

AMENDMENTS TO LB 578

(Amendments to Standing Committee amendments, AM573)

Introduced by Kruse, 13

1 1. Strike section 3 and insert the following new
2 sections:

3 Sec. 3. Section 60-6,197.03, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-6,197.03 Any person convicted of a violation of
6 section 60-6,196 or 60-6,197 shall be punished as follows:

7 (1) Except as provided in subdivision (2) of this
8 section, if such person has not had a prior conviction, such
9 person shall be guilty of a Class W misdemeanor, and the court
10 shall, as part of the judgment of conviction, order that the
11 operator's license of such person be revoked or impounded for a
12 period of six months from the date ordered by the court. Such
13 revocation or impoundment shall be administered upon sentencing,
14 upon final judgment of any appeal or review, or upon the date that
15 any probation is revoked.

16 If the court places such person on probation or suspends
17 the sentence for any reason, the court shall, as one of the
18 conditions of probation or sentence suspension, order that the
19 operator's license of such person be revoked or impounded for
20 a period of sixty days from the date ordered by the court
21 unless otherwise authorized by an order issued pursuant to section
22 60-6,211.05, and such order of probation or sentence suspension

1 shall also include, as one of its conditions, the payment of a
2 four-hundred-dollar fine;

3 (2) If such person has not had a prior conviction
4 and, as part of the current violation, had a concentration of
5 fifteen-hundredths of one gram or more by weight of alcohol per
6 one hundred milliliters of his or her blood or fifteen-hundredths
7 of one gram or more by weight of alcohol per two hundred ten
8 liters of his or her breath, such person shall be guilty of
9 a Class W misdemeanor, and the court shall, as part of the
10 judgment of conviction, revoke the operator's license of such
11 person for a period of one year from the date ordered by the
12 court. Such revocation shall be administered upon sentencing, upon
13 final judgment of any appeal or review, or upon the date that any
14 probation is revoked.

15 If the court places such person on probation or suspends
16 the sentence for any reason, the court shall, as one of the
17 conditions of probation or sentence suspension, order that the
18 operator's license of such person be revoked or impounded for
19 a period of one year from the date ordered by the court
20 unless otherwise authorized by an order issued pursuant to
21 section 60-6,211.05, and such order of probation or sentence
22 suspension shall also include, as conditions, the payment of a
23 five-hundred-dollar fine and either confinement in the city or
24 county jail for two days or the imposition of not less than one
25 hundred twenty hours of community service;

26 (3) Except as provided in subdivision (5) of this
27 section, if such person has had one prior conviction, such person

1 shall be guilty of a Class W misdemeanor, and the court shall,
2 as part of the judgment of conviction, order that the operator's
3 license of such person be revoked for a period of one year from
4 the date ordered by the court and shall issue an order pursuant
5 to section 60-6,197.01. Such orders 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 If the court places such person on probation or
9 suspends the sentence for any reason, the court shall, as
10 one of the conditions of probation or sentence suspension,
11 order that the operator's license of such person be revoked or
12 impounded for a period of one year from the date ordered by the
13 court unless otherwise authorized by an order issued pursuant
14 to section 60-6,211.05 and shall issue an order pursuant to
15 section 60-6,197.01, and such order of probation or sentence
16 suspension shall also include, as conditions, the payment of a
17 five-hundred-dollar fine and either confinement in the city or
18 county jail for ten days or the imposition of not less than two
19 hundred forty hours of community service;

20 (4) Except as provided in subdivision (6) of this
21 section, if such person has had two prior convictions, such person
22 shall be guilty of a Class W misdemeanor, and the court shall,
23 as part of the judgment of conviction, order that the operator's
24 license of such person be revoked for a period of fifteen years
25 from the date ordered by the court and shall issue an order
26 pursuant to section 60-6,197.01. Such orders shall be administered
27 upon sentencing, upon final judgment of any appeal or review, or

1 upon the date that any probation is revoked.

