



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 624**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 22, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 624 adjusts the penalty provisions for the offense of operating a motor vehicle to avoid arrest so that the punishment better suits the crime.

Currently, whether the crime of operating a motor vehicle to avoid arrest is a misdemeanor or whether it is a felony is determined by the initial basis of the attempted stop by law enforcement.

If the initial reason an officer wants to pull over a vehicle is based upon a felony, then any operation of a motor vehicle to avoid arrest that follows is automatically a felony. If the initial reason an officer wants to pull over a vehicle is based upon a misdemeanor, then any operation of a motor vehicle to avoid arrest that follows would automatically be a misdemeanor. So the assigned penalties currently ignore the danger created to the public, to the offender, and to law enforcement by the offender's flight itself.

This bill would assign a penalty that is appropriate in light of the danger that is presented to society by the offender's flight itself.

LB 624 would make the offense of flight to avoid arrest a misdemeanor unless one of the following three factors is present:

- The flight results in the death or injury of any person
- The flight includes the willful reckless operation of a motor vehicle
- It is the second or more violation of the statute

If any of the three factors are present, the penalty for the offense would be a class IV felony.

The bill also adjusts the attendant penalty of loss of operating privileges to better match the severity of the flight itself. Currently, a judge must impose a two year loss of license for every violation, whether it is a felony or merely a misdemeanor. Under LB 624, judges would be allowed discretion to decide whether to impose a maximum one year loss of license for a misdemeanor offense.

**Principal Introducer:**

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**Senator Pete Pirsch**