

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 808

Introduced by Synowiecki, 7.

Read first time January 10, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicle homicide; to amend section
2 28-306, Revised Statutes Cumulative Supplement, 2006; to
3 change penalty provisions; and to repeal the original
4 section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-306, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 28-306 (1) A person who causes the death of another
4 unintentionally while engaged in the operation of a motor vehicle
5 in violation of the law of the State of Nebraska or in violation of
6 any city or village ordinance commits motor vehicle homicide.

7 (2) Except as provided in subsection (3) of this section,
8 motor vehicle homicide is a Class I misdemeanor.

9 (3) (a) If the proximate cause of the death of another is
10 the operation of a motor vehicle in violation of section 60-6,213
11 or 60-6,214, motor vehicle homicide is a Class IIIA felony. The
12 court shall, as part of the judgment of conviction, order the
13 person not to drive any motor vehicle for any purpose for a period
14 of at least one year and not more than fifteen years and shall
15 order that the operator's license of such person be revoked for the
16 same period.

17 (b) If the proximate cause of the death of another is
18 the operation of a motor vehicle in violation of section 60-6,196
19 or 60-6,197.06, motor vehicle homicide is a Class III felony. The
20 court shall, as part of the judgment of conviction, order the
21 person not to drive any motor vehicle for any purpose for a period
22 of at least one year and not more than fifteen years and shall
23 order that the operator's license of such person be revoked for the
24 same period.

25 (c) If the proximate cause of the death of another is

1 the operation of a motor vehicle in violation of section 60-6,196
2 or 60-6,197.06, motor vehicle homicide is a Class II felony if
3 the defendant has a prior conviction for a violation of section
4 60-6,196 or 60-6,197.06, under a city or village ordinance enacted
5 in conformance with section 60-6,196, or under a law of another
6 state if, at the time of the conviction under the law of such other
7 state, the offense for which the defendant was convicted would have
8 been a violation of section 60-6,196. The court shall, as part of
9 the judgment of conviction, order the person not to drive any motor
10 vehicle for any purpose for a period of fifteen years and shall
11 order that the operator's license of such person be revoked for the
12 same period.

13 (d) An order of the court described in subdivision (b) or
14 (c) of this subsection shall be administered upon sentencing, upon
15 final judgment of any appeal or review, or upon the date that any
16 probation is revoked.

17 Sec. 2. Original section 28-306, Revised Statutes
18 Cumulative Supplement, 2006, is repealed.