

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

March 17, 2003 LB 209

alcohol, which sometimes I put across the top of my lip when I trim my mustache, but my understanding is that isopropyl is not the type of alcohol that a person consumes for health or any other reasons. However, I do believe that when the state is going to deprive a person of a right or a privilege there are certain procedures that ought to be observed. The state represents all of the coercive power available to compel a citizen to do or not do something. Should the citizen do that which is prohibited or fail to do that which is ordered, the coercive power of the state can be brought to bear, and that person can be deprived of life, liberty, or property, or all of them. But there's a proviso--such deprivations must be pursuant to due process of law. Due process means that process to which a person is entitled in order that the law is imposed and administered in a way that is fair, just and proper. When a society can become so outraged, so panic-stricken or so emotionally wrought up for any reason that it decides it's going to punish members of its group without observing due process, something very seriously wrong is taking place. Those people who believe in the orderly conducting of a state's affairs will not readily sit by without protest and allow such a thing to happen. ALR, in my opinion, was such a scheme, naturally, because it commanded a lot of public approval because it was attacking drunk drivers. The original legislation sailed through. Now we are presented with another piece of legislation, and the purpose of one provision is to change the system by which the courts operate. When an appeal is filed, all action of a punitive nature is stayed, held in abeyance. Nothing is done to enforce or execute that punitive action. This bill purports to change that by saying in this set of circumstances the filing of an appeal, the perfecting of an appeal, according to all the requirements of the law, will not stay or stop the imposition of a punishment.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: No group of people making judgments about others are infallible. Mistakes are made. Charges are dismissed upon further review. Charges are overturned. Convictions are thrown out. And if people were punished as though they were guilty under the law, when in fact the law