

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

March 27, 2003 LB 208

SENATOR CHAMBERS: I guess my time is up on this one, but I don't think that's a very good reason...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...for something like this. Thanks.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Beutler, followed by Senator Synowiecki.

SENATOR BEUTLER: Senator Kruse, I wanted to discuss a little bit, if I could, Section 25 of the bill, which is the provision that allows a car that is being operated by a person who is driving with a revoked license and meets the other criteria of Section 25, allows the motor vehicle that they're operating to be seized as contraband. And the problem that I've always had with these kinds of forfeiture statutes is that they oftentimes purport to allow the authorities to seize property which is somebody else's property, and that's what this provision does. It says that it is the vehicle operated by the person which may be seized and declared by the court to be contraband, and ordered to be seized immediately upon discovery and without warrant by any peace officer, and subject to forfeiture to the state. Now let's say that I'm a wife, and I own the car, and the husband without my consent is operating the car, and it is seized while he is operating the car. Now under this language that's in the bill, does that mean as soon as it's seized, as soon as the driver is removed, is the car then towed and in custody and unavailable for the use by the owner, who is the wife? I would like to have a little dialog, Senator Cudaback, with Senator Kruse.

SENATOR CUDABACK: Would you yield, Senator Kruse, to a question from Senator Beutler.

SENATOR KRUSE: Yes, I would. The intention is to make...to hold harmless any other owner of a car, of the car. And, for instance, in leased vehicle, it'd simply be turned back. The police...it is incumbent on the police to notify the persons. If this is a spouse and she needs to have the car, the judge can dismiss this for a hardship case.