

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 124

Introduced by Holdcroft, 36.

Read first time January 10, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Homicide of the Unborn Child Act; to
- 2 amend section 28-394, Reissue Revised Statutes of Nebraska; to
- 3 change penalties for motor vehicle homicide of an unborn child as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-394, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-394 (1) A person who causes the death of an unborn child
4 unintentionally while engaged in the operation of a motor vehicle in
5 violation of the law of the State of Nebraska or in violation of any city
6 or village ordinance commits motor vehicle homicide of an unborn child.

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

9 (3)(a) If the proximate cause of the death of an unborn child is the
10 operation of a motor vehicle in violation of section 60-6,213 or
11 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA
12 felony.

13 (b) Except as provided in subdivision (3)(c) of this section, if the
14 proximate cause of the death of an unborn child is the operation of a
15 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
16 vehicle homicide of an unborn child is a Class IIA ~~IIIA~~ felony and the
17 court shall, as part of the judgment of conviction, order the person not
18 to drive any motor vehicle for any purpose for a period of at least sixty
19 days and not more than fifteen years after the date ordered by the court
20 and shall order that the operator's license of such person be revoked for
21 the same period. The revocation shall not run concurrently with any jail
22 term imposed.

23 (c) If the proximate cause of the death of an unborn child is the
24 operation of a motor vehicle in violation of section 60-6,196 or
25 60-6,197.06 and the defendant has a prior conviction for a violation of
26 section 60-6,196 or a city or village ordinance enacted in conformance
27 with section 60-6,196, motor vehicle homicide of an unborn child is a
28 Class II ~~IIA~~ felony and the court shall, as part of the judgment of
29 conviction, order the person not to drive any motor vehicle for any
30 purpose for a period of at least sixty days and not more than fifteen
31 years after the date ordered by the court and shall order that the

1 operator's license of such person be revoked for the same period. The
2 revocation shall not run concurrently with any jail term imposed.

3 (4) The crime punishable under this section shall be treated as a
4 separate and distinct offense from any other offense arising out of acts
5 alleged to have been committed while the person was in violation of this
6 section.

7 **Sec. 2.** Original section 28-394, Reissue Revised Statutes of
8 Nebraska, is repealed.