

April 5, 1982

LB 568

SENATOR LAMB: Proceed, Senator Marsh.

SENATOR MARSH: Number one, this is late in the session for bringing in something that has to do with the criminal code. If this is something that is un...there is no penalty, and I cannot believe that. I believe that there is a penalty. I believe that the general rule applies in this instance. I believe that there are many times someone slides something in at the last minute because we are not watching what we are doing and I think it is a big mistake to be adding this kind of an amendment at 10:01 at night and I highly object to adding this as an amendment to LB 568.

SENATOR LAMB: Senator Stoney.

SENATOR STONEY: Well, Mr. President, so I might address some of the comments that Senator Marsh made, this is not a nefarious scheme on my part and it is really not my fault that it is 10:01 in the evening when this amendment is offered. Now I had it from the bill drafter's office so we could take it as soon after we reconvened as possible. It does deal once again with establishing a minimum penalty, and perhaps Senator Marsh did not understand or I improperly articulated the point but we do have a present statute that would provide for revocation of a license and also a fine, but once again we find with judicial discretion that very, very seldom is a penalty applied. Now it is my understanding that usually the individual is fined \$100, pays court costs of \$12 and that is the extent of the penalty. I think if we are going to be serious about dealing with the drunk driver or with people with suspended license, then I think that the penalty has to be substantial enough so that people have an understanding of that and that is what I am attempting to do with this amendment by establishing a minimum penalty, a fine of \$250, and also a revocation for one year, on the conviction of first offense. Second or subsequent offenses increasing that fine to \$500 and the revocation period to three years.

SENATOR LAMB: Record the vote.

CLERK: Mr. President, 27 ayes, 1 nay to go under Call, Mr. President.

SENATOR LAMB: We are under Call. Please record your presence. We are under Call. Please record your presence. Senator Beyer. Senator Cullan. Senator Wiitala. Senator Kremer. We are looking for Senator Kremer and Senator Wiitala. There is Senator Wiitala right there. Shall we go ahead, Senator Stoney? We have everyone here except

10162