

LEGISLATIVE BILL 149

Approved by the Governor May 22, 1979

Introduced by Judiciary Committee, Nichol, 48, Chmn.;
Peutzel, 15; Pirsch, 10; Stoney, 4; Wagner,
41; Chambers, 11; Haberman, 44

AN ACT to harmonize provisions with the Nebraska Criminal Code; to amend sections 60-430.01 and 60-2021, Revised Statutes Supplement, 1978, and section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 196, section 1; to repeal the original sections, and also section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 92, and section 69-1324, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 305, section 8; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 60-430.01, Revised Statutes Supplement, 1978, be amended to read as follows:

60-430.01. Any person who shall be convicted of operating a motor vehicle during any period that his or her motor vehicle operator's license has been suspended or revoked pursuant to any law of this state, or after such suspension or revocation but before reinstatement of his or her license or issuance of a new license shall: (1) For a first such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his final discharge from the county jail, or the late of payment or satisfaction of any fine imposed, whichever is later; and (2) for each subsequent such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date of his final discharge from the county jail, or the date of payment or satisfaction of any fine imposed, whichever is later.

Sec. 2. That section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 196, section 1, be amended to read as follows:

60-430.07. (1) It shall be unlawful for any person operating any motor vehicle to flee in such

vehicle in an effort to avoid arrest for violating any law constituting a felony in this state.

(2) It shall be unlawful for any person operating any motor vehicle to flee in such vehicle in an effort to avoid arrest for violating any law constituting a misdemeanor or traffic infraction except nonmoving violations in this state.

(3) Any person violating the provisions of subsection (1) of this section shall, ~~upon conviction thereof, be (a) fined in a sum not exceeding five hundred dollars, (b) imprisoned in the Nebraska Penitentiary and Correctional Complex for a period not less than one year nor more than three years, or (c) punished by both such fine and imprisonment~~ be guilty of a Class IV felony.

(4) Any person violating the provisions of subsection (2) of this section shall, ~~upon conviction thereof, be fined in a sum not to exceed five hundred dollars, or be imprisoned in the county jail not more than six months, or be both so fined and imprisoned~~ be guilty of a Class III misdemeanor.

(5) The court may, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his release from imprisonment, or in the case of a fine only, for a period of one year from the date of satisfaction of the fine.

Sec. 3. That section 60-2021, Revised Statutes Supplement, 1978, be amended to read as follows:

60-2021. (1) Any person who shall violate any provision of sections 60-2001 to 60-2023 or any rule or regulation promulgated pursuant to sections 60-2001 to 60-2023 shall be guilty of a Class III misdemeanor and if such person is convicted of a second or subsequent offense within any period of one year he or she shall be guilty of a Class II misdemeanor. ~~and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days.~~

(2) Any violation of sections 60-2001 to 60-2023 which is also a violation under Chapter 39 or 60 may be punished under the penalty provisions thereof.

(3) Any peace officer of the state or any political subdivision thereof, including conservation officers of the Game and Parks Commission, are charged with the enforcement of the provisions of sections

60-2001 to 60-2023 and the rules and regulations promulgated thereunder.

Sec. 4. That original sections 60-430.01 and 60-2021, Revised Statutes Supplement, 1978, and section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 196, section 1, and also section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 32, and section 69-1324, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 305, section 8, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.