

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 652**

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to crimes and offenses; to amend section 28-518,
- 2 Revised Statutes Cumulative Supplement, 2010; to change
- 3 provisions relating to penalties for theft; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 28-518, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3                   28-518 (1) Theft constitutes a Class III felony when the  
4 value of the thing involved is over ~~one~~five thousand ~~five hundred~~  
5 dollars.

6                   (2) Theft constitutes a Class IV felony when the value of  
7 the thing involved is ~~five hundred~~one thousand dollars or more, but  
8 not over ~~one~~five thousand ~~five hundred~~ dollars.

9                   (3) Theft constitutes a Class I misdemeanor when the  
10 value of the thing involved is more than ~~two~~five hundred dollars,  
11 but less than ~~five hundred~~one thousand dollars.

12                   (4) Theft constitutes a Class II misdemeanor when the  
13 value of the thing involved is ~~two~~five hundred dollars or less.

14                   (5) For any second or subsequent conviction under  
15 subsection (3) of this section, any person so offending shall be  
16 guilty of a Class IV felony.

17                   (6) For any second conviction under subsection (4) of  
18 this section, any person so offending shall be guilty of a Class I  
19 misdemeanor, and for any third or subsequent conviction under  
20 subsection (4) of this section, the person so offending shall be  
21 guilty of a Class IV felony.

22                   (7) Amounts taken pursuant to one scheme or course of  
23 conduct from one or more persons may be aggregated in the indictment  
24 or information in determining the classification of the offense,  
25 except that amounts may not be aggregated into more than one offense.

1                   (8) In any prosecution for theft under sections 28-509 to  
2 28-518, value shall be an essential element of the offense that must  
3 be proved beyond a reasonable doubt.

4                   (9) In any sentencing for theft under this section, if  
5 the defendant has no prior criminal conviction, the court shall order  
6 probation with a condition of restitution, as determined under  
7 sections 29-2280 to 29-2289, if, in the discretion of the court,  
8 restitution by the defendant is a reasonable possibility, as  
9 determined under such sections, and is in the interest of justice.

10                   (10) It is the intent of the Legislature that, when  
11 appropriate and in the interest of justice, any sentence under this  
12 section be served under house arrest as provided in section 47-401 or  
13 at the Department of Correctional Services work ethic camp.

14                   Sec. 2. Original section 28-518, Revised Statutes  
15 Cumulative Supplement, 2010, is repealed.