

Would you like to stand and be recognized. Senator Kristensen, followed by Senators Hall and Chambers.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members of the Legislature. Senator Lindsay, I am going to speak, if I can, with you just so we can get some of the facts out here, and I understand the playing field. Your understanding of what the rules are for jury trials based on the United States Supreme Court is that if it is a penalty of six months or less of imprisonment, that's the dividing line on whether you constitutionally have a right to a jury trial or not. Is that correct?

SENATOR LINDSAY: That would be my understanding, yes.

SENATOR KRISTENSEN: And in terms of the policy of the State of Nebraska, we can choose to go below that and grant jury trials, but anything above that we have to, that's true for city ordinances as well as for state statutes. Is that...

SENATOR LINDSAY: Right. The six months is the constitutional limitation. We cannot take away a jury trial constitutionally above that. We can statutorily allow it below that.

SENATOR KRISTENSEN: And your amendment, basically, would say at this point in time that as a matter of fairness if you are going to have a jury trial at the state level, you ought to be able to have a jury trial at a city level. Is that the bottom line of this amendment?

SENATOR LINDSAY: If it is for the same offense, yes. Same or similar offense.

SENATOR KRISTENSEN: And if there is some discussion or some...oh, what should I want to say, confusion over what a similar offense is, how does that get decided? In other words, if I have a city ordinance for loitering that there may not be a state statute for, then your intent would be that they don't get a jury trial for that?

SENATOR LINDSAY: Right. There would be no jury trial there.

SENATOR KRISTENSEN: Let's go to things like drunk driving. If the local statute is similar in terms of loss of license, is it the underlying offense or is it the penalty that may occur that