was until just...until just a minute ago. But I would like to ask you also one more thing, Senator Kristensen, if I might.

SENATOR KRISTENSEN: Yes.

SENATOR BEUTLER: Let's say that I am a young person driving down the street, and the police officer sees me drive by, he sees that I appear to be 17, 18, or 19, right in there. Under this new law that says that I can be driving this vehicle and not even be close to drunk and still be penalized, you know, ordinarily when somebody is drunk, the police officer sees the car weaving a little bit. He has some probable cause for stopping the car, is that correct?

SENATOR KRISTENSEN: Senator Beutler, that's...

SENATOR BEUTLER: Theoretically, even (interruption)...

SENATOR KRISTENSEN: ...that is in criminal law from beginning to end, if you are going to arrest someone, you have to have probable cause.

SENATOR BEUTLER: What would be the probable cause for stopping somebody with .02? I mean,...

SENATOR KRISTENSEN: Did you see them with any alcohol? Did you see them drinking?

SENATOR BEUTLER: Well, they didn't have...they weren't in possession. They just had it on their breath.

SENATOR KRISTENSEN: So this car is driving by and the police officer smelled their breath as they drove by?

SENATOR BEUTLER: Well, let's say that...

SENATOR KRISTENSEN: (inaudible).

SENATOR BEUTLER: Let's say we all make mistakes, Senator Kristensen, as you and I well know. He is going to go over the