

SENATOR HEFNER: Mr. Speaker, members of the body, I introduced this bill along with a number of other cosponsors, and this bill was introduced to close a loophole in our DWI laws in this state, and like I said before, I support the committee amendments. And we have adopted the committee amendments now. My legislative district borders South Dakota, and along the northern part of the district, the closest hospital is Yankton, Yankton, South Dakota. Whenever a traffic accident occurs in this area, the injured, for the most part of it, are transported to the nearest hospital in Yankton. Last year there was two particular accidents in my district which resulted in fatalities. In each case, the driver, who was responsible for the accident, was suspected of driving under the influence of alcohol, and was clearly impaired because of it. The driver was injured in each case and transported to the nearest hospital. In one accident, one person was killed. In another accident, three people were killed. Our law enforcement officers were unable to obtain any blood alcohol test results from the drivers because our law enforcement officers have no authority, they have no authority once these people cross the state line. We received testimony at the hearing that Dakota County also had the same problems. Their injured people were transferred to a hospital in Sioux City, Iowa. In most DWI cases, people are transported to hospitals in the state and the hospitals are required to do a blood alcohol analysis at the request of the arresting officer. But when the hospital is in another state, we have no authority and, consequently, no DWI charges are filed, even when people are killed in an accident and even when it was obvious the driver was impaired by alcohol. A Nebraska district court judge ruled several years ago that blood alcohol evidence is not admissible evidence in Nebraska courts of law if it comes from another state unless the Legislature so state it in law. This bill, LB 872, would clear up this issue. Since I began doing research on this bill, I discovered the reverse situation occurs. There are areas in the states which surround Nebraska where the nearest hospital is in Nebraska. Similar accidents have occurred in these states. Nebraska hospitals have lawfully refused to release blood alcohol test results to the law enforcement officers in these other states, and no DWI arrests were made in the other states. We had a young woman that testified at the hearing on the bill that her parents were killed in a DWI accident in Kansas. The driver of the car causing the accident was clearly over the legal alcohol limit in Kansas, but he was transferred to a Nebraska hospital and the Kansas law enforcement officers could get no DWI conviction