



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 1167

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 13, 2008

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

LB 1167 creates and provides for participation in a statewide 24/7 sobriety program to be administered by the Office of Probation Administration. Participants in the program are to abstain from consuming alcohol or otherwise using any substances containing alcohol or illegal drugs. Abstinence from alcohol shall be verified by twice daily breath testing or continuous alcohol monitoring, and abstinence from illegal drugs shall be verified by twice weekly urine or blood testing. The bill establishes a 24/7 Sobriety Fund to defray the costs of the program to include donations, gifts, grants and money collected as fees or payments. It provides that the Office of Probation Administration may conduct the 24/7 program or contract with an entity willing to conduct the program which shall be provided in at least one location in each probation district or county.

Participation in the 24/7 program may be a condition of granting a suspended sentence or probation, but is to be required for any person convicted of a 2nd or subsequent Driving Under the Influence (DUI) offense or any violation where the Blood Alcohol Content (BAC) was .15 or above. It is required for any person mentioned above upon release from incarceration. The bill provides that the Board of Parole may make participation in the 24/7 program a condition of parole for any person convicted of a 2nd or subsequent DUI or having a .15 or above upon their release from incarceration.

The Office of Probation Administration is given the authority to establish the rules and regulations for the program and ordered to submit an annual report to the Legislature detailing the number of days of incarceration avoided and the annual cost of implementing and sustaining the 24/7 program. The bill states that inability to pay the fees shall not preclude a person from participation in the statewide 24/7 sobriety program.

Principal Introducer:

Senator Dwite Pedersen