

AMENDMENTS TO LB605

(Amendments to E & R amendments, ER81)

Introduced by Seiler, 33.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 9-262, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 9-262 (1) Except when another penalty is specifically provided, any
6 person, licensee, or permittee, or employee or agent thereof, who
7 violates any provision of the Nebraska Bingo Act, or who causes, aids,
8 abets, or conspires with another to cause any person, licensee, or
9 permittee, or any employee or agent thereof, to violate the act, shall be
10 guilty of a Class I misdemeanor for the first offense and a Class IV
11 felony for any second or subsequent violation. Any licensee guilty of
12 violating any provision of the act more than once in a twelve-month
13 period may have its license canceled or revoked.

14 (2) Each of the following violations of the Nebraska Bingo Act shall
15 be a Class IV felony:

16 (a) Giving, providing, or offering to give or provide, directly or
17 indirectly, to any public official, employee, or agent of this state, or
18 any agencies or political subdivisions of the state, any compensation or
19 reward or share of the money for property paid or received through
20 gambling activities regulated under Chapter 9 in consideration for
21 obtaining any license, authorization, permission, or privilege to
22 participate in any gaming operation except as authorized by the Nebraska
23 Bingo Act or any rules or regulations adopted and promulgated pursuant to
24 such act;

25 ~~(b) Intentionally employing or possessing any device to facilitate~~
26 ~~cheating in a bingo game or using any fraudulent scheme or technique in~~

1 ~~connection with any bingo game when the amount gained or intended to be~~
2 ~~gained through the use of such items, schemes, or techniques is three~~
3 ~~hundred dollars or more;~~

4 (b e) Knowingly filing a false report under the Nebraska Bingo Act;
5 or

6 (c d) Knowingly falsifying or making any false entry in any books or
7 records with respect to any transaction connected with the conduct of
8 bingo activity.

9 (3) Intentionally employing or possessing any device to facilitate
10 cheating in a bingo game or using any fraudulent scheme or technique in
11 connection with any bingo game is a violation of the Nebraska Bingo Act.
12 The offense is a:

13 (a) Class II misdemeanor when the amount gained or intended to be
14 gained through the use of such items, schemes, or techniques is less than
15 five hundred dollars;

16 (b) Class I misdemeanor when the amount gained or intended to be
17 gained through the use of such items, schemes, or techniques is five
18 hundred dollars or more but less than one thousand five hundred dollars;
19 and

20 (c) Class IV felony when the amount gained or intended to be gained
21 through the use of such items, schemes, or techniques is one thousand
22 five hundred dollars or more.

23 (4 3) In all proceedings initiated in any court or otherwise under
24 the Nebraska Bingo Act, it shall be the duty of the Attorney General and
25 appropriate county attorney to prosecute and defend all such proceedings.

26 (5 4) The failure to do any act required by or under the Nebraska
27 Bingo Act shall be deemed an act in part in the principal office of the
28 department. Any prosecution under such act may be conducted in any county
29 where the defendant resides or has a place of business or in any county
30 in which any violation occurred.

31 (6 5) In the enforcement and investigation of any offense committed

1 under the Nebraska Bingo Act, the department may call to its aid any
2 sheriff, deputy sheriff, or other peace officer in the state.

3 Sec. 2. Section 9-352, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 9-352 (1) Except when another penalty is specifically provided, any
6 person or licensee, or employee or agent thereof, who violates any
7 provision of the Nebraska Pickle Card Lottery Act, or who causes, aids,
8 abets, or conspires with another to cause any person or licensee or any
9 employee or agent thereof to violate the act, shall be guilty of a Class
10 I misdemeanor for the first offense and a Class IV felony for any second
11 or subsequent violation. Any licensee guilty of violating any provision
12 of the act more than once in a twelve-month period may have its license
13 canceled or revoked. Such matters may also be referred to any other state
14 licensing agencies for appropriate action.

15 (2) Each of the following violations of the Nebraska Pickle Card
16 Lottery Act shall be a Class IV felony:

17 (a) Giving, providing, or offering to give or provide, directly or
18 indirectly, to any public official, employee, or agent of this state, or
19 any agencies or political subdivisions of this state, any compensation or
20 reward or share of the money for property paid or received through
21 gambling activities regulated under Chapter 9 in consideration for
22 obtaining any license, authorization, permission, or privilege to
23 participate in any gaming operations except as authorized under Chapter 9
24 or any rules and regulations adopted and promulgated pursuant to such
25 chapter;

26 (b) Making or receiving payment of a portion of the purchase price
27 of pickle cards by a seller of pickle cards to a buyer of pickle cards to
28 induce the purchase of pickle cards or to improperly influence future
29 purchases of pickle cards;

30 (c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs,
31 break opens, punchboards, jar tickets, or any other similar card, board,

1 or ticket or substituting or using any pickle cards, pull tabs, or jar
2 tickets that have been marked or tampered with;

3 ~~(d) Intentionally employing or possessing any device to facilitate~~
4 ~~cheating in any lottery by the sale of pickle cards or use of any~~
5 ~~fraudulent scheme or technique in connection with any lottery by the sale~~
6 ~~of pickle cards when the amount gained or intended to be gained through~~
7 ~~the use of such items, schemes, or techniques is three hundred dollars or~~
8 ~~more;~~

9 (d e) Knowingly filing a false report under the Nebraska Pickle Card
10 Lottery Act;

11 (e f) Knowingly falsifying or making any false entry in any books or
12 records with respect to any transaction connected with the conduct of a
13 lottery by the sale of pickle cards; or

14 (f g) Knowingly selling or distributing or knowingly receiving with
15 intent to sell or distribute pickle cards or pickle card units without
16 first obtaining a license in accordance with the Nebraska Pickle Card
17 Lottery Act pursuant to section 9-329, 9-329.03, 9-330, or 9-332.

18 (3) Intentionally employing or possessing any device to facilitate
19 cheating in any lottery by the sale of pickle cards or use of any
20 fraudulent scheme or technique in connection with any lottery by the sale
21 of pickle cards is a violation of the Nebraska Pickle Card Lottery Act.
22 The offense is a:

23 (a) Class II misdemeanor when the amount gained or intended to be
24 gained through the use of such items, schemes, or techniques is less than
25 five hundred dollars;

26 (b) Class I misdemeanor when the amount gained or intended to be
27 gained through the use of such items, schemes, or techniques is five
28 hundred dollars or more but less than one thousand five hundred dollars;
29 and

30 (c) Class IV felony when the amount gained or intended to be gained
31 through the use of such items, schemes, or techniques is one thousand

1 five hundred dollars or more.

2 (4 3) In all proceedings initiated in any court or otherwise under
3 the act, it shall be the duty of the Attorney General and appropriate
4 county attorney to prosecute and defend all such proceedings.

5 (5 4) The failure to do any act required by or under the Nebraska
6 Pickle Card Lottery Act shall be deemed an act in part in the principal
7 office of the department. Any prosecution under such act may be conducted
8 in any county where the defendant resides or has a place of business or
9 in any county in which any violation occurred.

10 (6 5) In the enforcement and investigation of any offense committed
11 under the act, the department may call to its aid any sheriff, deputy
12 sheriff, or other peace officer in the state.

13 Sec. 3. Section 9-434, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 9-434 (1) Except when another penalty is specifically provided, any
16 person, licensee, or permittee, or employee or agent thereof, who
17 violates any provision of the Nebraska Lottery and Raffle Act, or who
18 causes, aids, abets, or conspires with another to cause any person,
19 licensee, or permittee or employee or agent thereof to violate the act,
20 shall be guilty of a Class I misdemeanor for the first offense and a
21 Class IV felony for any second or subsequent violation. Any licensee
22 guilty of violating any provision of the act more than once in a twelve-
23 month period may have its license canceled or revoked.

24 (2) Each of the following violations of the Nebraska Lottery and
25 Raffle Act shall be a Class IV felony:

26 (a) Giving, providing, or offering to give or provide, directly or
27 indirectly, to any public official or employee or agent of this state, or
28 any agencies or political subdivisions of this state, any compensation or
29 reward or share of the money for property paid or received through
30 gambling activities authorized under Chapter 9 in consideration for
31 obtaining any license, authorization, permission, or privileges to

1 participate in any gaming operations except as authorized under Chapter 9
2 or any rules and regulations adopted and promulgated pursuant to such
3 chapter; or

4 ~~(b) Intentionally employing or possessing any device to facilitate~~
5 ~~cheating in any lottery or raffle or using any fraudulent scheme or~~
6 ~~technique in connection with any lottery or raffle when the amount gained~~
7 ~~or intended to be gained through the use of items, schemes, or techniques~~
8 ~~is three hundred dollars or more; or~~

9 (b e) Knowingly filing a false report under the Nebraska Lottery and
10 Raffle Act.

11 (3) Intentionally employing or possessing any device to facilitate
12 cheating in any lottery or raffle or using any fraudulent scheme or
13 technique in connection with any lottery or raffle is a violation of the
14 Nebraska Lottery and Raffle Act. The offense is a:

15 (a) Class II misdemeanor when the amount gained or intended to be
16 gained through the use of such items, schemes, or techniques is less than
17 five hundred dollars;

18 (b) Class I misdemeanor when the amount gained or intended to be
19 gained through the use of such items, schemes, or techniques is five
20 hundred dollars or more but less than one thousand five hundred dollars;
21 and

22 (c) Class IV felony when the amount gained or intended to be gained
23 through the use of such items, schemes, or techniques is one thousand
24 five hundred dollars or more.

25 (4 3) In all proceedings initiated in any court or otherwise under
26 the act, it shall be the duty of the Attorney General and appropriate
27 county attorney to prosecute and defend all such proceedings.

