

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 7, 2000 LB 74

would have to say, yes, I have committed a crime, and of course they have to go into the details of what that crime was. Is that...is that correct?

SENATOR BROMM: Well, if it...if it says, have you ever been convicted of a crime, I suppose in the absolute technical sense you would have to say yes.

SENATOR ENGEL: I get...

SENATOR BROMM: But I would...but I would go on to say, traffic offenses.

SENATOR ENGEL: Yeah.

SENATOR BROMM: If it says, have you been convicted of a misdemeanor or a felony, I think you could say no.

SENATOR ENGEL: Okay. Well, again, those are questions that I have and later on I'll have a question for Senator Chambers. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Chambers, on the committee amendments to LB 74.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there's one thing I want to make crystal clear for Senator "Engels", Senator Engel and whoever on his staff is concerned about this. The Supreme Court doesn't care what a layman thinks. The Supreme Court doesn't care what a staff member may say. The Supreme Court has ruled on this very issue and said that the Legislature tried to make it a civil offense with this language. The Supreme Court mentioned this definition. The Supreme Court said that definition is erroneous; that it is not a civil offense. Now, whoever wants to say they don't like what the Supreme Court said, therefore they won't support this bill, makes me no difference. The Supreme Court decision is going to stay the law, and that's why in every traffic violation it's conducted as a criminal trial. If you're found innocent by the trial court, you cannot be tried again on that in any other court. The prosecutor cannot appeal that finding of innocence, it cannot because it is a criminal matter. When you are given