

AMENDMENTS TO LB439

Introduced by Morfeld, 46.

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

3 Section 1. Section 53-180.05, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 53-180.05 (1) Except as provided in subsection (2) of this section,
6 any person who violates section 53-180 shall be guilty of a Class I
7 misdemeanor.

8 (2) Any person who knowingly and intentionally violates section
9 53-180 shall be guilty of a Class IIIA felony and serve a mandatory
10 minimum of at least thirty days' imprisonment as part of any sentence he
11 or she receives if serious bodily injury or death to any person resulted
12 and was proximately caused by a minor's (a) consumption of the alcoholic
13 liquor provided or (b) impaired condition which, in whole or in part, can
14 be attributed to the alcoholic liquor provided.

15 (3) Any person who violates any of the provisions of section
16 53-180.01 or 53-180.03 shall be guilty of a Class III misdemeanor.

17 (4)(a) Except as otherwise provided in subdivision (b) of this
18 subsection, any Any person older than eighteen years of age and under the
19 age of twenty-one years violating section 53-180.02 is guilty of a Class
20 III misdemeanor.

21 (b) Subdivision (a) of this subsection shall not apply if the
22 person:

23 (i) Requested emergency medical assistance in response to the
24 possible alcohol overdose of himself or herself or another person as soon
25 as the emergency situation is apparent after such violation of section
26 53-180.02;

27 (ii) Was the first person to make a request for medical assistance

1 under subdivision (b)(i) of this subsection as soon as the emergency
2 situation is apparent after such violation of section 53-180.02; and

3 (iii) If the person requested emergency medical assistance for the
4 possible alcohol overdose of another person, such person:

5 (A) Remained on the scene until the medical assistance arrived; and

6 (B) Cooperated with medical assistance and law enforcement
7 personnel.

8 (c) A person shall not initiate or maintain an action against a
9 peace officer or the employing state agency or political subdivision
10 based on the officer's compliance or failure to comply with subdivision
11 (b) of this subsection.

12 (5) Any person eighteen years of age or younger violating section
13 53-180.02 is guilty of a misdemeanor as provided in section 53-181 and
14 shall be punished as provided in such section.

15 (6) Any person who knowingly manufactures, creates, or alters any
16 form of identification for the purpose of sale or delivery of such form
17 of identification to a person under the age of twenty-one years shall be
18 guilty of a Class I misdemeanor. For purposes of this subsection, form of
19 identification means any card, paper, or legal document that may be used
20 to establish the age of the person named thereon for the purpose of
21 purchasing alcoholic liquor.

22 (7) When a minor is arrested for a violation of sections 53-180 to
23 53-180.02 or subsection (6) of this section, the law enforcement agency
24 employing the arresting peace officer shall make a reasonable attempt to
25 notify such minor's parent or guardian of the arrest.

26 Sec. 2. Section 53-181, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 53-181 (1) Except as otherwise provided in subsection (3) of this
29 section, the ~~The~~ penalty for violation of section 53-180.02 by a person
30 eighteen years of age or younger shall be as follows:

31 (a 1) If the person convicted or adjudicated of violating such

1 section has one or more licenses or permits issued under the Motor
2 Vehicle Operator's License Act:

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

7 (ii b) For a second offense, such person is guilty of a Class III
8 misdemeanor and the court, as a part of the judgment of conviction or
9 adjudication, may (A i) impound any such licenses or permits for ninety
10 days and (B ii) require such person to complete no fewer than twenty and
11 no more than forty hours of community service and to attend an alcohol
12 education class; and

13 (iii e) For a third or subsequent offense, such person is guilty of
14 a Class III misdemeanor and the court, as a part of the judgment of
15 conviction or adjudication, may (A i) impound any such licenses or
16 permits for twelve months and (B ii) require such person to complete no
17 fewer than sixty hours of community service, to attend an alcohol
18 education class, and to submit to an alcohol assessment by a licensed
19 alcohol and drug counselor; and

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

23 (i a) For the first offense, such person is guilty of a Class III
24 misdemeanor and the court, as part of the judgment of conviction or
25 adjudication, may (A i) prohibit such person from obtaining any permit or
26 any license pursuant to the act for which such person would otherwise be
27 eligible until thirty days after the date of such order and (B ii)
28 require such person to attend an alcohol education class;

29 (ii b) For a second offense, such person is guilty of a Class III
30 misdemeanor and the court, as part of the judgment of conviction or
31 adjudication, may (A i) prohibit such person from obtaining any permit or

1 any license pursuant to the act for which such person would otherwise be
2 eligible until ninety days after the date of such order and (B ii)
3 require such person to complete no fewer than twenty hours and no more
4 than forty hours of community service and to attend an alcohol education
5 class; and

6 (iii e) For a third or subsequent offense, such person is guilty of
7 a Class III misdemeanor and the court, as part of the judgment of
8 conviction or adjudication, may (A i) prohibit such person from obtaining
9 any permit or any license pursuant to the act for which such person would
10 otherwise be eligible until twelve months after the date of such order
11 and (B ii) require such person to complete no fewer than sixty hours of
12 community service, to attend an alcohol education class, and to submit to
13 an alcohol assessment by a licensed alcohol and drug counselor.

14 (2) A copy of an abstract of the court's conviction or adjudication
15 shall be transmitted to the Director of Motor Vehicles pursuant to
16 sections 60-497.01 to 60-497.04.

17 (3) Subsection (1) of this section shall not apply if the person:

18 (a) Requested emergency medical assistance in response to the
19 possible alcohol overdose of himself or herself or another person as soon
20 as the emergency situation is apparent after such violation of section
21 53-180.02;

22 (b) Was the first person to make a request for medical assistance
23 under subdivision (a) of this subsection as soon as the emergency
24 situation is apparent after such violation of section 53-180.02; and

25 (c) If the person requested emergency medical assistance for the
26 possible alcohol overdose of another person, such person:

27 (i) Remained on the scene until the medical assistance arrived; and

28 (ii) Cooperated with medical assistance and law enforcement
29 personnel.

30 (4) A person shall not initiate or maintain an action against a
31 peace officer or the employing state agency or political subdivision

1 based on the officer's compliance or failure to comply with subsection
2 (3) of this section.

3 Sec. 3. Original section 53-181, Reissue Revised Statutes of
4 Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement,
5 2014, are repealed.