

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 500

Introduced by Morfeld, 46.

Read first time January 22, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to pretrial diversion; to amend sections
2 29-3604 and 29-3605, Reissue Revised Statutes of Nebraska; to
3 prohibit participation in pretrial diversion programs for certain
4 driving under the influence and driver's license revocation
5 violations; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-3604, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-3604 No person arrested for a violation of section 60-4,164,
4 60-6,196, 60-6,197, 60-6,197.04, 60-6,211.01, or 60-6,211.02 after having
5 once been convicted of a violation of any such section, nor any person
6 arrested for a violation of section 60-6,196 or 60-6,197 punishable as
7 provided in subdivision (2), (5), (6), (8), or (10) of section
8 60-6,197.03, charged with a violation of section 60-6,196 or 60-6,197
9 shall be eligible for pretrial diversion under a program established
10 pursuant to sections 29-3601 to ~~29-3603~~ and ~~29-3605~~ to 29-3609.

11 Sec. 2. Section 29-3605, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 29-3605 For purposes of sections 29-3606 to 29-3609:

14 (1) Department means the Department of Motor Vehicles; and

15 (2) Minor traffic violation does not include leaving the scene of an
16 accident under τ sections 60-696 to 60-698; second or subsequent
17 violations of τ driving under the influence of alcoholic liquor or drugs
18 under τ sections 60-4,164, 60-6,196, and 60-6,211.01; τ reckless driving
19 or willful reckless driving under τ sections 60-6,213 and 60-6,214;
20 driving under the influence of alcoholic liquor under subdivision (2),
21 (5), (6), (8), or (10) of section 60-6,197.03; operating a motor vehicle
22 during a revocation period under section 60-6,197.06; τ participating in
23 a speed competition under τ section 60-6,195; τ operating a motor vehicle
24 to avoid arrest under τ section 28-905; second or subsequent violations
25 of τ refusing a breath or blood test under τ sections 60-4,164, 60-6,197,
26 60-6,197.04, and 60-6,211.02; τ driving on a suspended or revoked
27 operator's license under τ sections 60-4,107 to 60-4,110 and
28 60-6,197.06; τ speeding twenty or more miles per hour over the speed
29 limit; τ operating a motor vehicle without insurance or other financial
30 responsibility in violation of the Motor Vehicle Safety Responsibility
31 Act; τ any injury accident; τ or any violation which is classified as a

1 misdemeanor or a felony.

2 Sec. 3. Original sections 29-3604 and 29-3605, Reissue Revised

3 Statutes of Nebraska, are repealed.