28 (5 4) The failure to do any act required by or under the Nebraska
29 Lottery and Raffle Act shall be deemed an act in part in the principal
30 office of the department. Any prosecution under such act may be conducted
31 in any county where the defendant resides or has a place of business or

1 in any county in which any violation occurred.

2 (6 5) In the enforcement and investigation of any offense committed
3 under the act, the department may call to its aid any sheriff, deputy
4 sheriff, or other peace officer in the state.

5 Sec. 4. Section 9-652, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 9-652 (1) Except when another penalty is specifically provided, any
8 person or licensee, or employee or agent thereof, who knowingly or
9 intentionally violates any provision of the Nebraska County and City
10 Lottery Act, or who causes, aids, abets, or conspires with another to
11 cause any person or licensee or any employee or agent thereof to violate
12 the act, shall be guilty of a Class I misdemeanor for the first offense
13 and a Class IV felony for any second or subsequent violation. Any
14 licensee guilty of violating the act more than once in a twelve-month
15 period may have its license canceled or revoked.

16 (2) Each of the following violations of the act shall be a Class IV
17 felony:

18 (a) Giving, providing, or offering to give or provide, directly or
19 indirectly, to any public official, employee, or agent of this state or
20 any agencies or political subdivisions of this state any compensation or
21 reward or share of the money for property paid or received through
22 gambling activities regulated under the act in consideration for
23 obtaining any license, authorization, permission, or privilege to
24 participate in any gaming operations except as authorized under the act
25 or any rules and regulations adopted and promulgated pursuant to such
26 act;

27 ~~(b) Intentionally employing or possessing any device to facilitate~~
28 ~~cheating in any lottery or using any fraudulent scheme or technique in~~
29 ~~connection with any lottery when the amount gained or intended to be~~
30 ~~gained through the use of such device, scheme, or technique is three~~
31 ~~hundred dollars or more;~~

1 (b e) Knowingly filing a false report under the act; or
2 (c d) Knowingly falsifying or making any false entry in any books or
3 records with respect to any transaction connected with the conduct of a
4 lottery.

5 (3) Intentionally employing or possessing any device to facilitate
6 cheating in any lottery or using any fraudulent scheme or technique in
7 connection with any lottery is a violation of the act. The offense is a:

8 (a) Class II misdemeanor when the amount gained or intended to be
9 gained through the use of such device, scheme, or technique is less than
10 five hundred dollars;

11 (b) Class I misdemeanor when the amount gained or intended to be
12 gained through the use of such device, scheme, or technique is five
13 hundred dollars or more but less than one thousand five hundred dollars;
14 and

15 (c) Class IV felony when the amount gained or intended to be gained
16 through the use of such device, scheme, or technique is one thousand five
17 hundred dollars or more.

18 (4 3) It shall be the duty of the Attorney General or appropriate
19 county attorney to prosecute and defend all proceedings initiated in any
20 court or otherwise under the act.

21 (5 4) The failure to do any act required by or under the Nebraska
22 County and City Lottery Act shall be deemed an act in part in the
23 principal office of the department. Any prosecution under such act may be
24 conducted in any county where the defendant resides or has a place of
25 business or in any county in which any violation occurred.

26 (6 5) In the enforcement and investigation of any offense committed
27 under the act, the department may call to its aid any sheriff, deputy
28 sheriff, or other peace officer in the state.

29 Sec. 5. Section 23-135.01, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 23-135.01 Whoever files ~~shall file~~ any claim against any county as

1 provided in section 23-135, knowing the said claim to contain any false
2 statement or representation as to a material fact, or whoever obtains or
3 receives shall obtain or receive any money or any warrant for money from
4 any county knowing that the claim therefor was based on a false statement
5 or representation as to a material fact, if the amount claimed or money
6 obtained or received, or if the face value of the warrant for money shall
7 be one thousand five hundred dollars or more, shall be guilty of a Class
8 IV felony. If the amount is five more than one hundred dollars or more
9 but less than one thousand five hundred dollars, the person so offending
10 shall be guilty of a Class II misdemeanor. If the amount is less than
11 five ~~one~~ hundred dollars, the person so offending shall be guilty of a
12 Class III misdemeanor.

13 Sec. 6. Section 28-105, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 28-105 (1) For purposes of the Nebraska Criminal Code and any
16 statute passed by the Legislature after the date of passage of the code,
17 felonies are divided into ten ~~nine~~ classes which are distinguished from
18 one another by the following penalties which are authorized upon
19 conviction:

20 Class I felony	Death
21 Class IA felony	Life imprisonment
22 Class IB felony	Maximum – life imprisonment
23	Minimum – twenty years imprisonment
24 Class IC felony	Maximum – fifty years imprisonment
25	Mandatory minimum – five years imprisonment
26 Class ID felony	Maximum – fifty years imprisonment
27	Mandatory minimum – three years imprisonment
28 Class II felony	Maximum – fifty years imprisonment
29	Minimum – one year imprisonment
30 <u>Class IIA felony</u>	<u>Maximum – twenty years imprisonment</u>

1 Minimum – none

2 Class III felony Maximum – four years imprisonment and two years
3 post-release supervision or
4 twenty-five thousand dollars fine, or both

5 Minimum – none for imprisonment and nine months
6 post-release supervision if imprisonment is imposed

7 Class IIIA felony Maximum – three years imprisonment
8 and eighteen months post-release supervision or
9 ten thousand dollars fine, or both

10 Minimum – none for imprisonment and nine months
11 post-release supervision if imprisonment is imposed

12 Class IV felony Maximum – two years imprisonment and twelve
13 months post-release supervision or
14 ten thousand dollars fine, or both

15 Minimum – none for imprisonment and nine months
16 post-release supervision if imprisonment is imposed

17 ~~Class III felony~~ ~~Maximum – twenty years imprisonment, or~~
18 ~~twenty-five thousand dollars fine, or both~~

19 ~~Minimum – one year imprisonment~~

20 ~~Class IIIA felony~~ ~~Maximum – five years imprisonment, or~~
21 ~~ten thousand dollars fine, or both~~

22 ~~Minimum – none~~

23 ~~Class IV felony~~ ~~Maximum – five years imprisonment, or~~
24 ~~ten thousand dollars fine, or both~~

25 ~~Minimum – none~~

26 (2) All sentences for maximum terms of imprisonment for Class IA,
27 ~~IB, IC, ID, II, and III felonies and sentences of one year or more for~~
28 ~~Class IIIA and IV felonies shall be served in institutions under the~~
29 ~~jurisdiction of the Department of Correctional Services. All sentences~~

1 ~~for maximum terms of imprisonment~~ Sentences of less than one year shall
2 be served in the county jail ~~except as provided in this subsection. If~~
3 ~~the department certifies that it has programs and facilities available~~
4 ~~for persons sentenced to terms of less than one year, the court may order~~
5 ~~that any sentence of six months or more be served in any institution~~
6 ~~under the jurisdiction of the department. Any such certification shall be~~
7 ~~given by the department to the State Court Administrator, who shall~~
8 ~~forward copies thereof to each judge having jurisdiction to sentence in~~
9 ~~felony cases.~~

10 (3) Nothing in this section shall limit the authority granted in
11 sections 29-2221 and 29-2222 to increase sentences for habitual
12 criminals.

13 (4) A person convicted of a felony for which a mandatory minimum
14 sentence is prescribed shall not be eligible for probation.

15 (5) All sentences of post-release supervision shall be served under
16 the jurisdiction of the Office of Probation Administration and shall be
17 subject to conditions imposed pursuant to section 29-2262 and subject to
18 sanctions authorized pursuant to section 29-2266.

19 (6) Any person who is sentenced to imprisonment for a Class I, IA,
20 IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively
21 to imprisonment for a Class III, IIIA, or IV felony shall not be subject
22 to post-release supervision pursuant to subsection (1) of this section.

23 (7) The changes made to the penalties for Class III, IIIA, and IV
24 felonies by this legislative bill do not apply to any offense committed
25 prior to the effective date of this act as provided in section 109 of
26 this act.

27 Sec. 7. Section 28-106, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 28-106 (1) For purposes of the Nebraska Criminal Code and any
30 statute passed by the Legislature after the date of passage of the code,
31 misdemeanors are divided into seven classes which are distinguished from

1 one another by the following penalties which are authorized upon
2 conviction:

3 Class I misdemeanor..... Maximum – not more than one year
4 imprisonment, or one thousand dollars
5 fine, or both
6 Minimum – none

7 Class II misdemeanor..... Maximum – six months imprisonment, or
8 one thousand dollars fine, or both
9 Minimum – none

10 Class III misdemeanor..... Maximum – three months imprisonment,
11 or five hundred dollars fine, or both
12 Minimum – none

13 Class IIIA misdemeanor..... Maximum – seven days imprisonment, five
14 hundred dollars fine, or both
15 Minimum – none

16 Class IV misdemeanor..... Maximum – no imprisonment, five hun-
17 dred dollars fine
18 Minimum – none ~~one hundred dollars fine~~

19 Class V misdemeanor..... Maximum – no imprisonment, one hun-
20 dred dollars fine
21 Minimum – none

22 Class W misdemeanor..... Driving under the influence or implied
23 consent
24 First conviction
25 Maximum – sixty days imprisonment and
26 five hundred dollars fine
27 Mandatory minimum – seven days
28 imprisonment and five hundred dollars
29 fine

1 Second conviction
2 Maximum – six months imprisonment and
3 five hundred dollars fine
4 Mandatory minimum – thirty days
5 imprisonment and five hundred dollars
6 fine
7 Third conviction
8 Maximum – one year imprisonment and
9 one thousand dollars fine
10 Mandatory minimum – ninety days
11 imprisonment
12 and one thousand dollars fine

