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another issue. Thank you, Mr. President.

SENATOR CUDABACK:      You may continue, Senator Chambers. Your light is next.

SENATOR CHAMBERS: Oh, thank you. I am going to look, between now and Select File, if this bill advances...and I'm crossing my fingers, because I hope it doesn't. But some elements of the bill, such as making DUI a basis for a person being charged as a habitual criminal. I have to keep acknowledging that I know how angry people are at drunk drivers. But the law should not be passed based on anger. I don't think the habitual statute should be changed in this regard. But I'll have a chance to talk with Senator Kruse about that farther on down the line. There is an entire section that deals with a person's car being seized and forfeited. The seizure occurs in the first instance, regardless of whose car it is that the person is driving. And if it's a car that belongs to somebody else, that somebody else can be put through a lot of hoops before being able to get that car back. At the bottom of page 37, in line 20, they want to talk about a new offense called aggravated driving under the influence. This involves fleeing to avoid arrest, among other things. On page 38, if he or she attempts to elude pursuit by a peace officer. Now, on the next line, it doesn't say "elude pursuit"; it says "elude a peace officer". So you have conflicting language in a definitional portion, because you're defining what constitutes this aggravated driving. So in one instance, if you try to elude pursuit; the other, if you try to elude the officer. And courts say that every word has a meaning, especially in a criminal statute. But here is what would make this whole thing unconstitutional. When you get to the end of the line on page 3 (sic--page 38), and the beginning of line 4, "but is not limited to". When you have a criminal statute, you cannot have anything that is not specifically stated in that statute be a part of the crime, or the definition of the crime. So you cannot have in a criminal statute, as this language says, "Attempts to elude a peace officer includes, but is not limited to". That means something not listed in this statute as constituting a part of the crime can be made criminal without giving notice to the public of what conduct is prohibited. Senator Bromm, Senator Synowiecki, who is not a