

March 6, 1979

LB 146

SPEAKER MARVEL: The Chair recognizes Senator Wesely and then Senator Nichol. Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I have no objection to the amendment proposed by Senator Johnson. I think it does help the bill and I think it was the intent all along that that is what we wanted to accomplish, but because the criminal code didn't have an infractions section yet, we found that the best we could do was with the misdemeanor, classified misdemeanor, but Senator Johnson was able to find through the traffic code something along the lines that we were looking for all along. So this amendment is very much in keeping with the intent of the bill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would like to ask Senator Johnson a question or two.

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Yes, I yield.

SENATOR NICHOL: Is there a definition of infraction in the law now?

SENATOR JOHNSON: Yes, there is.

SENATOR NICHOL: In the traffic law?

SENATOR JOHNSON: Yes, it is at section 39.

SENATOR NICHOL: My next question, if there is, yes, then why do we have a bill in the Judiciary having to do with infractions, trying to get infractions as a part of penalty?

SENATOR JOHNSON: What it says, Senator Nichol, is that 39-603 specifically defines a traffic infraction to mean as follows: Traffic infraction shall mean the violation of any provision of sections 39-601 to 39-6,112 or any law, ordinance, order, rule or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense and I am just tying back into our regular highway code with a traffic infraction definition and then into the penalty definition.

SENATOR NICHOL: Okay. Where were they when this bill was up for a hearing?