13 (2) Sentences of imprisonment in misdemeanor cases shall be served
14 in the county jail, except that ~~in the following circumstances the court~~
15 ~~may, in its discretion, order that~~ such sentences may be served in
16 institutions under the jurisdiction of the Department of Correctional
17 Services if ÷

18 ~~(a) If the sentence is for a term of one year upon conviction of a Class~~
19 ~~I misdemeanor;~~

20 ~~(b) If the sentence is to be served concurrently or consecutively with a~~
21 ~~term for conviction of a felony and the combined sentences total a term~~
22 ~~of one year or more. ; or~~

23 ~~(c) If the Department of Correctional Services has certified as~~
24 ~~provided in section 28-105 as to the availability of facilities and~~
25 ~~programs for short-term prisoners and the sentence is for a term of six~~
26 ~~months or more.~~

27 Sec. 8. Section 28-201, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 28-201 (1) A person shall be guilty of an attempt to commit a crime
30 if he or she:

1 (a) Intentionally engages in conduct which would constitute the
2 crime if the attendant circumstances were as he or she believes them to
3 be; or

4 (b) Intentionally engages in conduct which, under the circumstances
5 as he or she believes them to be, constitutes a substantial step in a
6 course of conduct intended to culminate in his or her commission of the
7 crime.

8 (2) When causing a particular result is an element of the crime, a
9 person shall be guilty of an attempt to commit the crime if, acting with
10 the state of mind required to establish liability with respect to the
11 attendant circumstances specified in the definition of the crime, he or
12 she intentionally engages in conduct which is a substantial step in a
13 course of conduct intended or known to cause such a result.

14 (3) Conduct shall not be considered a substantial step under this
15 section unless it is strongly corroborative of the defendant's criminal
16 intent.

17 (4) Criminal attempt is:

18 (a) A Class II felony when the crime attempted is a Class I, IA, IB,
19 IC, or ID felony;

20 ~~(b) A Class IIA felony when the crime attempted is a Class II~~
21 ~~felony;~~

22 ~~(c) A Class IIIA III felony when the crime attempted is a Class~~
23 ~~IIA felony;~~

24 ~~(c) A Class IIIA felony when the crime attempted is sexual assault~~
25 ~~in the second degree under section 28-320, a violation of subdivision (2)~~
26 ~~(b) of section 28-416, incest under section 28-703, or assault by a~~
27 ~~confined person with a deadly or dangerous weapon under section 28-932;~~

28 (d) A Class IV felony when the crime attempted is a Class III or
29 IIIA felony not listed in subdivision (4)(c) of this section;

30 (e) A Class I misdemeanor when the crime attempted is a ~~Class IIIA~~
31 ~~or Class IV~~ felony;

1 (f) A Class II misdemeanor when the crime attempted is a Class I
2 misdemeanor; and

3 (g) A Class III misdemeanor when the crime attempted is a Class II
4 misdemeanor.

5 Sec. 9. Section 28-204, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 28-204 (1) A person is guilty of being an accessory to felony if
8 with intent to interfere with, hinder, delay, or prevent the discovery,
9 apprehension, prosecution, conviction, or punishment of another for an
10 offense, he or she:

11 (a) Harbors or conceals the other;

12 (b) Provides or aids in providing a weapon, transportation,
13 disguise, or other means of effecting escape or avoiding discovery or
14 apprehension;

15 (c) Conceals or destroys evidence of the crime or tampers with a
16 witness, informant, document, or other source of information, regardless
17 of its admissibility in evidence;

18 (d) Warns the other of impending discovery or apprehension other
19 than in connection with an effort to bring another into compliance with
20 the law;

21 (e) Volunteers false information to a peace officer; or

22 (f) By force, intimidation, or deception, obstructs anyone in the
23 performance of any act which might aid in the discovery, detection,
24 apprehension, prosecution, conviction, or punishment of such person.

25 (2)(a) Accessory to felony is a Class III felony if the actor
26 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor
27 knows of the conduct of the other, and the conduct of the other
28 constitutes a Class I, IA, IB, IC, or ID felony.

29 (b) Accessory to felony is a Class IIIA felony if the actor violates
30 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of
31 the conduct of the other, and the conduct of the other constitutes a

1 Class II or IIA felony.

2 (c) Accessory to felony is a Class IV felony if the actor violates
3 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of
4 the conduct of the other, and the conduct of the other constitutes a
5 Class III or Class IIIA felony.

6 (d) Accessory to felony is a Class I misdemeanor if the actor
7 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor
8 knows of the conduct of the other, and the conduct of the other
9 constitutes a Class IV felony.

10 (e) Accessory to felony is a Class IV felony if the actor violates
11 subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of
12 the conduct of the other, and the conduct of the other constitutes a
13 felony of any class other than a Class IV felony.

14 (f) Accessory to felony is a Class I misdemeanor if the actor
15 violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor
16 knows of the conduct of the other, and the conduct of the other
17 constitutes a Class IV felony.

18 Sec. 10. Section 28-305, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 28-305 (1) A person commits manslaughter if he or she kills another
21 without malice, ~~either~~ upon a sudden quarrel, or causes the death of
22 another unintentionally while in the commission of an unlawful act.

23 (2) Manslaughter is a Class IIA ~~III~~ felony.

24 Sec. 11. Section 28-306, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 28-306 (1) A person who causes the death of another unintentionally
27 while engaged in the operation of a motor vehicle in violation of the law
28 of the State of Nebraska or in violation of any city or village ordinance
29 commits motor vehicle homicide.

30 (2) Except as provided in subsection (3) of this section, motor
31 vehicle homicide is a Class I misdemeanor.

1 (3)(a) If the proximate cause of the death of another is the
2 operation of a motor vehicle in violation of section 60-6,213 or
3 60-6,214, motor vehicle homicide is a Class IIIA felony.

4 (b) If the proximate cause of the death of another is the operation
5 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
6 vehicle homicide is a Class IIA ~~III~~ felony. The court shall, as part of
7 the judgment of conviction, order the person not to drive any motor
8 vehicle for any purpose for a period of at least one year and not more
9 than fifteen years and shall order that the operator's license of such
10 person be revoked for the same period.

11 (c) If the proximate cause of the death of another is the operation
12 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
13 vehicle homicide is a Class II felony if the defendant has a prior
14 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
15 city or village ordinance enacted in conformance with section 60-6,196,
16 or under a law of another state if, at the time of the conviction under
17 the law of such other state, the offense for which the defendant was
18 convicted would have been a violation of section 60-6,196. The court
19 shall, as part of the judgment of conviction, order the person not to
20 drive any motor vehicle for any purpose for a period of fifteen years and
21 shall order that the operator's license of such person be revoked for the
22 same period.

23 (d) An order of the court described in subdivision (b) or (c) of
24 this subsection shall be administered upon sentencing, upon final
25 judgment of any appeal or review, or upon the date that any probation is
26 revoked.

27 (4) The crime punishable under this section shall be treated as a
28 separate and distinct offense from any other offense arising out of acts
29 alleged to have been committed while the person was in violation of this
30 section.

31 Sec. 12. Section 28-309, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 28-309 (1) A person commits the offense of assault in the second
3 degree if he or she:

4 (a) Intentionally or knowingly causes bodily injury to another
5 person with a dangerous instrument;

6 (b) Recklessly causes serious bodily injury to another person with a
7 dangerous instrument; or

8 (c) Unlawfully strikes or wounds another (i) while legally confined
9 in a jail or an adult correctional or penal institution, (ii) while
10 otherwise in legal custody of the Department of Correctional Services, or
11 (iii) while committed as a dangerous sex offender under the Sex Offender
12 Commitment Act.

13 (2) Assault in the second degree shall be a Class IIA ~~III~~ felony.

14 Sec. 13. Section 28-310.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 28-310.01 (1) A person commits the offense of strangulation if the
17 person knowingly or intentionally impedes the normal breathing or
18 circulation of the blood of another person by applying pressure on the
19 throat or neck of the other person.

20 (2) Except as provided in subsection (3) of this section,
21 strangulation is a Class IIIA ~~IV~~ felony.

22 (3) Strangulation is a Class IIA ~~III~~ felony if:

23 (a) The person used or attempted to use a dangerous instrument while
24 committing the offense;

25 (b) The person caused serious bodily injury to the other person
26 while committing the offense; or

27 (c) The person has been previously convicted of strangulation.

28 (4) It is an affirmative defense that an act constituting
29 strangulation was the result of a legitimate medical procedure.

30 Sec. 14. Section 28-311, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 28-311 (1)(a) No person, by any means and without privilege to do
2 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,
3 coax, entice, or lure any child under the age of fourteen years to enter
4 into any vehicle, whether or not the person knows the age of the child.

5 (b) No person, by any means and without privilege to do so, shall
6 solicit, coax, entice, or lure or attempt to solicit, coax, entice, or
7 lure any child under the age of fourteen years to enter into any place
8 with the intent to seclude the child from his or her parent, guardian, or
9 other legal custodian or the general public, whether or not the person
10 knows the age of the child. For purposes of this subdivision, seclude
11 means to take, remove, hide, secrete, conceal, isolate, or otherwise
12 unlawfully separate.

