

AMENDMENTS TO LB 624

Introduced by Pirsch, 4.

1 1. Strike original section 1 and insert the following new
2 section:

3 Section 1. Section 28-905, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 28-905 (1) Any person who operates any motor vehicle to
6 flee in such vehicle in an effort to avoid arrest or citation ~~for~~
7 ~~the violation of any law of the State of Nebraska constituting a~~
8 ~~misdemeanor, infraction, traffic infraction, or any city or village~~
9 ~~ordinance, except nonmoving traffic violations,~~ commits the offense
10 of ~~misdemeanor~~ operation of a motor vehicle to avoid arrest.

11 ~~(2) Any person who operates any motor vehicle to flee~~
12 ~~in such vehicle in an effort to avoid arrest for the violation of~~
13 ~~any law of the State of Nebraska constituting a felony commits the~~
14 ~~offense of felony operation of a motor vehicle to avoid arrest.~~

15 ~~(3) Operating a motor vehicle to avoid arrest under~~
16 ~~subsection (1) of this section is a Class I misdemeanor. The court~~
17 ~~shall, as part of the judgment of conviction, order such person not~~
18 ~~to operate any motor vehicle for any purpose for a period of two~~
19 ~~years and shall order that the operator's license of such person be~~
20 ~~revoked for a like period.~~

21 ~~(4) Operating a motor vehicle to avoid arrest under~~
22 ~~subsection (2) of this section is a Class IV felony. The court~~
23 ~~shall, as part of the judgment of conviction, order such person not~~

1 to operate any motor vehicle for any purpose for a period of two
2 years and shall order that the operator's license of such person be
3 revoked for a like period.

4 (2) (a) Except as otherwise provided in subsection (3)
5 of this section, any person who violates subsection (1) of this
6 section shall be guilty of a Class I misdemeanor.

7 (b) The court may, as part of the judgment of conviction
8 under subdivision (a) of this subsection, order that the operator's
9 license of such person be revoked or impounded for a period of
10 not more than one year and order the person not to drive any
11 motor vehicle for any purpose in the State of Nebraska for a like
12 period. The revocation or impoundment shall be administered upon
13 sentencing, upon final judgment of any appeal or review, or upon
14 the date that any probation is revoked.

15 (3) (a) Any person who violates subsection (1) of this
16 section shall be guilty of a Class IV felony if, in addition to
17 the violation of subsection (1) of this section, one or more of the
18 following also applies:

19 (i) The person committing the offense has previously been
20 convicted under this section;

21 (ii) The flight to avoid arrest results directly and
22 proximately in the death of or injury to any person if such death
23 or injury is caused directly and proximately by the vehicle being
24 driven by the person fleeing to avoid arrest; or

25 (iii) The flight to avoid arrest includes the willful
26 reckless operation of the motor vehicle.

27 (b) The court shall, as part of the judgment of

1 conviction under subdivision (a) of this subsection, order that
2 the operator's license of such person be revoked or impounded for
3 a period of two years and order the person not to drive any
4 motor vehicle for any purpose in the State of Nebraska for a like
5 period. The revocation or impoundment shall be administered upon
6 sentencing, upon final judgment of any appeal or review, or upon
7 the date that any probation is revoked.

8 ~~(5)(a)~~ (4) (a) Any person who operates a vessel as defined
9 in section 37-1203 to flee in such vessel in an effort to avoid
10 arrest or citation for the violation of any statute punishable as
11 a misdemeanor or any city or village ordinance shall be guilty of
12 misdemeanor operation of a vessel to avoid arrest.

13 (b) Any person violating subdivision (a) of this
14 subsection shall be guilty of a Class I misdemeanor. Upon
15 conviction thereof the court shall, as part of the judgment of
16 conviction, order such person not to operate any vessel for any
17 purpose for a period of one year.

18 ~~(6)(a)~~ (5) (a) Any person who operates a vessel as defined
19 in section 37-1203 to flee in such vessel in an effort to avoid
20 arrest for the violation of any statute punishable as a felony
21 shall be guilty of felony operation of a vessel to avoid arrest.

22 (b) Any person violating subdivision (a) of this
23 subsection shall be guilty of a Class IV felony. Upon conviction
24 thereof the court shall, as part of the judgment of conviction,
25 order such person not to operate any vessel for any purpose for a
26 period of two years.

27 ~~(7)~~ (6) An order of the court under subsection (4) or

1 (5) of this section prohibiting operation of a ~~vehicle or~~ vessel
2 and ~~revoking the operator's license~~ shall be administered upon
3 sentencing, upon final judgment of any appeal or review, or upon
4 the date that any probation is revoked, ~~whichever is later.~~

5 Sec. 2. Original section 28-905, Revised Statutes
6 Cumulative Supplement, 2006, is repealed.