

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 76

Introduced by Pirsch, 4.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
2 28-603 and 28-604, Reissue Revised Statutes of Nebraska;
3 to provide for the aggregation of amounts in determining
4 the classification of offenses for forgery in the second
5 degree and criminal possession of a forged instrument;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-603, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-603 (1) Whoever, with intent to deceive or harm,
4 falsely makes, completes, endorses, alters, or utters any written
5 instrument which is or purports to be, or which is calculated to
6 become or to represent if completed, a written instrument which
7 does or may evidence, create, transfer, terminate, or otherwise
8 affect a legal right, interest, obligation, or status, commits
9 forgery in the second degree.

10 (2) Forgery in the second degree is a Class III felony
11 when the face value, or purported face value, or the amount of any
12 proceeds wrongfully procured or intended to be procured by the use
13 of such instrument, is one thousand dollars or more.

14 (3) Forgery in the second degree is a Class IV felony
15 when the face value or amount of proceeds exceeds three hundred
16 dollars but is less than one thousand dollars.

17 (4) Forgery in the second degree is a Class I misdemeanor
18 when the face value or amount of proceeds is three hundred dollars
19 or less.

20 (5) The face values or purported face values or the
21 amounts of any proceeds wrongfully procured or intended to be
22 procured by the use of more than one such instrument pursuant to
23 one scheme or course of conduct may be aggregated in the indictment
24 or information in determining the classification of the offense,
25 except that such values or amounts shall not be aggregated into

1 more than one offense.

2 Sec. 2. Section 28-604, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-604 (1) Whoever, with knowledge that it is forged and
5 with intent to deceive or harm, possesses any forged instrument
6 covered by section 28-602 or 28-603 commits criminal possession of
7 a forged instrument.

8 (2) Criminal possession of a forged instrument prohibited
9 by section 28-602 is a Class IV felony.

10 (3) Criminal possession of a forged instrument prohibited
11 by section 28-603, the amount or value of which is one thousand
12 dollars or more, is a Class IV felony.

13 (4) Criminal possession of a forged instrument prohibited
14 by section 28-603, the amount or value of which is more than three
15 hundred dollars but less than one thousand dollars, is a Class I
16 misdemeanor.

17 (5) Criminal possession of a forged instrument prohibited
18 by section 28-603, the amount or value of which is three hundred
19 dollars or less, is a Class II misdemeanor.

20 (6) The amounts or values of more than one forged
21 instrument prohibited by section 28-603 pursuant to one scheme
22 or course of conduct may be aggregated in the indictment or
23 information in determining the classification of the offense,
24 except that amounts or values shall not be aggregated into more
25 than one offense.

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1 Sec. 3. Original sections 28-603 and 28-604, Reissue
2 Revised Statutes of Nebraska, are repealed.