13 (2) It is an affirmative defense to a charge under this section
14 that:

15 (a) The person had the express or implied permission of the parent,
16 guardian, or other legal custodian of the child in undertaking the
17 activity;

18 (b)(i) The person is a law enforcement officer, emergency services
19 provider as defined in section 71-507, firefighter, or other person who
20 regularly provides emergency services, is the operator of a bookmobile or
21 other such vehicle operated by the state or a political subdivision and
22 used for informing, educating, organizing, or transporting children, is a
23 paid employee of, or a volunteer for, a nonprofit or religious
24 organization which provides activities for children, or is an employee or
25 agent of or a volunteer acting under the direction of any board of
26 education and (ii) the person listed in subdivision (2)(b)(i) of this
27 section was, at the time the person undertook the activity, acting within
28 the scope of his or her lawful duties in that capacity; or

29 (c) The person undertook the activity in response to a bona fide
30 emergency situation or the person undertook the activity in response to a
31 reasonable belief that it was necessary to preserve the health, safety,

1 or welfare of the child.

2 (3) Any person who violates this section commits criminal child
3 enticement and is guilty of a Class IIIA felony. If such person has
4 previously been convicted of (a) criminal child enticement under this
5 section, (b) sexual assault of a child in the first degree under section
6 28-319.01, (c) sexual assault of a child in the second or third degree
7 under section 28-320.01, (d) child enticement by means of an electronic
8 communication device under section 28-320.02, or (e) assault under
9 section 28-308, 28-309, or 28-310, kidnapping under section 28-313, or
10 false imprisonment under section 28-314 or 28-315 when the victim was
11 under eighteen years of age when such person violates this section, such
12 person is guilty of a Class IIA ~~III~~ felony.

13 Sec. 15. Section 28-311.01, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 28-311.01 (1) A person commits terroristic threats if he or she
16 threatens to commit any crime of violence:

17 (a) With the intent to terrorize another;

18 (b) With the intent of causing the evacuation of a building, place
19 of assembly, or facility of public transportation; or

20 (c) In reckless disregard of the risk of causing such terror or
21 evacuation.

22 (2) Terroristic threats is a Class IIIA ~~IV~~ felony.

23 Sec. 16. Section 28-311.04, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-311.04 (1) Except as provided in subsection (2) of this section,
26 any person convicted of violating section 28-311.03 is guilty of a Class
27 I misdemeanor.

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

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

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

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

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

6 (e) The person has been convicted of any felony in this state or has
7 been convicted of a crime in another jurisdiction which, if committed in
8 this state, would constitute a felony and the victim or a family or
9 household member of the victim was also the victim of such previous
10 felony.

11 Sec. 17. Section 28-311.08, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 28-311.08 (1) It shall be unlawful for any person to knowingly
14 intrude upon any other person without his or her consent or knowledge in
15 a place of solitude or seclusion.

16 (2) It shall be unlawful for any person to knowingly photograph,
17 film, record, or live broadcast an image of the intimate area of any
18 other person without his or her knowledge and consent when his or her
19 intimate area would not be generally visible to the public regardless of
20 whether such other person is located in a public or private place.

21 (3) For purposes of this section:

22 (a) Intimate area means the naked or undergarment-clad genitalia,
23 pubic area, buttocks, or female breast of an individual;

24 (b) Intrude means either the:

25 (i) Viewing of another person in a state of undress as it is
26 occurring; or

27 (ii) Recording by video, photographic, digital, or other electronic
28 means of another person in a state of undress; and

29 (c) Place of solitude or seclusion means a place where a person
30 would intend to be in a state of undress and have a reasonable
31 expectation of privacy, including, but not limited to, any facility,

1 public or private, used as a restroom, tanning booth, locker room, shower
2 room, fitting room, or dressing room.

3 (4)(a) Violation of this section involving an intrusion as defined
4 in subdivision (3)(b)(i) of this section or violation under subsection
5 (2) of this section is a Class I misdemeanor.

6 (b) Subsequent violation of this section involving an intrusion as
7 defined in subdivision (3)(b)(i) of this section, subsequent violation
8 under subsection (2) of this section, or violation of this section
9 involving an intrusion as defined in subdivision (3)(b)(ii) of this
10 section is a Class IV felony.

11 (c) Violation of this section is a Class IIA ~~III~~ felony if video or
12 an image recorded in violation of this section is distributed to another
13 person or otherwise made public in any manner which would enable it to be
14 viewed by another person.

15 (5) As part of sentencing following a conviction for a violation of
16 this section, the court shall make a finding as to the ages of the
17 defendant and the victim at the time the offense occurred. If the
18 defendant is found to have been nineteen years of age or older and the
19 victim is found to have been less than eighteen years of age at such
20 time, then the defendant shall be required to register under the Sex
21 Offender Registration Act.

22 (6) No person shall be prosecuted pursuant to subdivision (4)(b) or
23 (c) of this section unless the indictment for such offense is found by a
24 grand jury or a complaint filed before a magistrate within three years
25 after the later of:

26 (a) The commission of the crime;

27 (b) Law enforcement's or a victim's receipt of actual or
28 constructive notice of either the existence of a video or other
29 electronic recording made in violation of this section or the
30 distribution of images, video, or other electronic recording made in
31 violation of this section; or

1 (c) The youngest victim of a violation of this section reaching the
2 age of twenty-one years.

3 Sec. 18. Section 28-320, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-320 (1) Any person who subjects another person to sexual contact
6 (a) without consent of the victim, or (b) who knew or should have known
7 that the victim was physically or mentally incapable of resisting or
8 appraising the nature of his or her conduct is guilty of sexual assault
9 in either the second degree or third degree.

10 (2) Sexual assault shall be in the second degree and is a Class IIA
11 ~~III~~ felony if the actor shall have caused serious personal injury to the
12 victim.

13 (3) Sexual assault shall be in the third degree and is a Class I
14 misdemeanor if the actor shall not have caused serious personal injury to
15 the victim.

16 Sec. 19. Section 28-322.02, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 28-322.02 Any person who subjects an inmate or parolee to sexual
19 penetration is guilty of sexual abuse of an inmate or parolee in the
20 first degree. Sexual abuse of an inmate or parolee in the first degree is
21 a Class IIA ~~III~~ felony.

22 Sec. 20. Section 28-322.03, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 28-322.03 Any person who subjects an inmate or parolee to sexual
25 contact is guilty of sexual abuse of an inmate or parolee in the second
26 degree. Sexual abuse of an inmate or parolee in the second degree is a
27 Class IIIA ~~IV~~ felony.

28 Sec. 21. Section 28-322.04, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 28-322.04 (1) For purposes of this section:

31 (a) Person means an individual employed by the Department of Health

1 and Human Services and includes, but is not limited to, any individual
2 working in central administration or regional service areas or facilities
3 of the department and any individual to whom the department has
4 authorized or delegated control over a protected individual or a
5 protected individual's activities, whether by contract or otherwise; and

6 (b) Protected individual means an individual in the care or custody
7 of the department.

8 (2) A person commits the offense of sexual abuse of a protected
9 individual if the person subjects a protected individual to sexual
10 penetration or sexual contact as those terms are defined in section
11 28-318. It is not a defense to a charge under this section that the
12 protected individual consented to such sexual penetration or sexual
13 contact.

14 (3) Any person who subjects a protected individual to sexual
15 penetration is guilty of sexual abuse of a protected individual in the
16 first degree. Sexual abuse of a protected individual in the first degree
17 is a Class IIA ~~III~~ felony.

18 (4) Any person who subjects a protected individual to sexual contact
19 is guilty of sexual abuse of a protected individual in the second degree.
20 Sexual abuse of a protected individual in the second degree is a Class
21 IIIA ~~IV~~ felony.

22 Sec. 22. Section 28-323, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 28-323 (1) A person commits the offense of domestic assault in the
25 third degree if he or she:

26 (a) Intentionally and knowingly causes bodily injury to his or her
27 intimate partner;

28 (b) Threatens an intimate partner with imminent bodily injury; or

29 (c) Threatens an intimate partner in a menacing manner.

30 (2) A person commits the offense of domestic assault in the second
31 degree if he or she intentionally and knowingly causes bodily injury to

1 his or her intimate partner with a dangerous instrument.

2 (3) A person commits the offense of domestic assault in the first
3 degree if he or she intentionally and knowingly causes serious bodily
4 injury to his or her intimate partner.

5 (4) Violation of subdivision (1)(a) or (b) of this section is a
6 Class I misdemeanor, except that for any subsequent violation of
7 subdivision (1)(a) or (b) of this section, any person so offending is
8 guilty of a Class ~~IIIA~~ ~~IV~~ felony.

9 (5) Violation of subdivision (1)(c) of this section is a Class I
10 misdemeanor.

11 (6) Violation of subsection (2) of this section is a Class IIIA
12 felony, except that for any second or subsequent violation of such
13 subsection, any person so offending is guilty of a Class ~~IIA~~ ~~III~~ felony.

14 (7) Violation of subsection (3) of this section is a Class ~~IIA~~ ~~III~~
15 felony, except that for any second or subsequent violation under such
16 subsection, any person so offending is guilty of a Class II felony.

17 (8) For purposes of this section, intimate partner means a spouse; a
18 former spouse; persons who have a child in common whether or not they
19 have been married or lived together at any time; and persons who are or
20 were involved in a dating relationship. For purposes of this subsection,
21 dating relationship means frequent, intimate associations primarily
22 characterized by the expectation of affectional or sexual involvement,
23 but does not include a casual relationship or an ordinary association
24 between persons in a business or social context.

25 Sec. 23. Section 28-393, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-393 (1) A person commits manslaughter of an unborn child if he or
28 she (a) kills an unborn child without malice upon a sudden quarrel with
29 any person or (b) causes the death of an unborn child unintentionally
30 while in the perpetration of or attempt to perpetrate any criminal
31 assault, any sexual assault, arson, robbery, kidnapping, intentional

1 child abuse, hijacking of any public or private means of transportation,
2 or burglary.

