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LB 253

answer a question for me?

SENATOR HOAGLAND: Happy to, Senator Higgins.

SENATOR HIGGINS: You know I am not an attorney, what are these Class IIIs and IVs penalties that you are talking about?

SENATOR HOAGLAND: Well, right now, Senator Higgins, littering carries a penalty of \$100 to \$500. It's a Class IV misdemeanor. Senator DeCamp would change that to a Class V misdemeanor which carries a maximum fine of \$100 and no minimum fine.

SENATOR HIGGINS: What would happen if I was given a \$500 fine and couldn't pay it?

SENATOR HOAGLAND: Well, I can't tell you that, Senator Higgins. I think that if you were a first offender, the first time you littered it is very unlikely that the court would give you the \$500 fine. But that would be in the discretion of the court. I think one thing that would happen is you would be very unlikely to litter again.

SENATOR HIGGINS: Well, if I got a \$100 fine, do you think I would be likely to litter again?

SENATOR HOAGLAND: Well, you know, it's up to you, Senator Higgins. You can vote on this any way you want. It's just that it seems to me that if this is an honest effort to deal with a litter problem, it doesn't make sense to begin by softening the penalties right out of the chute.

SENATOR HIGGINS: Well, I am just saying that if you go to \$500 and I can't pay it, you can't make me pay it and you can't put me in jail for not paying it, so for all intents and purposes, you know, if I am a poor person and you can't send me to jail for not having the money to pay a fine, I think the penalty thing...a hundred dollars is reasonable to me. Five hundred, a lot of people won't have, and they are going to get off scot-free because as you know the Supreme Court says you can't put somebody in prison just because they can't pay a fine. It's called debtor's prison.

SENATOR HOAGLAND: Well, Senator Higgins, all I can respond to is that...to that is to say this, a Class IV misdemeanor carries a minimum of \$100 to a maximum of \$500, and it is up to the judge depending on the severity of the offense. Now, again, if we are serious about doing