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SENATOR CHAMBERS: And it said that it is a criminal offense to be handled like a criminal offense--double jeopardy applies, the elements of the offense must be proved beyond a reasonable doubt, and all of the accoutrements of a criminal trial are available to the accused. So, although there is no statute, the only statutory attempt to say how this matter is to be handled is this definitional section which the Nebraska Supreme Court declared to be erroneous. It mentioned it specifically and said it is not a civil offense, it is a criminal offense, and it is to be handled like one.

SENATOR BEUTLER: Okay. So, if I'm understanding your response correctly, Senator, to the extent you would probably argue that nothing further is necessary. But if you wanted to clarify in statute the procedures that would be followed and how infraction prosecutions would be conducted and disposed of, then I assume, other than the argument of lack of necessity, you wouldn't have objection to changing 60-688 so as to include infractions within that statute, except as they may be distinguished by other explicit statutes. Would that be correct?

SENATOR CHAMBERS: Senator Beutler, there are statutes that discuss felonies and misdemeanors and there are discussions of criminal procedure, but there is no statutory...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...procedure set out for handling infractions. And because of that, a prosecutor tried to have reversed a finding of innocence when it came to a traffic infraction. The Nebraska Supreme Court said, no, you cannot do that; a traffic infraction being a crime, once the person is acquitted, there cannot be an overturning of that acquittal and a retrial because that constitutes double jeopardy, and that's not allowed under the U.S. Constitution in criminal matters. So the only place you would find a reference to procedurally handling an infraction would be in that case State v. Knoles, and cases following which cited it. But I don't know of any other statute that tells how to handle infractions.

SENATOR BEUTLER: Okay. I think we're on the same track. Thank