3 (2) Manslaughter of an unborn child is a Class IIA ~~III~~ felony.

4 Sec. 24. Section 28-394, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 28-394 (1) A person who causes the death of an unborn child
7 unintentionally while engaged in the operation of a motor vehicle in
8 violation of the law of the State of Nebraska or in violation of any city
9 or village ordinance commits motor vehicle homicide of an unborn child.

10 (2) Except as provided in subsection (3) of this section, motor
11 vehicle homicide of an unborn child is a Class I misdemeanor.

12 (3)(a) If the proximate cause of the death of an unborn child is the
13 operation of a motor vehicle in violation of section 60-6,213 or
14 60-6,214, motor vehicle homicide of an unborn child is a Class IV felony.

15 (b) Except as provided in subdivision (3)(c) of this section, if the
16 proximate cause of the death of an unborn child is the operation of a
17 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
18 vehicle homicide of an unborn child is a Class IIIA ~~IV~~ felony and the
19 court shall, as part of the judgment of conviction, order the person not
20 to drive any motor vehicle for any purpose for a period of at least sixty
21 days and not more than fifteen years after the date ordered by the court
22 and shall order that the operator's license of such person be revoked for
23 the same period. The revocation shall not run concurrently with any jail
24 term imposed.

25 (c) If the proximate cause of the death of an unborn child is the
26 operation of a motor vehicle in violation of section 60-6,196 or
27 60-6,197.06 and the defendant has a prior conviction for a violation of
28 section 60-6,196 or a city or village ordinance enacted in conformance
29 with section 60-6,196, motor vehicle homicide of an unborn child is a
30 Class IIA ~~III~~ felony and the court shall, as part of the judgment of
31 conviction, order the person not to drive any motor vehicle for any

1 purpose for a period of at least sixty days and not more than fifteen
2 years after the date ordered by the court and shall order that the
3 operator's license of such person be revoked for the same period. The
4 revocation shall not run concurrently with any jail term imposed.

5 (4) The crime punishable under this section shall be treated as a
6 separate and distinct offense from any other offense arising out of acts
7 alleged to have been committed while the person was in violation of this
8 section.

9 Sec. 25. Section 28-397, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-397 (1) A person commits the offense of assault of an unborn
12 child in the first degree if he or she, during the commission of any
13 criminal assault on a pregnant woman, intentionally or knowingly causes
14 serious bodily injury to her unborn child.

15 (2) Assault of an unborn child in the first degree is a Class IIA
16 ~~III~~ felony.

17 Sec. 26. Section 28-416, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 28-416 (1) Except as authorized by the Uniform Controlled Substances
20 Act, it shall be unlawful for any person knowingly or intentionally: (a)
21 To manufacture, distribute, deliver, dispense, or possess with intent to
22 manufacture, distribute, deliver, or dispense a controlled substance; or
23 (b) to create, distribute, or possess with intent to distribute a
24 counterfeit controlled substance.

25 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
26 (10) of this section, any person who violates subsection (1) of this
27 section with respect to: (a) A controlled substance classified in
28 Schedule I, II, or III of section 28-405 which is an exceptionally
29 hazardous drug shall be guilty of a Class II felony; (b) any other
30 controlled substance classified in Schedule I, II, or III of section
31 28-405 shall be guilty of a Class IIA ~~III~~ felony; or (c) a controlled

1 substance classified in Schedule IV or V of section 28-405 shall be
2 guilty of a Class IIIA felony.

3 (3) A person knowingly or intentionally possessing a controlled
4 substance, except marijuana or any substance containing a quantifiable
5 amount of the substances, chemicals, or compounds described, defined, or
6 delineated in subdivision (c)(25) of Schedule I of section 28-405, unless
7 such substance was obtained directly or pursuant to a medical order
8 issued by a practitioner authorized to prescribe while acting in the
9 course of his or her professional practice, or except as otherwise
10 authorized by the act, shall be guilty of a Class IV felony.

11 (4)(a) Except as authorized by the Uniform Controlled Substances
12 Act, any person eighteen years of age or older who knowingly or
13 intentionally manufactures, distributes, delivers, dispenses, or
14 possesses with intent to manufacture, distribute, deliver, or dispense a
15 controlled substance or a counterfeit controlled substance (i) to a
16 person under the age of eighteen years, (ii) in, on, or within one
17 thousand feet of the real property comprising a public or private
18 elementary, vocational, or secondary school, a community college, a
19 public or private college, junior college, or university, or a
20 playground, or (iii) within one hundred feet of a public or private youth
21 center, public swimming pool, or video arcade facility shall be punished
22 by the next higher penalty classification than the penalty prescribed in
23 subsection (2), (7), (8), (9), or (10) of this section, depending upon
24 the controlled substance involved, for the first violation and for a
25 second or subsequent violation shall be punished by the next higher
26 penalty classification than that prescribed for a first violation of this
27 subsection, but in no event shall such person be punished by a penalty
28 greater than a Class IB felony.

29 (b) For purposes of this subsection:

30 (i) Playground shall mean any outdoor facility, including any
31 parking lot appurtenant to the facility, intended for recreation, open to

1 the public, and with any portion containing three or more apparatus
2 intended for the recreation of children, including sliding boards,
3 swingsets, and teeterboards;

4 (ii) Video arcade facility shall mean any facility legally
5 accessible to persons under eighteen years of age, intended primarily for
6 the use of pinball and video machines for amusement, and containing a
7 minimum of ten pinball or video machines; and

8 (iii) Youth center shall mean any recreational facility or
9 gymnasium, including any parking lot appurtenant to the facility or
10 gymnasium, intended primarily for use by persons under eighteen years of
11 age which regularly provides athletic, civic, or cultural activities.

12 (5)(a) Except as authorized by the Uniform Controlled Substances
13 Act, it shall be unlawful for any person eighteen years of age or older
14 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
15 induce, entice, seduce, or coerce any person under the age of eighteen
16 years to manufacture, transport, distribute, carry, deliver, dispense,
17 prepare for delivery, offer for delivery, or possess with intent to do
18 the same a controlled substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled Substances Act,
20 it shall be unlawful for any person eighteen years of age or older to
21 knowingly and intentionally employ, hire, use, cause, persuade, coax,
22 induce, entice, seduce, or coerce any person under the age of eighteen
23 years to aid and abet any person in the manufacture, transportation,
24 distribution, carrying, delivery, dispensing, preparation for delivery,
25 offering for delivery, or possession with intent to do the same of a
26 controlled substance or a counterfeit controlled substance.

27 (c) Any person who violates subdivision (a) or (b) of this
28 subsection shall be punished by the next higher penalty classification
29 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
30 this section, depending upon the controlled substance involved, for the
31 first violation and for a second or subsequent violation shall be

1 punished by the next higher penalty classification than that prescribed
2 for a first violation of this subsection, but in no event shall such
3 person be punished by a penalty greater than a Class IB felony.

4 (6) It shall not be a defense to prosecution for violation of
5 subsection (4) or (5) of this section that the defendant did not know the
6 age of the person through whom the defendant violated such subsection.

7 (7) Any person who violates subsection (1) of this section with
8 respect to cocaine or any mixture or substance containing a detectable
9 amount of cocaine in a quantity of:

10 (a) One hundred forty grams or more shall be guilty of a Class IB
11 felony;

12 (b) At least twenty-eight grams but less than one hundred forty
13 grams shall be guilty of a Class IC felony; or

14 (c) At least ten grams but less than twenty-eight grams shall be
15 guilty of a Class ID felony.

16 (8) Any person who violates subsection (1) of this section with
17 respect to base cocaine (crack) or any mixture or substance containing a
18 detectable amount of base cocaine in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a Class IB
20 felony;

21 (b) At least twenty-eight grams but less than one hundred forty
22 grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams shall be
24 guilty of a Class ID felony.

25 (9) Any person who violates subsection (1) of this section with
26 respect to heroin or any mixture or substance containing a detectable
27 amount of heroin in a quantity of:

28 (a) One hundred forty grams or more shall be guilty of a Class IB
29 felony;

30 (b) At least twenty-eight grams but less than one hundred forty
31 grams shall be guilty of a Class IC felony; or

1 (c) At least ten grams but less than twenty-eight grams shall be
2 guilty of a Class ID felony.

3 (10) Any person who violates subsection (1) of this section with
4 respect to amphetamine, its salts, optical isomers, and salts of its
5 isomers, or with respect to methamphetamine, its salts, optical isomers,
6 and salts of its isomers, in a quantity of:

7 (a) One hundred forty grams or more shall be guilty of a Class IB
8 felony;

9 (b) At least twenty-eight grams but less than one hundred forty
10 grams shall be guilty of a Class IC felony; or

11 (c) At least ten grams but less than twenty-eight grams shall be
12 guilty of a Class ID felony.

13 (11) Any person knowingly or intentionally possessing marijuana
14 weighing more than one ounce but not more than one pound shall be guilty
15 of a Class III misdemeanor.

16 (12) Any person knowingly or intentionally possessing marijuana
17 weighing more than one pound shall be guilty of a Class IV felony.

18 (13) Any person knowingly or intentionally possessing marijuana
19 weighing one ounce or less or any substance containing a quantifiable
20 amount of the substances, chemicals, or compounds described, defined, or
21 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:

22 (a) For the first offense, be guilty of an infraction, receive a
23 citation, be fined three hundred dollars, and be assigned to attend a
24 course as prescribed in section 29-433 if the judge determines that
25 attending such course is in the best interest of the individual
26 defendant;

27 (b) For the second offense, be guilty of a Class IV misdemeanor,
28 receive a citation, and be fined four hundred dollars and may be
29 imprisoned not to exceed five days; and

30 (c) For the third and all subsequent offenses, be guilty of a Class
31 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and

1 be imprisoned not to exceed seven days.

