

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 809

FINAL READING

Introduced by Rogert, 16.

Read first time January 08, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section 29-110,
2 Revised Statutes Supplement, 2009; to change the statute
3 of limitations for fraud involving certain assistance
4 programs; to provide applicability; and to repeal the
5 original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-110, Revised Statutes Supplement,
2 2009, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person
4 shall be prosecuted for any felony unless the indictment is found
5 by a grand jury within three years next after the offense has
6 been done or committed or unless a complaint for the same is filed
7 before the magistrate within three years next after the offense
8 has been done or committed and a warrant for the arrest of the
9 defendant has been issued.

10 (2) Except as otherwise provided by law, no person shall
11 be prosecuted, tried, or punished for any misdemeanor or other
12 indictable offense below the grade of felony or for any fine or
13 forfeiture under any penal statute unless the suit, information,
14 or indictment for such offense is instituted or found within one
15 year and six months from the time of committing the offense or
16 incurring the fine or forfeiture or within one year for any offense
17 the punishment of which is restricted by a fine not exceeding one
18 hundred dollars and to imprisonment not exceeding three months.

19 (3) Except as otherwise provided by law, no person
20 shall be prosecuted for kidnapping under section 28-313, false
21 imprisonment under section 28-314 or 28-315, child abuse under
22 section 28-707, pandering under section 28-802, debauching a
23 minor under section 28-805, or an offense under section 28-813,
24 28-813.01, or 28-1463.03 when the victim is under sixteen years of
25 age at the time of the offense (a) unless the indictment for such

1 offense is found by a grand jury within seven years next after the
2 offense has been committed or within seven years next after the
3 victim's sixteenth birthday, whichever is later, or (b) unless a
4 complaint for such offense is filed before the magistrate within
5 seven years next after the offense has been committed or within
6 seven years next after the victim's sixteenth birthday, whichever
7 is later, and a warrant for the arrest of the defendant has been
8 issued.

9 (4) No person shall be prosecuted for a violation of
10 the Securities Act of Nebraska under section 8-1117 unless the
11 indictment for such offense is found by a grand jury within five
12 years next after the offense has been done or committed or unless
13 a complaint for such offense is filed before the magistrate within
14 five years next after the offense has been done or committed and a
15 warrant for the arrest of the defendant has been issued.

16 (5) No person shall be prosecuted for criminal
17 impersonation under section 28-638, identity theft under section
18 28-639, or identity fraud under section 28-640 unless the
19 indictment for such offense is found by a grand jury within five
20 years next after the offense has been done or committed or unless
21 a complaint for such offense is filed before the magistrate within
22 five years next after the offense has been done or committed and a
23 warrant for the arrest of the defendant has been issued.

24 (6) No person shall be prosecuted for a violation of
25 section 68-1017 if the aggregate value of all funds and other

1 benefits obtained or attempted to be obtained is five hundred
2 dollars or more unless the indictment for such offense is found by
3 a grand jury within five years next after the offense has been done
4 or committed or unless a complaint for such offense is filed before
5 the magistrate within five years next after the offense has been
6 done or committed and a warrant for the arrest of the defendant has
7 been issued.

8 ~~(6)~~ (7) There shall not be any time limitations for
9 prosecution or punishment for treason, murder, arson, forgery,
10 sexual assault in the first or second degree under section 28-319
11 or 28-320, sexual assault of a child in the second or third degree
12 under section 28-320.01, incest under section 28-703, or sexual
13 assault of a child in the first degree under section 28-319.01; nor
14 shall there be any time limitations for prosecution or punishment
15 for sexual assault in the third degree under section 28-320 when
16 the victim is under sixteen years of age at the time of the
17 offense.

18 ~~(7)~~ (8) The time limitations prescribed in this section
19 shall include all inchoate offenses pursuant to the Nebraska
20 Criminal Code and compounding a felony pursuant to section 28-301.

21 ~~(8)~~ (9) The time limitations prescribed in this section
22 shall not extend to any person fleeing from justice.

23 ~~(9)~~ (10) When any suit, information, or indictment for
24 any crime or misdemeanor is limited by any statute to be brought
25 or exhibited within any other time than is limited by this section,

1 then the suit, information, or indictment shall be brought or
2 exhibited within the time limited by such statute.

3 ~~(10)~~ (11) If any suit, information, or indictment is
4 quashed or the proceedings set aside or reversed on writ of
5 error, the time during the pendency of such suit, information, or
6 indictment so quashed, set aside, or reversed shall not be reckoned
7 within this statute so as to bar any new suit, information, or
8 indictment for the same offense.

9 ~~(11)~~ (12) The changes made to this section by Laws 2004,
10 LB 943, shall apply to offenses committed prior to April 16, 2004,
11 for which the statute of limitations has not expired as of such
12 date and to offenses committed on or after such date.

13 ~~(12)~~ (13) The changes made to this section by Laws 2005,
14 LB 713, shall apply to offenses committed prior to September 4,
15 2005, for which the statute of limitations has not expired as of
16 such date and to offenses committed on or after such date.

17 ~~(13)~~ (14) The changes made to this section by Laws 2009,
18 LB 97, and Laws 2006, LB 1199, shall apply to offenses committed
19 prior to May 21, 2009, for which the statute of limitations has not
20 expired as of such date and to offenses committed on or after such
21 date.

22 (15) The changes made to this section by this legislative
23 bill shall apply to offenses committed prior to the effective date
24 of this act, for which the statute of limitations has not expired
25 as of such date and to offenses committed on or after such date.

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1 Sec. 2. Original section 29-110, Revised Statutes
2 Supplement, 2009, is repealed.