

because of the lack of evidence. I have also heard that similar events have occurred in Omaha. Injured DWI drivers in Carter Lake, Iowa are transported to St. Joe's Hospital in Omaha and no DWI charges can be filed because the hospital will not release the evidence. LB 872 closes this loophole. This bill states that DWI evidence is admissible in Nebraska courts of law when it is obtained from an out-of-state hospital. Persons who are transported across state lines cannot escape the implied consent law and may be charged under our DWI law for refusing to take the test in such situations. The bill contains a reciprocity incentive for our bordering states. If another state requires its hospitals to release blood alcohol test results to our prosecutors, then we will require Nebraska hospitals to release the information to them. The Transportation Committee conducted hearings on this proposal this past summer. There was no opposition to the bill at the Judiciary Committee hearing and the Attorney General issued an opinion indicating that the bill is constitutional. I feel that we need to enact it soon to avoid any other unfortunate cases where we know our law has clearly been violated but we can't get the evidence. I want to thank a number of cosponsors that have signed on the bill with me. Passage of this bill means a drunken driver will be treated the same if he or she is transported to a hospital across state lines as they would be treated as if they were transported to a hospital in our state. I passed out a sheet to you on the highlights of the bill. I also passed out a letter from the State Patrol endorsing this bill, and I also passed out an editorial supporting the bill. If you have any questions, I will try to answer them for you. I move for the advancement of the bill.

SPEAKER BAACK: Thank you, Senator Hefner. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I rise to support this bill by Senator Hefner. I had visited with several law enforcement officials lately and it sounds like it is a small problem, but it is really a large problem for anybody that has to go next to the border of any other state, and I think Senator Hefner is very courageous to bring this to us so that we can get this taken care of. When you have a little technicality like we have now, it is just one more way that someone with a DWI are able to get off, and I think that we need to close that loophole. So with that, I certainly support this bill. Thank you.