2 (14) Any person convicted of violating this section, if placed on
3 probation, shall, as a condition of probation, satisfactorily attend and
4 complete appropriate treatment and counseling on drug abuse provided by a
5 program authorized under the Nebraska Behavioral Health Services Act or
6 other licensed drug treatment facility.

7 (15) Any person convicted of violating this section, if sentenced to
8 the Department of Correctional Services, shall attend appropriate
9 treatment and counseling on drug abuse.

10 (16) Any person knowingly or intentionally possessing a firearm
11 while in violation of subsection (1) of this section shall be punished by
12 the next higher penalty classification than the penalty prescribed in
13 subsection (2), (7), (8), (9), or (10) of this section, but in no event
14 shall such person be punished by a penalty greater than a Class IB
15 felony.

16 (17) A person knowingly or intentionally in possession of money used
17 or intended to be used to facilitate a violation of subsection (1) of
18 this section shall be guilty of a Class IV felony.

19 (18) In addition to the penalties provided in this section:

20 (a) If the person convicted or adjudicated of violating this section
21 is eighteen years of age or younger and has one or more licenses or
22 permits issued under the Motor Vehicle Operator's License Act:

23 (i) For the first offense, the court may, as a part of the judgment
24 of conviction or adjudication, (A) impound any such licenses or permits
25 for thirty days and (B) require such person to attend a drug education
26 class;

27 (ii) For a second offense, the court may, as a part of the judgment
28 of conviction or adjudication, (A) impound any such licenses or permits
29 for ninety days and (B) require such person to complete no fewer than
30 twenty and no more than forty hours of community service and to attend a
31 drug education class; and

1 (iii) For a third or subsequent offense, the court may, as a part of
2 the judgment of conviction or adjudication, (A) impound any such licenses
3 or permits for twelve months and (B) require such person to complete no
4 fewer than sixty hours of community service, to attend a drug education
5 class, and to submit to a drug assessment by a licensed alcohol and drug
6 counselor; and

7 (b) If the person convicted or adjudicated of violating this section
8 is eighteen years of age or younger and does not have a permit or license
9 issued under the Motor Vehicle Operator's License Act:

10 (i) For the first offense, the court may, as part of the judgment of
11 conviction or adjudication, (A) prohibit such person from obtaining any
12 permit or any license pursuant to the act for which such person would
13 otherwise be eligible until thirty days after the date of such order and
14 (B) require such person to attend a drug education class;

15 (ii) For a second offense, the court may, as part of the judgment of
16 conviction or adjudication, (A) prohibit such person from obtaining any
17 permit or any license pursuant to the act for which such person would
18 otherwise be eligible until ninety days after the date of such order and
19 (B) require such person to complete no fewer than twenty hours and no
20 more than forty hours of community service and to attend a drug education
21 class; and

22 (iii) For a third or subsequent offense, the court may, as part of
23 the judgment of conviction or adjudication, (A) prohibit such person from
24 obtaining any permit or any license pursuant to the act for which such
25 person would otherwise be eligible until twelve months after the date of
26 such order and (B) require such person to complete no fewer than sixty
27 hours of community service, to attend a drug education class, and to
28 submit to a drug assessment by a licensed alcohol and drug counselor.

29 A copy of an abstract of the court's conviction or adjudication
30 shall be transmitted to the Director of Motor Vehicles pursuant to
31 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a

1 juvenile is prohibited from obtaining a license or permit under this
2 subsection.

3 Sec. 27. Section 28-504, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 28-504 (1) A person commits arson in the third degree if he or she
6 intentionally sets fire to, burns, causes to be burned, or by the use of
7 any explosive, damages or destroys, or causes to be damaged or destroyed,
8 any property of another person without such other person's consent. Such
9 property shall not be contained within a building and shall not be a
10 building or occupied structure.

11 (2) Arson in the third degree is a Class IV felony if the damages
12 amount to one thousand five hundred dollars or more.

13 (3) Arson in the third degree is a Class I misdemeanor if the
14 damages are five hundred dollars or more but less than one thousand five
15 hundred dollars.

16 (4) Arson in the third degree is a Class II misdemeanor if the
17 damages are less than five hundred dollars.

18 Sec. 28. Section 28-507, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 28-507 (1) A person commits burglary if such person willfully,
21 maliciously, and forcibly breaks and enters any real estate or any
22 improvements erected thereon with intent to commit any felony or with
23 intent to steal property of any value.

24 (2) Burglary is a Class IIA ~~III~~ felony.

25 Sec. 29. Section 28-514, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-514 A person who comes into control of property of another that
28 he or she knows to have been lost, mislaid, or delivered under a mistake
29 as to the nature or amount of the property or the identity of the
30 recipient commits theft if, with intent to deprive the owner thereof, he
31 or she fails to take reasonable measures to restore the property to a

1 person entitled to have it. Any person violating the provisions of this
2 section shall, upon conviction thereof, be punished by the penalty
3 prescribed in the next lower classification below the value of the item
4 lost, mislaid, or delivered under a mistake pursuant to section 28-518.
5 Any person convicted pursuant to this section when the value of the
6 property is five ~~two~~ hundred dollars or less shall be guilty of a Class
7 III misdemeanor for the first conviction, a Class II misdemeanor for the
8 second conviction, and a Class I misdemeanor for the third or subsequent
9 conviction.

10 Sec. 30. Section 28-518, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 28-518 (1) Theft constitutes a Class IIA ~~III~~ felony when the value
13 of the thing involved is five ~~over one thousand five hundred~~ dollars or
14 more.

15 (2) Theft constitutes a Class IV felony when the value of the thing
16 involved is one thousand five hundred dollars or more, but less than five
17 ~~not over one thousand five hundred~~ dollars.

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

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

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

26 (6) For any second conviction under subsection (4) of this section,
27 any person so offending shall be guilty of a Class I misdemeanor, and for
28 any third or subsequent conviction under subsection (4) of this section,
29 the person so offending shall be guilty of a Class IV felony.

30 (7) Amounts taken pursuant to one scheme or course of conduct from
31 one or more persons may be aggregated in the indictment or information in

1 determining the classification of the offense, except that amounts may
2 not be aggregated into more than one offense.

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

6 Sec. 31. Section 28-519, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 28-519 (1) A person commits criminal mischief if he or she:

9 (a) Damages property of another intentionally or recklessly; or

10 (b) Intentionally tampers with property of another so as to endanger
11 person or property; or

12 (c) Intentionally or maliciously causes another to suffer pecuniary
13 loss by deception or threat.

14 (2) Criminal mischief is a Class IV felony if the actor
15 intentionally or maliciously causes pecuniary loss of five ~~one~~ thousand
16 ~~five hundred~~ dollars or more, or a substantial interruption or impairment
17 of public communication, transportation, supply of water, gas, or power,
18 or other public service.

19 (3) Criminal mischief is a Class I misdemeanor if the actor
20 intentionally or maliciously causes pecuniary loss of one thousand five
21 ~~hundred~~ dollars or more but less than five ~~one thousand five hundred~~
22 dollars.

23 (4) Criminal mischief is a Class II misdemeanor if the actor
24 intentionally or maliciously causes pecuniary loss of five ~~two~~ hundred
25 dollars or more but less than one thousand five hundred dollars.

26 (5) Criminal mischief is a Class III misdemeanor if the actor
27 intentionally, maliciously, or recklessly causes pecuniary loss in an
28 amount of less than five ~~two~~ hundred dollars, or if his or her action
29 results in no pecuniary loss.

30 Sec. 32. Section 28-603, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

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

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

11 (3) Forgery in the second degree is a Class IV felony when the face
12 value, or purported face value, or the amount of any proceeds wrongfully
13 procured or intended to be procured by the use of such instrument, is one
14 thousand five ~~exceeds three~~ hundred dollars or more but is less than five
15 ~~one~~ thousand dollars.

16 (4) Forgery in the second degree is a Class I misdemeanor when the
17 face value, or purported face value, or the amount of any proceeds
18 wrongfully procured or intended to be procured by the use of such
19 instrument, is five ~~three~~ hundred dollars or more but is ~~or~~ less than one
20 thousand five hundred dollars.

21 (5) Forgery in the second degree is a Class II misdemeanor when the
22 face value, or purported face value, or the amount of any proceeds
23 wrongfully procured or intended to be procured by the use of such
24 instrument, is less than five hundred dollars.

25 (6 5) For the purpose of determining the class of penalty for
26 forgery in the second degree, the face values, or purported face values,
27 or the amounts of any proceeds wrongfully procured or intended to be
28 procured by the use of more than one such instrument, may be aggregated
29 in the indictment or information if such instruments were part of the
30 same scheme or course of conduct which took place within a sixty-day
31 period and within one county. Such values or amounts shall not be

1 aggregated into more than one offense.

2 Sec. 33. Section 28-604, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

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

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

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

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

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

20 (6) Criminal possession of a forged instrument prohibited by section
21 28-603, the amount or value of which is less than five hundred dollars,
22 is a Class III misdemeanor.

23 (7 ~~6~~) For the purpose of determining the class of penalty for
24 criminal possession of a forged instrument prohibited by section 28-603,
25 the amounts or values of more than one such forged instrument may be
26 aggregated in the indictment or information if such forged instruments
27 were part of the same scheme or course of conduct which took place within
28 a sixty-day period and within one county. Such amounts or values shall
29 not be aggregated into more than one offense.

