

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1084

Introduced by Flood, 19.

Read first time January 22, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
2 28-929, 28-930, 28-931, and 28-931.01, Revised Statutes
3 Cumulative Supplement, 2006; to change provisions
4 relating to assault on an officer; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-929, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 28-929 (1) A person commits the offense of assault on
4 an officer in the first degree if he or she intentionally or
5 knowingly causes serious bodily injury to a peace officer, a
6 probation officer, an employee of the Department of Health and
7 Human Services providing behavioral health services as that term
8 is defined in section 71-804, or an employee of the Department of
9 Correctional Services while such officer or employee is engaged in
10 the performance of his or her official duties.

11 (2) Assault on an officer in the first degree shall be a
12 Class II felony.

13 Sec. 2. Section 28-930, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 28-930 (1) A person commits the offense of assault on an
16 officer in the second degree if he or she:

17 (a) Intentionally or knowingly causes bodily injury with
18 a dangerous instrument to a peace officer, a probation officer, an
19 employee of the Department of Health and Human Services providing
20 behavioral health services as that term is defined in section
21 71-804, or an employee of the Department of Correctional Services
22 while such officer or employee is engaged in the performance of his
23 or her official duties; or

24 (b) Recklessly causes bodily injury with a dangerous
25 instrument to a peace officer, a probation officer, an employee of

1 the Department of Health and Human Services providing behavioral
2 health services as that term is defined in section 71-804, or
3 an employee of the Department of Correctional Services while such
4 officer or employee is engaged in the performance of his or her
5 official duties.

6 (2) Assault on an officer in the second degree shall be
7 a Class III felony.

8 Sec. 3. Section 28-931, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 28-931 (1) A person commits the offense of assault
11 on an officer in the third degree if he or she intentionally,
12 knowingly, or recklessly causes bodily injury to a peace officer,
13 a probation officer, an employee of the Department of Health and
14 Human Services providing behavioral health services as that term
15 is defined in section 71-804, or an employee of the Department of
16 Correctional Services while such officer or employee is engaged in
17 the performance of his or her official duties.

18 (2) Assault on an officer in the third degree shall be a
19 Class IIIA felony.

20 Sec. 4. Section 28-931.01, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 28-931.01 (1) A person commits the offense of assault
23 on an officer using a motor vehicle if he or she intentionally
24 and knowingly causes bodily injury to a peace officer, a probation
25 officer, an employee of the Department of Health and Human Services

1 providing behavioral health services as that term is defined in
2 section 71-804, or an employee of the Department of Correctional
3 Services (a) by using a motor vehicle to run over or to strike such
4 officer or employee or (b) by using a motor vehicle to collide with
5 such officer's or employee's motor vehicle, while such officer or
6 employee is engaged in the performance of his or her duties.

7 (2) Assault on an officer using a motor vehicle shall be
8 a Class IIIA felony.

9 Sec. 5. Original sections 28-929, 28-930, 28-931, and
10 28-931.01, Revised Statutes Cumulative Supplement, 2006, are
11 repealed.