2 If the court places such person on probation or suspends
3 the sentence for any reason, the court shall, as one of the
4 conditions of probation or sentence suspension, order that the
5 operator's license of such person be revoked for a period of at
6 least two years but not more than fifteen years from the date
7 ordered by the court unless otherwise authorized by an order issued
8 pursuant to section 60-6,211.05 and shall issue an order pursuant
9 to section 60-6,197.01, and such order of probation or sentence
10 suspension shall also include, as conditions, the payment of a
11 six-hundred-dollar fine and confinement in the city or county jail
12 for thirty days;

13 (5) If such person has had one prior conviction
14 and, as part of the current violation, had a concentration of
15 fifteen-hundredths of one gram or more by weight of alcohol per
16 one hundred milliliters of his or her blood or fifteen-hundredths
17 of one gram or more by weight of alcohol per two hundred ten
18 liters of his or her breath or refused to submit to a test as
19 required under section 60-6,197, such person shall be guilty of a
20 Class I misdemeanor, and the court shall, as part of the judgment
21 of conviction, revoke the operator's license of such person for
22 a period of at least one year but not more than fifteen years
23 from the date ordered by the court and shall issue an order
24 pursuant to section 60-6,197.01. Such revocation and order shall be
25 administered upon sentencing, upon final judgment of any appeal or
26 review, or upon the date that any probation is revoked. The court
27 shall also sentence such person to serve at least ninety days'

1 imprisonment in the city or county jail or an adult correctional
2 facility.

3 If the court places such person on probation or suspends
4 the sentence for any reason, the court shall, as one of the
5 conditions of probation or sentence suspension, order that the
6 operator's license of such person be revoked or impounded for a
7 period of at least one year but not more than fifteen years from
8 the date ordered by the court unless otherwise authorized by an
9 order issued pursuant to section 60-6,211.05 and shall issue an
10 order pursuant to section 60-6,197.01, and such order of probation
11 or sentence suspension shall also include, as conditions, the
12 payment of a one-thousand-dollar fine and confinement in the city
13 or county jail for thirty days;

14 (6) If such person has had two prior convictions
15 and, as part of the current violation, had a concentration of
16 fifteen-hundredths of one gram or more by weight of alcohol per one
17 hundred milliliters of his or her blood or fifteen-hundredths of
18 one gram or more by weight of alcohol per two hundred ten liters
19 of his or her breath or refused to submit to a test as required
20 under section 60-6,197, such person shall be guilty of a Class IIIA
21 felony, and the court shall, as part of the judgment of conviction,
22 revoke the operator's license of such person for a period of
23 fifteen years from the date ordered by the court and shall issue
24 an order pursuant to section 60-6,197.01. Such revocation and order
25 shall be administered upon sentencing, upon final judgment of any
26 appeal or review, or upon the date that any probation is revoked.
27 The court shall also sentence such person to serve at least one

1 hundred eighty days' imprisonment in the city or county jail or an
2 adult correctional facility.

3 If the court places such person on probation or suspends
4 the sentence for any reason, the court shall, as one of the
5 conditions of probation or sentence suspension, order that the
6 operator's license of such person be revoked for a period of at
7 least five years but not more than fifteen years from the date
8 ordered by the court unless otherwise authorized by an order issued
9 pursuant to section 60-6,211.05 and shall issue an order pursuant
10 to section 60-6,197.01, and such order of probation or sentence
11 suspension shall also include, as conditions, the payment of a
12 one-thousand-dollar fine and confinement in the city or county jail
13 for sixty days;

14 (7) Except as provided in subdivision (8) of this
15 section, if such person has had three prior convictions, such
16 person shall be guilty of a Class IIIA felony, and the court shall,
17 as part of the judgment of conviction, order that the operator's
18 license of such person be revoked for a period of fifteen years
19 from the date ordered by the court and shall issue an order
20 pursuant to section 60-6,197.01. Such orders shall be administered
21 upon sentencing, upon final judgment of any appeal or review, or
22 upon the date that any probation is revoked. The court shall also
23 sentence such person to serve at least one hundred eighty days'
24 imprisonment in the city or county jail or an adult correctional
25 facility.