30 Sec. 34. Section 28-611, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 28-611 (1) Whoever obtains property, services, or present value of
2 any kind by issuing or passing a check, draft, assignment of funds, or
3 similar signed order for the payment of money, knowing that he or she
4 does not have sufficient funds in or credit with the drawee for the
5 payment of the check, draft, assignment of funds, or order in full upon
6 presentation, commits the offense of issuing a bad check. Issuing a bad
7 check is:

8 (a) A Class ~~III~~ IIA felony if the amount of the check, draft,
9 assignment of funds, or order is five ~~one thousand five hundred~~ dollars
10 or more;

11 (b) A Class IV felony if the amount of the check, draft, assignment
12 of funds, or order is one thousand five hundred dollars or more, but less
13 than five ~~one thousand five hundred~~ dollars;

14 (c) A Class I misdemeanor if the amount of the check, draft,
15 assignment of funds, or order is five ~~two~~ hundred dollars or more, but
16 less than one thousand five hundred dollars; and

17 (d) A Class II misdemeanor if the amount of the check, draft,
18 assignment of funds, or order is less than five ~~two~~ hundred dollars.

19 (2) The aggregate amount of any series of checks, drafts,
20 assignments, or orders issued or passed within a sixty-day period in one
21 county may be used in determining the classification of the offense
22 pursuant to subsection (1) of this section, except that checks, drafts,
23 assignments, or orders may not be aggregated into more than one offense.

24 (3) For any second or subsequent offense under subdivision (1)(c) or
25 (1)(d) of this section, any person so offending shall be guilty of a
26 Class IV felony.

27 (4) Whoever otherwise issues or passes a check, draft, assignment of
28 funds, or similar signed order for the payment of money, knowing that he
29 or she does not have sufficient funds in or credit with the drawee for
30 the payment of the check, draft, assignment of funds, or order in full
31 upon its presentation, shall be guilty of a Class II misdemeanor.

1 (5) Any person in violation of this section who makes voluntary
2 restitution to the injured party for the value of the check, draft,
3 assignment of funds, or order shall also pay ten dollars to the injured
4 party and any reasonable handling fee imposed on the injured party by a
5 financial institution.

6 (6) In any prosecution for issuing a bad check, the person issuing
7 the check, draft, assignment of funds, or order shall be presumed to have
8 known that he or she did not have sufficient funds in or credit with the
9 drawee for the payment of the check, draft, assignment of funds, or order
10 in full upon presentation if, within thirty days after issuance of the
11 check, draft, assignment of funds, or order, he or she was notified that
12 the drawee refused payment for lack of funds and he or she failed within
13 ten days after such notice to make the check, draft, assignment of funds,
14 or order good or, in the absence of such notice, he or she failed to make
15 the check, draft, assignment of funds, or order good within ten days
16 after notice that such check, draft, assignment of funds, or order has
17 been returned to the depositor was sent to him or her by the county
18 attorney or his or her deputy, by United States mail addressed to such
19 person at his or her last-known address. Upon request of the depositor
20 and the payment of ten dollars for each check, draft, assignment of
21 funds, or order, the county attorney or his or her deputy shall be
22 required to mail notice to the person issuing the check, draft,
23 assignment of funds, or order as provided in this subsection. The ten-
24 dollar payment shall be payable to the county treasurer and credited to
25 the county general fund. No such payment shall be collected from any
26 county office to which such a check, draft, assignment of funds, or order
27 is issued in the course of the official duties of the office.

28 (7) Any person convicted of violating this section may, in addition
29 to a fine or imprisonment, be ordered to make restitution to the party
30 injured for the value of the check, draft, assignment of funds, or order
31 and to pay ten dollars to the injured party and any reasonable handling

1 fee imposed on the injured party by a financial institution. If the
2 court, in addition to sentencing any person to imprisonment under this
3 section, also enters an order of restitution, the time permitted to make
4 such restitution shall not be concurrent with the sentence of
5 imprisonment.

6 (8) The fact that restitution to the party injured has been made and
7 that ten dollars and any reasonable handling fee imposed on the injured
8 party by a financial institution have been paid to the injured party
9 shall be a mitigating factor in the imposition of punishment for any
10 violation of this section.

11 Sec. 35. Section 28-611.01, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 28-611.01 (1) Whoever issues or passes a check, draft, assignment of
14 funds, or similar signed order for the payment of money, knowing that he
15 or she has no account with the drawee at the time the check, draft,
16 assignment of funds, or order is issued, commits the offense of issuing a
17 no-account check. Issuing a no-account check is:

18 (a) A Class III felony if the amount of the check, draft, assignment
19 of funds, or order is five ~~one thousand five hundred~~ dollars or more;

20 (b) A Class IV felony if the amount of the check, draft, assignment
21 of funds, or order is one thousand five hundred dollars or more, but less
22 than five ~~one thousand five hundred~~ dollars;

23 (c) A Class I misdemeanor if the amount of the check, draft,
24 assignment of funds, or order is five ~~two~~ hundred dollars or more, but
25 less than one thousand five hundred dollars; and

26 (d) A Class II misdemeanor if the amount of the check, draft,
27 assignment of funds, or order is less than five ~~two~~ hundred dollars.

28 (2) The aggregate amount of any series of checks, drafts,
29 assignments, or orders issued or passed within a sixty-day period in one
30 county may be used in determining the classification of the offense
31 pursuant to subsection (1) of this section, except that checks, drafts,

1 assignments, or orders may not be aggregated into more than one offense.

2 (3) For any second or subsequent offense under this section, any
3 person so offending shall be guilty of:

4 (a) A Class III felony if the amount of the check, draft, assignment
5 of funds, or order is one thousand five hundred dollars or more; and

6 (b) A Class IV felony if the amount of the check, draft, assignment
7 of funds, or order is less than one thousand five hundred dollars.

8 Sec. 36. Section 28-620, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-620 (1) A person commits the offense of unauthorized use of a
11 financial transaction device if such person uses such device in an
12 automated banking device, to imprint a sales form, or in any other
13 manner:

14 (a) For the purpose of obtaining money, credit, property, or
15 services or for making financial payment, with intent to defraud;

16 (b) With notice that the financial transaction device is expired,
17 revoked, or canceled;

18 (c) With notice that the financial transaction device is forged,
19 altered, or counterfeited; or

20 (d) When for any reason his or her use of the financial transaction
21 device is unauthorized either by the issuer or by the account holder.

22 (2) For purposes of this section, notice shall mean either notice
23 given in person or notice given in writing to the account holder, by
24 registered or certified mail, return receipt requested, duly stamped and
25 addressed to such account holder at his or her last address known to the
26 issuer. Such notice shall be evidenced by a returned receipt signed by
27 the account holder which shall be prima facie evidence that the notice
28 was received.

29 (3) Any person committing the offense of unauthorized use of a
30 financial transaction device shall be guilty of:

31 (a) A Class II misdemeanor if the total value of the money, credit,

1 property, or services obtained or the financial payments made are less
2 than five ~~two~~ hundred dollars within a six-month period from the date of
3 the first unauthorized use;

4 (b) A Class I misdemeanor if the total value of the money, credit,
5 property, or services obtained or the financial payments made are five
6 ~~two~~ hundred dollars or more but less than one thousand five hundred
7 dollars within a six-month period from the date of the first unauthorized
8 use;

9 (c) A Class IV felony if the total value of the money, credit,
10 property, or services obtained or the financial payments made are one
11 thousand five hundred dollars or more but less than five ~~one~~ thousand
12 ~~five hundred~~ dollars within a six-month period from the date of the first
13 unauthorized use; and

14 (d) A Class IIA ~~III~~ felony if the total value of the money, credit,
15 property, or services obtained or the financial payments made are five
16 ~~one thousand five hundred~~ dollars or more within a six-month period from
17 the date of the first unauthorized use.

18 (4) Any prosecution under this section may be conducted in any
19 county where the person committed the offense or any one of a series of
20 offenses to be aggregated.

21 (5) Once aggregated and filed, no separate prosecution for an
22 offense arising out of the same series of offenses aggregated and filed
23 shall be allowed in any county.

24 Sec. 37. Section 28-621, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 28-621 (1) A person commits the offense of criminal possession of a
27 financial transaction device if, with the intent to defraud, such person
28 has in his or her possession or under his or her control any financial
29 transaction device issued to a different account holder or which he or
30 she knows or reasonably should know to be lost, stolen, forged, altered,
31 or counterfeited.

1 (2) Any person committing the offense of criminal possession of one
2 financial transaction device shall be guilty of a Class III misdemeanor.

3 (3) Any person committing the offense of criminal possession of two
4 or three financial transaction devices, each issued to different account
5 holders, shall be guilty of a Class IV felony.

6 (4) Any person committing the offense of criminal possession of four
7 or more financial transaction devices, each issued to different account
8 holders, shall be guilty of a Class IIA ~~III~~ felony.

9 Sec. 38. Section 28-622, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-622 (1) A person commits the offense of unlawful circulation of a
12 financial transaction device in the first degree if such person sells or
13 has in his or her possession or under his or her control with the intent
14 to deliver, circulate, or sell two or more financial transaction devices
15 which he or she knows or reasonably should know to be lost, stolen,
16 forged, altered, counterfeited, or delivered under a mistake as to the
17 identity or address of the account holder.

18 (2) Any person committing the offense of unlawful circulation of a
19 financial transaction device in the first degree shall be guilty of a
20 Class IIA ~~III~~ felony.

