

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

February 8, 2000 LB 74

pointed specifically to a definition in the statute of infraction and pointed out that that definition is erroneous. The statute says that an infraction is a civil offense. The Nebraska Supreme Court said explicitly and underlined it that a traffic infraction is a crime, that the proceeding is criminal, that it implicates the constitution as far as double jeopardy matters are concerned. So what this bill will do, if the committee amendment is adopted, is bring the definition of infraction, which is found in the statute, into line with what the Nebraska Supreme Court has said the definition is. So that's where we are at this point. Senator Bromm's committee amendment is pending and I am in support of his amendment.

SENATOR CUDABACK: Senator Bromm, on the committee amendments. (AM0740, Legislative Journal page 950, First Session, 1999.)

SENATOR BROMM: Thank you, Senator Cudaback, and Senator Chambers has accurately described where we're at. To refresh the body just a little bit, the committee amendment, if you look at the green copy of the bill, on line 6 it simply puts a period after the felony, and removes the language that previously said that this was a civil offense. It does not insert the language that Senator Chambers had in the green bill which said it's a criminal offense, it just simply says that traffic infraction means the violation of any law, rule, et cetera, et cetera, which is not otherwise declared to be a misdemeanor or a felony. I think...I think the law will be consistent with what the Supreme Court has held with the adoption of the committee amendment, and I would ask the body to consider its adoption.

SENATOR CUDABACK: We're discussing the committee amendments to LB 74. Senator Chambers. Senator Chambers waives off. Seeing no further lights, did you wish to close, Senator Bromm? Senator Bromm waives closing. The question before the body is, shall the committee amendments to LB 74 be adopted? All in favor vote aye, opposed nay. Have you all voted who care to? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SENATOR CUDABACK: The committee amendments are adopted. We are