26 If the court places such person on probation or suspends
27 the sentence for any reason, the court shall, as one of the

1 conditions of probation or sentence suspension, order that the
2 operator's license of such person be revoked for a period of
3 fifteen years from the date ordered by the court unless otherwise
4 authorized by an order issued pursuant to section 60-6,211.05 and
5 shall issue an order pursuant to section 60-6,197.01, and such
6 order of probation or sentence suspension shall also include,
7 as conditions, the payment of a one-thousand-dollar fine and
8 confinement in the city or county jail for ninety days;

9 (8) If such person has had three prior convictions
10 and, as part of the current violation, had a concentration of
11 fifteen-hundredths of one gram or more by weight of alcohol per one
12 hundred milliliters of his or her blood or fifteen-hundredths of
13 one gram or more by weight of alcohol per two hundred ten liters
14 of his or her breath or refused to submit to a test as required
15 under section 60-6,197, such person shall be guilty of a Class III
16 felony, and the court shall, as part of the judgment of conviction,
17 revoke the operator's license of such person for a period of
18 fifteen years from the date ordered by the court and shall issue
19 an order pursuant to section 60-6,197.01. Such revocation and order
20 shall be administered upon sentencing, upon final judgment of any
21 appeal or review, or upon the date that any probation is revoked.

22 If the court places such person on probation or suspends
23 the sentence for any reason, the court shall, as one of the
24 conditions of probation or sentence suspension, order that the
25 operator's license of such person be revoked for a period of
26 fifteen years from the date ordered by the court unless otherwise
27 authorized by an order issued pursuant to section 60-6,211.05 and

1 shall issue an order pursuant to section 60-6,197.01, and such
2 order of probation or sentence suspension shall also include,
3 as conditions, the payment of a one-thousand-dollar fine and
4 confinement in the city or county jail for one hundred twenty days;

5 (9) Except as provided in subdivision (10) of this
6 section, if such person has had four or more prior convictions,
7 such person shall be guilty of a Class III felony, and the court
8 shall, as part of the judgment of conviction, order that the
9 operator's license of such person be revoked for a period of
10 fifteen years from the date ordered by the court and shall issue
11 an order pursuant to section 60-6,197.01. Such orders shall be
12 administered upon sentencing, upon final judgment of any appeal or
13 review, or upon the date that any probation is revoked.

14 If the court places such person on probation or suspends
15 the sentence for any reason, the court shall, as one of the
16 conditions of probation or sentence suspension, order that the
17 operator's license of such person be revoked for a period of
18 fifteen years from the date ordered by the court unless otherwise
19 authorized by an order issued pursuant to section 60-6,211.05 and
20 shall issue an order pursuant to section 60-6,197.01, and such
21 order of probation or sentence suspension shall also include,
22 as conditions, the payment of a one-thousand-dollar fine and
23 confinement in the city or county jail for one hundred eighty days;
24 and

25 (10) If such person has had four or more prior
26 convictions and, as part of the current violation, had a
27 concentration of fifteen-hundredths of one gram or more by weight

1 of alcohol per one hundred milliliters of his or her blood or
2 fifteen-hundredths of one gram or more by weight of alcohol per
3 two hundred ten liters of his or her breath or refused to submit
4 to a test as required under section 60-6,197, such person shall
5 be guilty of a Class II felony and the court shall, as part of
6 the judgment of conviction, revoke the operator's license of such
7 person for a period of fifteen years from the date ordered by the
8 court and shall issue an order pursuant to section 60-6,197.01.
9 Such revocation and order shall be administered upon sentencing,
10 upon final judgment of any appeal or review, or upon the date that
11 any probation is revoked.

12 If the court places such person on probation or suspends
13 the sentence for any reason, the court shall, as one of the
14 conditions of probation or sentence suspension, order that the
15 operator's license of such person be revoked for a period of
16 fifteen years from the date ordered by the court unless otherwise
17 authorized by an order issued pursuant to section 60-6,211.05 and
18 shall issue an order pursuant to section 60-6,197.01, and such
19 order of probation or sentence suspension shall also include,
20 as conditions, the payment of a one-thousand-dollar fine and
21 confinement in the city or county jail for one hundred eighty days.

22 Sec. 4. Original sections 53-101 and 60-6,197.03, Revised
23 Statutes Cumulative Supplement, 2006, are repealed.