

LB 974
Judiciary Committee
Online Comments of Chris Wagner
Project Extra Mile
February 29, 2024

On behalf of the Project Extra Mile coalition, we want to express our full support for LB974.

Nebraskans report driving under the influence of alcohol at nearly double the national average, making us the second-worst state in the country with 955 episodes of self-reported drunk driving per 1,000 population. Based on current population estimates, that means that there are approximately 1.87 million episodes of drunk driving in our state each year -- a truly staggering number that demands our attention and every effort to enact policies that will prevent this behavior and hold both impaired drivers and businesses that sell to intoxicated customers accountable.

A light was shone on the Motor Vehicle Homicide (MVH) DUI flaw in our current statutes in the wake of the tragic death of Sara Zimmerman and her eight-month unborn child by a drunk driver. KETV reported that when Sara's mother received a late-night call on March 31, 2022, she expected news of her grandson's birth. Instead, she was asked to go to the scene of her pregnant daughter's death. We owe it to Sara and her child to treat the DUI death of an unborn child the same way that we treat the manslaughter death of an unborn child in Nebraska.

Under current law, MVH DUI of an unborn child is a IIIA felony punishable by a maximum of 3 years in prison. Instead, MVH DUI of a person is a IIA felony and carries a sentence of up to 20 years. LB974 would make MVH DUI of an unborn child a IIA felony and also increases the enhanced charge for MVH of an unborn child with a prior DUI to a II felony. According to prosecutors that we've spoken with, the changes proposed in LB 974 are consistent with the penalties provided in 28-306.

We have much work yet to do to discourage impaired driving in our state. LB974 is an obvious first step that would treat MVH DUI of an unborn child in the same way that we treat the manslaughter of an unborn child. Please vote for LB974 and advance the bill to the full legislature for debate.

Thank you for your consideration.
Chris Wagner