

February 11, 1992 LB 291

SENATOR WARNER: Is there an objection to substituting the Hall amendment by amendment by Senator Baack? Seeing none, Senator Baack.

CLERK: Mr. President, Senator Baack, I have your AM2859, Senator. Is that the one you'd like to offer? (Baack amendment, AM2859, appears on pages 778-79 of the Journal.)

SPEAKER BAACK: Yes, that's correct. I think that I had an amendment yesterday printed in the Journal, and it's 2850. There were a couple of errors in that amendment, so I had it redrafted. It's basically the same, but there were a couple of errors in that amendment so I'm going to ask to substitute 2859 for that. This is an issue that I have not been involved in very much, up to this point. But I feel like we need to get some movement on this issue, and we need to move forward with this. What my amendment does is it makes a number of changes in the...in the amendment that was offered...in the committee amendments as they were offered by Senator Kristensen. I'll go through what those...what those changes are that I'm making, and then I will go...then I will go back and I will let you know what we still leave in place, and how we are going to change Nebraska's DWI law to be still one of the most stringent in the area, and one of the most stringent in the country. First of all, one of the changes that is made is that the...if a defendant pleads guilty to an underlying offense of driving while...driving while intoxicated, if they plead guilty to that, any of the proceedings under the ALR would immediately be...would automatically be dismissed. ALR would only apply to those cases where they did not plead guilty on a first offense. Secondly, the number of years between offenses, right now the number of years between offenses before you can...before that offense is written off the books is ten years. Right now in Nebraska this would lower that to six years. It would still leave Nebraska with the longest period between offenses of any of the surrounding states. It would still leave it at six years rather than at ten years. And I think this is still a very reasonable kind of thing to do, to lower it to six years. The maximum penalty for a third offense is increased, under this amendment, it's increased from six months in jail to one year in jail. A new category is created under this bill, it's a fourth offense, drunken driving of a new category, and this would be a felony provision at this point, and it's punishable by a minimum of one year in prison, and also...or a maximum of five years in the penitentiary. This was for fourth offense. There is no