

E AND R AMENDMENTS TO LB 258

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 53-101, Revised Statutes Supplement,
4 2009, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and section 3 of this
6 act shall be known and may be cited as the Nebraska Liquor Control
7 Act.

8 Sec. 2. Section 53-180.05, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 53-180.05 (1) Any person violating section 53-180 shall
11 be guilty of a Class I misdemeanor. Any person violating any of the
12 provisions of ~~sections 53-180.01 to~~ section 53-180.01 or 53-180.03
13 shall be guilty of a Class III misdemeanor. Any person older
14 than eighteen years of age and under the age of twenty-one years
15 violating section 53-180.02 is guilty of a Class III misdemeanor.
16 Any person eighteen years of age or younger violating section
17 53-180.02 is guilty of a misdemeanor as provided in section 3 of
18 this act and shall be punished as provided in such section.

19 (2) Any person who knowingly manufactures, creates, or
20 alters any form of identification for the purpose of sale or
21 delivery of such form of identification to a person under the age
22 of twenty-one years shall be guilty of a Class I misdemeanor. For
23 purposes of this subsection, form of identification means any card,

1 paper, or legal document that may be used to establish the age of
2 the person named thereon for the purpose of purchasing alcoholic
3 liquor.

4 (3) When a minor is arrested for a violation of sections
5 53-180 to 53-180.02 or subsection (2) of this section, the law
6 enforcement agency employing the arresting peace officer shall make
7 a reasonable attempt to notify such minor's parent or guardian of
8 the arrest.

9 Sec. 3. The penalty for violation of section 53-180.02 by
10 a person eighteen years of age or younger shall be as follows:

11 (1) If the person convicted or adjudicated of violating
12 such section has one or more licenses or permits issued under the
13 Motor Vehicle Operator's License Act:

14 (a) For the first offense, such person is guilty of a
15 Class III misdemeanor and the court may, as a part of the judgment
16 of conviction or adjudication, impound any such licenses or permits
17 for thirty days and require such person to attend an alcohol
18 education class;

19 (b) For a second offense, such person is guilty of a
20 Class III misdemeanor and the court, as a part of the judgment of
21 conviction or adjudication, may (i) impound any such licenses or
22 permits for ninety days and (ii) require such person to complete no
23 fewer than twenty and no more than forty hours of community service
24 and to attend an alcohol education class; and

25 (c) For a third or subsequent offense, such person is
26 guilty of a Class III misdemeanor and the court, as a part of
27 the judgment of conviction or adjudication, may (i) impound any

1 such licenses or permits for twelve months and (ii) require such
2 person to complete no fewer than sixty hours of community service,
3 to attend an alcohol education class, and to submit to an alcohol
4 assessment by a licensed alcohol and drug counselor; and

5 (2) If the person convicted or adjudicated of violating
6 such section does not have a permit or license issued under the
7 Motor Vehicle Operator's License Act:

8 (a) For the first offense, such person is guilty of
9 a Class III misdemeanor and the court, as part of the judgment
10 of conviction or adjudication, may (i) prohibit such person from
11 obtaining any permit or any license pursuant to the act for which
12 such person would otherwise be eligible until thirty days after
13 the date of such order and (ii) require such person to attend an
14 alcohol education class;

15 (b) For a second offense, such person is guilty of a
16 Class III misdemeanor and the court, as part of the judgment
17 of conviction or adjudication, may (i) prohibit such person from
18 obtaining any permit or any license pursuant to the act for which
19 such person would otherwise be eligible until ninety days after
20 the date of such order and (ii) require such person to complete no
21 fewer than twenty hours and no more than forty hours of community
22 service and to attend an alcohol education class; and

23 (c) For a third or subsequent offense, such person is
24 guilty of a Class III misdemeanor and the court, as part of
25 the judgment of conviction or adjudication, may (i) prohibit such
26 person from obtaining any permit or any license pursuant to the
27 act for which such person would otherwise be eligible until twelve

1 months after the date of such order and (ii) require such person to
2 complete no fewer than sixty hours of community service, to attend
3 an alcohol education class, and to submit to an alcohol assessment
4 by a licensed alcohol and drug counselor.

5 A copy of an abstract of the court's conviction or
6 adjudication shall be transmitted to the Director of Motor Vehicles
7 pursuant to sections 60-497.01 to 60-497.04.

8 Sec. 4. Original section 53-180.05, Reissue Revised
9 Statutes of Nebraska, and section 53-101, Revised Statutes
10 Supplement, 2009, are repealed.

11 2. On page 1, line 3, strike "Cumulative"; and in line 4
12 strike "2008" and insert "2009".