



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 63

Chairman: Brad Ashford
Committee: Judiciary
Date of Hearing: February 20, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 63 is a comprehensive criminal justice bill that was drafted in collaboration with the Nebraska County Attorney's Association, the Nebraska Sheriff's Association, the Police Officers Association of Nebraska, the Police Chief's Association of Nebraska and the Nebraska Attorney General's Office. LB 63 provides Nebraska law enforcement officers and prosecutors with several valuable tools enabling them to more effectively investigate and prosecute crimes of violence and gang related offenses. The primary targets of LB 63 are repeat felons and those who commit egregious violent crimes.

In particular, LB 63 enhances penalties for numerous existing firearm violations and violent crimes committed with weapons. It, also, creates several new offenses aimed at illegal gang activities which are exceptionally violent or are known to promote violent retaliation by rivals. This portion of LB 63:

1. Increases the potential criminal penalties for Possession of a Handgun by a Juvenile; Illegal Transfer of a Firearm to a Juvenile; Possession of a Firearm on School Grounds; Assault in the 1st and 2nd Degree; Assault on an Officer in the 1st or 2nd Degree, Shooting at an Occupied Dwelling, Felon in Possession of a Deadly Weapon and Use of a Deadly Weapon to Commit a Felony.
2. Creates offenses for the Application of Graffiti; Discharge of a Firearm from a Motor Vehicle and Illegal Recruitment into a Criminal Organization.
3. Modifies the existing Felon in Possession of a Deadly Weapon statute so that it mirrors federal law regarding individuals prohibited from possessing firearms, such as those persons who have been convicted of misdemeanor domestic violence offenses or who are the subject of a domestic violence protection order.
4. Modifies the existing Felon in Possession of a Deadly Weapon statute to prohibit the possession of certain knives.
5. Modifies the existing Use of a Deadly Weapon to Commit a Felony statute so as to now prohibit the possession of a deadly weapon during the commission of a felony.

In addition to enhanced penalties and the creation and modification of offenses, LB 63:

1. Allows judges to consider an offender's propensity for violence and the danger he or she may pose to public safety when setting conditions of bail.
2. Allows prosecutors and judges to consider a juvenile offender's gang affiliation when determining whether they should be prosecuted as adults or juveniles.
3. Clarifies handgun and firearm definitions.
4. Clarifies existing handgun registration and purchase permit requirements regarding social security numbers so as to comply with federal law.

Principal Introducer:

Senator Mike Friend
District 10