

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB201

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:

On June 23, 2016, the United States Supreme Court issued its opinion in *Birchfield v. North Dakota*, a case involving chemical tests to determine blood alcohol concentration (BAC) in relation to driving under the influence. In *Birchfield*, the Court held that a search warrant is required to take a blood sample for purposes of determining a driver's BAC. This ruling has had a significant impact on the procedures utilized by Nebraska law enforcement officers when dealing with suspected drunk drivers.

Obtaining a chemical blood test to determine the BAC of a suspected drunk driver is a time sensitive matter. LB201 is intended to eliminate obstacles that exist in Nebraska law that slow the process of obtaining a search warrant for a chemical blood test.

LB201 brings Nebraska's search warrant statutes into the 21st century by providing for the use of electronic means through which law enforcement officers may apply for a search warrant without physically appearing before a judge, magistrate, or notary. The bill also provides for judges and magistrates to issue search warrants electronically.

LB201 provides for the issuance of a search warrant based upon a law enforcement officer's unsworn declaration under penalty of perjury, and modifies the perjury statute, section 28-915, accordingly. The bill also allows law enforcement officers to seek assistance in serving a search warrant from an officer in another jurisdiction when the person or place to be searched is within that other jurisdiction.

Principal Introducer: _____

Senator John Lowe