

AMENDMENTS TO LB441

(Amendments to Standing Committee amendments, AM2789)

Introduced by Holdcroft, 36.

1           1. Insert the following new section:

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

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

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

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

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

24          (c) If the proximate cause of the death of an unborn child is the  
25 operation of a motor vehicle in violation of section 60-6,196 or  
26 60-6,197.06 and the defendant has a prior conviction for a violation of

1 section 60-6,196 or a city or village ordinance enacted in conformance  
2 with section 60-6,196, motor vehicle homicide of an unborn child is a  
3 Class II ~~IIA~~ felony and the court shall, as part of the judgment of  
4 conviction, order the person not to drive any motor vehicle for any  
5 purpose for a period of at least sixty days and not more than fifteen  
6 years after the date ordered by the court and shall order that the  
7 operator's license of such person be revoked for the same period. The  
8 revocation shall not run concurrently with any jail term imposed.

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

13 2. Renumber the remaining sections and correct the repealer  
14 accordingly.