

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB202

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing:

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

The U.S. Supreme Court in *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016), determined that when a driver who has been arrested for driving under the influence of alcohol refuses consent to provide a sample of blood to determine alcohol concentration, a search warrant must be obtained to require the driver to submit to the blood test.

LB 202 creates the offense of obstructing government operations by refusing to submit to a chemical test of a person's blood or urine when such a test is authorized by a search warrant.

LB 202 makes it a Class I misdemeanor if convicted for the first offense. The punishment for this conviction includes the loss of operator's license for 18 months. Any further conviction of this offense will result in a Class IV felony. The punishment for a second or subsequent offense includes the loss of operator's license for 3 years.

Principal Introducer: _____

Senator John Lowe