

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB137

Hearing Date: Thursday March 23, 2023
Committee On: Judiciary
Introducer: Bosn
One Liner: Provide for a penalty enhancement for a controlled substances violation resulting in serious bodily injury or death

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Bosn, DeBoer, DeKay, Holdcroft, Ibach
Nay:	2	Senators Wayne, McKinney
Absent:		
Present Not Voting:	1	Senator Blood

Testimony:

Proponents:

Senator Carolyn Bosn
Mike Guinan
Patrick F. Condon
Jennifer Bogdanoff
Patrick Dempsey
Linda Vermooten
Adam Wiblishouser
Robert M. Griffith

Representing:

Opening Presenter
Attorney General's Office
Lancaster County Attorney
Omaha Police Department
Omaha Police Officers Association
Self
Self
Self

Opponents:

Spike Eickholt

Representing:

Nebraska Criminal Defense Attorneys Association

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 28-416 creates the criminal offense of manufacturing, distributing, delivering, dispensing, or possession with intent to manufacture, distribute, deliver, or dispense a controlled substance. Depending on the substance and the amount, the penalty ranges from a Class IIIA felony (up to three years in prison) to a Class IB felony (20 years to life imprisonment).

LB137 would provide that if the use of the substance resulted in the serious bodily injury or death of a person, the penalty would be enhanced to the next higher penalty classification, but not greater than a Class IB felony.



Explanation of amendments:

This amendment would limit the penalty enhancement to a Class IC felony (mandatory minimum of 5 years to 50 years in prison).

Justin Wayne, Chairperson

