

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB124

Hearing Date: Thursday January 23, 2025
Committee On: Judiciary
Introducer: Holdcroft
One Liner: Change penalties for motor vehicle homicide of an unborn child

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	7	Senators Bosn, DeBoer, Hallstrom, Holdcroft, Rountree, Storm, Storer
Nay:	1	Senator McKinney
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Rick Holdcroft
Ryan Lindberg

Darla Bengtson
Chris Wagner
Elizabeth Nunnally
Bud Synhorst

Opponents:

Spike Eickholt

Neutral:

Representing:

Opening Presenter
Douglas County Attorney; Nebraska County Attorneys Association
self
Project Extra Mile
Nebraska Family Alliance
Nebraska Right to Life

Representing:

Nebraska Criminal Defense Attorneys Association

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 124 harmonizes the penalty for motor vehicle homicide of an unborn child while driving under the influence to match the penalty for motor vehicle homicide while driving under the influence.

Section by Section Summary

Section 1:

Amends § 28-394 to increase certain penalties for motor vehicle homicide of an unborn child. A person commits the crime of motor vehicle homicide of an unborn child by unintentionally causing the death of an unborn child while



operating a motor vehicle in violation of a state or local law or ordinance.

Under subsection (2) of section 28-394, motor vehicle homicide of an unborn child is a Class I misdemeanor except as otherwise provided under subsection (3) of such section. The bill does not change this penalty, or the penalty under subdivision (3)(a) of such section providing for a Class IIIA felony if the proximate cause of the unborn child's death is reckless driving (section 60-6,213) or willful reckless driving (section 60-6,214). LB 124 changes the penalties under subdivisions (3)(b) and (c) of section 28-394 as follows:

Under subdivision (3)(b) of section 28-394, it is currently a Class IIIA felony if the proximate cause of the unborn child's death is driving under the influence of alcohol or drugs (§ 60-6,196) or driving with a revoked license (§ 60-6,197.06). The bill changes this penalty to a Class IIA felony.

Under subdivision (3)(c) of section 28-394, it is currently a Class IIA felony if the proximate cause of the unborn child's death is driving under the influence of alcohol or drugs (§ 60-6,196) or driving with a revoked license (§ 60-6,197.06) and the defendant had a prior conviction for driving under the influence of alcohol or drugs. The bill changes this penalty to a Class II felony.

Section 2:
Repealer

Carolyn Bosn, Chairperson

