



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 775

Hearing Date: February 25, 2003

Committee On: Transportation and Telecommunications

Introducer(s): (Kruse, Baker, Brown, Burling, Combs, Erdman, Hartnett, Hudkins, Jensen, Johnson, Kremer, Mossey, D. Pederson, Quandahl, Redfield, Schimek, Schrock, Stuhr, Thompson, Wehrbein)

Title: Change penalties, create an offense, and provide for motor vehicle forfeiture relating to driving under the influence

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

8 Yes Senators Aguilar, Brown , Jones, Smith, Stuthman, Baker, Dw. Pedersen and Hudkins

No

Present, not voting

Absent

Proponents:

Senator Lowen Kruse
Teresa Incontro
Nicole Incontro
Deborah Stinn
Mary Jane Incontro
Christopher Perrone
Marty Conboy
Kurt Muhle
Simera Reynolds

Representing:

13th District
Roseann Incontro Family
The Incontro Family
The Incontro Family
The Incontro Family
Sarpy County Attorney
City of Omaha, Prosecutors

MADD

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 775 increases existing penalties in Nebraska’s D.U.I. statutes. The bill amends §28-106 by changing the penalty for a Class W misdemeanor (for DUI and implied consent

refusal) to 6 months imprisonment and a \$500 fine. The bill also amends §28-306 by changing the penalty for motor vehicle homicide by prohibiting driving for a least one year and requiring the court to revoke the operator's license for the same period of time. Section 3 amends §29-2221 to allow convictions under §60-6,196 and §60-6,197 to be used in sentencing an individual as a habitual criminal. Mandatory minimum imprisonment would be 10 years, with a maximum term of not more than 25 years.

Section 4 amends §60-4,118.06 by prohibiting the department from issuing a license allowing the use of a vehicle interlock device after a 2nd or more subsequent drunk driving conviction until at least 1 year of revocation or impoundment has elapsed. The bill also changes references to 'license suspensions' to 'license revocation'. Additional provisions clarify that the operator's license shall be revoked, rather than the court ordering that person not to drive, and provides for seizure and forfeiture of a motor vehicle in certain instances. The bill also requires the county attorney to include prior DUI or refusal convictions in the current charge. The bill creates the offense of aggravated driving under the influence and provides penalties.

Explanation of amendments, if any:

Senator Tom Baker, Chairperson