

# **One Hundred Fifth Legislature - First Session - 2017**

## **Introducer's Statement of Intent**

### **LB84**

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**Chairperson: Senator Laura Ebke**

**Committee: Judiciary**

**Date of Hearing: February 03, 2017**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Under current law, in a civil action, if a defendant who drives drunk and causes injury or death, and if that drunk driver admits “negligence,” the jury never hears evidence that the driver was operating a vehicle under the influence. The drunk driver argues that the evidence is no longer relevant, and should be excluded with a Rule 403 (“unfair prejudice”) objection. The jury hears no evidence about how the wreck occurred. They are told only to decide how much the victim should get. The result is that the jury does not know what caused the wreck, and invites speculation as to whether the injured party was somehow at fault, and whether the victim’s injuries were actually caused by the wreck. LB 84 would address this by providing that evidence of driving under the influence is admissible for any purpose notwithstanding such objections. This would provide the jury with the details of how the wreck occurred, to assist them in determining what caused the injuries claimed.

**Principal Introducer:** \_\_\_\_\_

Senator Carol Blood