

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 508

Introduced by Pirsch, 4.

Read first time January 21, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Reissue Revised Statutes of Nebraska; to prohibit
3 certain gang-related initiations; and to repeal the
4 original section.

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

1 Section 1. Section 28-101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-101 Sections 28-101 to 28-1350 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1) It shall be unlawful for any person to
6 intentionally, knowingly, or recklessly endanger the physical
7 or mental health or safety of another person for the purpose
8 of initiation into, admission into, affiliation with, promotion
9 within, or continued membership with any criminal gang. Consent to
10 such endangerment shall not be a defense.

11 (2) It shall be unlawful for any person to request,
12 induce, require, direct, or cause another person to engage in any
13 criminal act for the purpose of initiation into, admission into,
14 affiliation with, promotion within, or continued membership with
15 any criminal gang.

16 (3) It shall be unlawful for any person to request,
17 induce, require, direct, or cause another person to be subjected
18 to sexual contact or sexual penetration as those terms are defined
19 in section 28-318 for the purpose of initiation into, admission
20 into, affiliation with, promotion within, or continued membership
21 with any criminal gang. Consent to such sexual contact or sexual
22 penetration shall not be a defense.

23 (4) For purposes of this section, criminal gang means
24 any organization, association, or group of three or more persons,
25 whether formal or informal, having as one of its primary activities

1 the commission of one or more criminal acts, having a common
2 name or common identifying sign or symbol, and whose members
3 individually or collectively engage in or have engaged in a pattern
4 of criminal acts.

5 (5) Any person who violates this section is guilty of a
6 Class I misdemeanor.

7 Sec. 3. Original section 28-101, Reissue Revised Statutes
8 of Nebraska, is repealed.