

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 874

Introduced by Hallstrom, 1.

Read first time January 08, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 28-306 and 28-394, Revised Statutes Supplement, 2025; to enhance
3 penalties for motor vehicle homicide and motor vehicle homicide of
4 an unborn child proximately caused by violations relating to use of
5 a wireless communication device; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-306, Revised Statutes Supplement, 2025, is
2 amended to read:

3 28-306 (1) A person who causes the death of another unintentionally
4 while engaged in the operation of a motor vehicle in violation of the law
5 of the State of Nebraska or in violation of any city or village ordinance
6 commits motor vehicle homicide.

7 (2) Except as provided in subsection (3) of this section, motor
8 vehicle homicide is a Class I misdemeanor.

9 (3)(a) If the proximate cause of the death of another is the
10 operation of a motor vehicle in violation of section 60-6,179.01,
11 60-6,179.02, 60-6,213, or 60-6,214, motor vehicle homicide is a Class
12 IIIA felony.

13 (b) If the proximate cause of the death of another is the operation
14 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
15 vehicle homicide is a Class IIA felony.

16 (c) If the proximate cause of the death of another is the operation
17 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
18 vehicle homicide is a Class II felony if the defendant has a prior
19 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
20 city or village ordinance enacted in conformance with section 60-6,196,
21 or under a law of another state if, at the time of the conviction under
22 the law of such other state, the offense for which the defendant was
23 convicted would have been a violation of section 60-6,196.

24 (4)(a) For a conviction under subsection (2) or subdivision (3)(a)
25 of this section, the court may, as part of the judgment of conviction,
26 order the person not to drive any motor vehicle for any purpose for a
27 period of up to two years and order that the operator's license of such
28 person be suspended for the same period.

29 (b) For a conviction under subdivision (3)(b) or (c) of this
30 section, the court shall, as part of the judgment of conviction, order
31 the person not to drive any motor vehicle for any purpose for a period of

1 fifteen years and shall order that the operator's license of such person
2 be revoked for the same period.

3 (5) An order of the court described in this section shall be
4 administered upon sentencing, upon final judgment of any appeal or
5 review, or upon the date that any probation is revoked.

6 (6) The crime punishable under this section shall be treated as a
7 separate and distinct offense from any other offense arising out of acts
8 alleged to have been committed while the person was in violation of this
9 section.

10 **Sec. 2.** Section 28-394, Revised Statutes Supplement, 2025, is
11 amended to read:

12 28-394 (1) A person who causes the death of an unborn child
13 unintentionally while engaged in the operation of a motor vehicle in
14 violation of the law of the State of Nebraska or in violation of any city
15 or village ordinance commits motor vehicle homicide of an unborn child.

16 (2) Except as provided in subsection (3) of this section, motor
17 vehicle homicide of an unborn child is a Class I misdemeanor.

18 (3)(a) If the proximate cause of the death of an unborn child is the
19 operation of a motor vehicle in violation of section 60-6,179.01,
20 60-6,179.02, 60-6,213, or 60-6,214, motor vehicle homicide of an unborn
21 child is a Class IIIA felony.

22 (b) Except as provided in subdivision (3)(c) of this section, if the
23 proximate cause of the death of an unborn child is the operation of a
24 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
25 vehicle homicide of an unborn child is a Class IIA felony.

26 (c) If the proximate cause of the death of an unborn child is the
27 operation of a motor vehicle in violation of section 60-6,196 or
28 60-6,197.06 and the defendant has a prior conviction for a violation of
29 section 60-6,196 or a city or village ordinance enacted in conformance
30 with section 60-6,196, motor vehicle homicide of an unborn child is a
31 Class II felony.

1 (4)(a) For a conviction under subsection (2) or subdivision (3)(a)
2 of this section, the court may, as part of the judgment of conviction,
3 order the person not to drive any motor vehicle for any purpose for a
4 period of up to two years and order that the operator's license of such
5 person be suspended for the same period.

6 (b) For a conviction under subdivision (3)(b) or (c) of this
7 section, the court shall, as part of the judgment of conviction, order
8 the person not to drive any motor vehicle for any purpose for a period of
9 at least sixty days and not more than fifteen years after the date
10 ordered by the court and shall order that the operator's license of such
11 person be revoked for the same period. The revocation shall not run
12 concurrently with any jail term imposed.

13 (5) An order of the court described in this section shall be
14 administered upon sentencing, upon final judgment of any appeal or
15 review, or upon the date that any probation is revoked.

16 (6) The crime punishable under this section shall be treated as a
17 separate and distinct offense from any other offense arising out of acts
18 alleged to have been committed while the person was in violation of this
19 section.

20 **Sec. 3.** Original sections 28-306 and 28-394, Revised Statutes
21 Supplement, 2025, are repealed.