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LB 568

by case law, statutory law and by their charter. Cities and villages cannot enact ordinances which provide over six months in jail time or five hundred dollars fine. One of the approaches taken by the committee draft in revising the DWI bill has been to allow all DWIs to be processed through municipal courts. This was the primary reason we reduced felony DWI to a flat sentence misdemeanor. It should be pointed out that there is no constitutional requirement for granting a jury trial for offenses with penalties less than six months imprisonment or five hundred dollars fine. There are no Nebraska statutory requirements for granting jury trial for offenses arising under city or village ordinance. To make this section consistent with the intent of the committee draft to allow cities and villages to enact ordinances to complete compliance with the total DWI scheme and to avoid the possibility of costly jury trials becoming mandatory upon demand, this amendment is necessary. The amendment just applies to the criminal sanctions which apply and does not affect the license suspension or revocation. I ask for the adoption of this amendment.

SENATOR CLARK: Is there any discussion? If not, the question before the House is the adoption of the second Nichol amendment to the committee amendments. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Nichol amendment to the committee amendments.

SENATOR CLARK: The amendment is adopted. The next amendment.

CLERK: Mr. President, Senators Haberman....I guess Senator Haberman would like to amend the committee amendments and it is Request 2774. You will find it printed in your bill books. Mr. President, it is Request 2774.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I spent about seven months on this, so I am not going to go into that we need a new DWI bill as we all know that we need change. I started out that we should put these people in jail the first time and that the slamming