

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB271

Hearing Date: Wednesday February 17, 2021
Committee On: Judiciary
Introducer: Morfeld
One Liner: Adopt the 24/7 Sobriety Program Act

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Brandt, DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks
Nay:		
Absent:		
Present Not Voting:	2	Senators Geist, Slama

Oral Testimony:

Proponents:

Senator Adam Morfeld
Joe Nigro

Patrick Condon

Opponents:

Ken Lackey
Erika Eckley

Neutral:

Representing:

Introducer
Nebraska State Bar Association, Nebraska Criminal
Defense Attorneys Association, Lancaster County,
Lancaster County Public Defender
Nebraska County Attorneys Association & Lancaster
County Attorney

Representing:

Nebraska Department of Motor Vehicles
Coalition of Ignition Interlock Manufacturers

Representing:

Submitted Written Testimony:

Proponents:

Spike Eickholt
Sean Flowerday
Jon Cannon
Dave Bydalek

Opponents:

Erin Ayad

Neutral:

Eric Gerrard

Representing:

ACLU of Nebraska
Lancaster County Board of Commissioners
Nebraska Association of County Officials
Nebraska Attorney General's Office

Representing:

Project Extra Mile

Representing:

Vigilnet

Summary of purpose and/or changes:

LB271 would define a "24/7 Sobriety Program", create minimum standards, and authorize a driving permit for people participating in the program. The bill would also allow people charged with first offense DUI to be eligible for diversion.

Section 2 contains legislative findings.

Section 3 contains definitions of terms, including "24/7 sobriety program". The program would be defined as to require individuals to abstain from alcohol and drugs and be tested twice per day as a condition of bail.

Section 4 would authorize a county sheriff to participate in the program or designate another entity to administer the program. This section would also provide certain minimum program requirements.

Section 5 would allow a program participant to apply for a driver's permit after 30 days of program participation without sanctions.

Section 6 would provide responsibilities for the Director of the Department of Motor Vehicles related to issuing the driver's permit.

Section 7 would amend Sec. 29-901 to add the program to the list of conditions of pretrial release.

Section 8 would amend Sec. 29-3604 to allow a person charged with first offense driving under the influence to be eligible for diversion. Section 9 amends Sec. 29-3605 to harmonize a reference to allow these individuals to participate in diversion.

Section 10 would amend Sec. 60-480 to create the new "SPP-24/7 sobriety program permit".

Section 11 would amend Sec. 60-498.01 to allow a person with a revoked driver's license due to a DUI to apply for a 24/7 sobriety program permit.

Section 12 would amend Sec. 60-4,115 to create the fee structure for the 24/7 sobriety program.

Section 13 would amend Sec.60-6,197.05 to allow credit toward a period of required license revocation for a person with a 24/7 sobriety program permit.

Section 14 would amend Sec. 60-6,197.06 to harmonize references in the criminal offense for driving with a revoked license.

Section 15 would amend Sec. 60-6,211.11 to create a new Class IV felony for driving under the influence with a 24/7 sobriety program permit.

Sections 8 and 9 would take effect immediately. The remaining sections would become effective July 1, 2022.

Explanation of amendments:

AM490 would add new language to Sections 5, 8, and 11.

Section 5 would be amended to clarify that a 24/7 sobriety program permit could only be issued if the person's license has

been revoked pursuant to an administrative license revocation and the person is not otherwise ineligible.

Section 8 would be amended to clarify that the state pretrial diversion plan for minor traffic violations does not apply to DUI offenses. This section would also be amended to provide that DUI offenses are dismissed twelve months after completion of pretrial diversion.

Section 11 would be amended to clarify that only a person subject to administrative license revocation may apply for a 24/7 sobriety program permit.

Steve Lathrop, Chairperson