

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 608

Introduced by Pirsch, 4.

Read first time January 23, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
2 28-311.03 and 28-311.04, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to stalking; and
4 to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-311.03 Any person who ~~willfully harasses purposefully~~
4 engages in harassment of another person or a family or household
5 member of such person ~~with the intent to injure, terrify, threaten,~~
6 ~~or intimidate commits the offense of stalking.~~ and knows or should
7 have known that the harassment would cause a reasonable person to (1)
8 fear for his or her own safety or the safety of a third person or (2)
9 suffer other emotional distress, is guilty of stalking.

10 Sec. 2. Section 28-311.04, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-311.04 (1) Except as provided in subsection (2) of
13 this section, any person convicted of violating section 28-311.03 is
14 guilty of a Class ~~I misdemeanor.~~ IV felony.

15 (2) Any person convicted of violating section 28-311.03
16 is guilty of a Class ~~IV-III~~ III felony if:

17 (a) The person has a prior conviction under such section
18 or a substantially conforming criminal violation within the last
19 seven years;

20 (b) The victim is under sixteen years of age;

21 (c) The person possessed a deadly weapon at any time
22 during the violation;

23 (d) The person was also in violation of section
24 28-311.09, 42-924, or 42-925 at any time during the violation; or

25 (e) The person has been convicted of any felony in this

1 state or has been convicted of a crime in another jurisdiction which,
2 if committed in this state, would constitute a felony and the victim
3 or a family or household member of the victim was also the victim of
4 such previous felony.

5 Sec. 3. Original sections 28-311.03 and 28-311.04,
6 Reissue Revised Statutes of Nebraska, are repealed.