21 Sec. 39. Section 28-627, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 28-627 (1) A person commits the offense of unlawful manufacture of a
24 financial transaction device if, with intent to defraud, such person:

25 (a) Falsely makes or manufactures, by printing, embossing, or
26 magnetically encoding, a financial transaction device;

27 (b) Falsely alters or adds service marks, optical characters, or
28 holographic images to a device which is, purports to be, or is circulated
29 to become or represent if completed a financial transaction device; or

30 (c) Falsely completes a financial transaction device by adding to an
31 incomplete device to make it appear to be a complete one.

1 (2) Any person committing the offense of unlawful manufacture of a
2 financial transaction device shall be guilty of a Class IIA ~~III~~ felony.

3 Sec. 40. Section 28-631, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 28-631 (1) A person or entity commits a fraudulent insurance act if
6 he or she:

7 (a) Knowingly and with intent to defraud or deceive presents, causes
8 to be presented, or prepares with knowledge or belief that it will be
9 presented to or by an insurer, or any agent of an insurer, any statement
10 as part of, in support of, or in denial of a claim for payment or other
11 benefit from an insurer or pursuant to an insurance policy knowing that
12 the statement contains any false, incomplete, or misleading information
13 concerning any fact or thing material to a claim;

14 (b) Assists, abets, solicits, or conspires with another to prepare
15 or make any statement that is intended to be presented to or by an
16 insurer or person in connection with or in support of any claim for
17 payment or other benefit from an insurer or pursuant to an insurance
18 policy knowing that the statement contains any false, incomplete, or
19 misleading information concerning any fact or thing material to the
20 claim;

21 (c) Makes any false or fraudulent representations as to the death or
22 disability of a policy or certificate holder or a covered person in any
23 statement or certificate for the purpose of fraudulently obtaining money
24 or benefit from an insurer;

25 (d) Knowingly and willfully transacts any contract, agreement, or
26 instrument which violates this section;

27 (e) Receives money for the purpose of purchasing insurance and
28 converts the money to the person's own benefit;

29 (f) Willfully embezzles, abstracts, purloins, misappropriates, or
30 converts money, funds, premiums, credits, or other property of an insurer
31 or person engaged in the business of insurance;

1 (g) Knowingly and with intent to defraud or deceive issues fake or
2 counterfeit insurance policies, certificates of insurance, insurance
3 identification cards, or insurance binders;

4 (h) Knowingly and with intent to defraud or deceive possesses fake
5 or counterfeit insurance policies, certificates of insurance, insurance
6 identification cards, or insurance binders;

7 (i) Knowingly and with intent to defraud or deceive makes any false
8 entry of a material fact in or pertaining to any document or statement
9 filed with or required by the Department of Insurance;

10 (j) Knowingly and with the intent to defraud or deceive provides
11 false, incomplete, or misleading information to an insurer concerning the
12 number, location, or classification of employees for the purpose of
13 lessening or reducing the premium otherwise chargeable for workers'
14 compensation insurance coverage;

15 (k) Knowingly and with intent to defraud or deceive removes,
16 conceals, alters, diverts, or destroys assets or records of an insurer or
17 person engaged in the business of insurance or attempts to remove,
18 conceal, alter, divert, or destroy assets or records of an insurer or
19 person engaged in the business of insurance;

20 (l) Willfully operates as or aids and abets another operating as a
21 discount medical plan organization in violation of subsection (1) of
22 section 44-8306; or

23 (m) Willfully collects fees for purported membership in a discount
24 medical plan organization but purposefully fails to provide the promised
25 benefits.

26 (2)(a) A violation of subdivisions (1)(a) through (f) of this
27 section is a Class III felony when the amount involved is five ~~one~~
28 thousand ~~five hundred~~ dollars or more.

29 (b) A violation of subdivisions (1)(a) through (f) of this section
30 is a Class IV felony when the amount involved is one thousand five
31 hundred dollars or more but less than five ~~one thousand five hundred~~

1 dollars.

2 (c) A violation of subdivisions (1)(a) through (f) of this section
3 is a Class I misdemeanor when the amount involved is five ~~two~~ hundred
4 dollars or more but less than one thousand five hundred dollars.

5 (d) A violation of subdivisions (1)(a) through (f) of this section
6 is a Class II misdemeanor when the amount involved is less than five ~~two~~
7 hundred dollars.

8 (e) For any second or subsequent conviction under subdivision (2)(c)
9 of this section, the violation is a Class IV felony.

10 (f) A violation of subdivisions (1)(g), (i), (j), (k), (l), and (m)
11 of this section is a Class IV felony.

12 (g) A violation of subdivision (1)(h) of this section is a Class I
13 misdemeanor.

14 (3) Amounts taken pursuant to one scheme or course of conduct from
15 one person, entity, or insurer may be aggregated in the indictment or
16 information in determining the classification of the offense, except that
17 amounts may not be aggregated into more than one offense.

18 (4) In any prosecution under this section, if the amounts are
19 aggregated pursuant to subsection (3) of this section, the amount
20 involved in the offense shall be an essential element of the offense that
21 must be proved beyond a reasonable doubt.

22 (5) A prosecution under this section shall be in lieu of an action
23 under section 44-6607.

24 (6) For purposes of this section:

25 (a) Insurer means any person or entity transacting insurance as
26 defined in section 44-102 with or without a certificate of authority
27 issued by the Director of Insurance. Insurer also means health
28 maintenance organizations, legal service insurance corporations, prepaid
29 limited health service organizations, dental and other similar health
30 service plans, discount medical plan organizations, and entities licensed
31 pursuant to the Intergovernmental Risk Management Act and the

1 Comprehensive Health Insurance Pool Act. Insurer also means an employer
2 who is approved by the Nebraska Workers' Compensation Court as a self-
3 insurer; and

4 (b) Statement includes, but is not limited to, any notice,
5 statement, proof of loss, bill of lading, receipt for payment, invoice,
6 account, estimate of property damages, bill for services, diagnosis,
7 prescription, hospital or medical records, X-rays, test result, or other
8 evidence of loss, injury, or expense, whether oral, written, or computer-
9 generated.

10 Sec. 41. Section 28-638, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 28-638 (1) A person commits the crime of criminal impersonation if
13 he or she:

14 (a) Pretends to be a representative of some person or organization
15 and does an act in his or her fictitious capacity with the intent to gain
16 a pecuniary benefit for himself, herself, or another and to deceive or
17 harm another;

18 (b) Carries on any profession, business, or any other occupation
19 without a license, certificate, or other authorization required by law;

20 (c) Knowingly provides false personal identifying information or a
21 false personal identification document to a court or a law enforcement
22 officer; or

23 (d) Knowingly provides false personal identifying information or a
24 false personal identification document to an employer for the purpose of
25 obtaining employment.

26 (2)(a) Criminal impersonation, as described in subdivisions (1)(a)
27 and (1)(b) of this section, is a Class III felony if the credit, money,
28 goods, services, or other thing of value that was gained or was attempted
29 to be gained was five ~~one thousand five hundred~~ dollars or more. Any
30 second or subsequent conviction under this subdivision is a Class II
31 felony.

1 (b) Criminal impersonation, as described in subdivisions (1)(a) and
2 (1)(b) of this section, is a Class IV felony if the credit, money, goods,
3 services, or other thing of value that was gained or was attempted to be
4 gained was one thousand five hundred dollars or more but less than five
5 ~~one thousand five hundred~~ dollars. Any second or subsequent conviction
6 under this subdivision is a Class III felony.

7 (c) Criminal impersonation, as described in subdivisions (1)(a) and
8 (1)(b) of this section, is a Class I misdemeanor if the credit, money,
9 goods, services, or other thing of value that was gained or was attempted
10 to be gained was five ~~two~~ hundred dollars or more but less than one
11 thousand five hundred dollars. Any second or subsequent conviction under
12 this subdivision is a Class IV felony.

13 (d) Criminal impersonation, as described in subdivisions (1)(a) and
14 (1)(b) of this section, is a Class II misdemeanor if no credit, money,
15 goods, services, or other thing of value was gained or was attempted to
16 be gained, or if the credit, money, goods, services, or other thing of
17 value that was gained or was attempted to be gained was less than five
18 ~~two~~ hundred dollars. Any second conviction under this subdivision is a
19 Class I misdemeanor, and any third or subsequent conviction under this
20 subdivision is a Class IV felony.

21 (e) Criminal impersonation, as described in subdivision (1)(c) of
22 this section, is a Class IV felony. Any second conviction under this
23 subdivision is a Class III felony, and any third or subsequent conviction
24 under this subdivision is a Class II felony.

25 (f) Criminal impersonation, as described in subdivision (1)(d) of
26 this section, is a Class II misdemeanor. Any second or subsequent
27 conviction under this subdivision is a Class I misdemeanor.

28 (g) A person found guilty of violating this section may, in addition
29 to the penalties under this subsection, be ordered to make restitution
30 pursuant to sections 29-2280 to 29-2289.

31 Sec. 42. Section 28-639, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 28-639 (1) A person commits the crime of identity theft if he or she
3 knowingly takes, purchases, manufactures, records, possesses, or uses any
4 personal identifying information or entity identifying information of
5 another person or entity without the consent of that other person or
6 entity or creates personal identifying information for a fictional person
7 or entity, with the intent to obtain or use the other person's or
8 entity's identity for any unlawful purpose or to cause loss to a person
9 or entity whether or not the person or entity actually suffers any
10 economic loss as a result of the offense, or with the intent to obtain or
11 continue employment or with the intent to gain a pecuniary benefit for
12 himself, herself, or another.

13 (2) Identity theft is not:

14 (a) The lawful obtaining of credit information in the course of a
15 bona fide consumer or commercial transaction;

16 (b) The lawful, good faith exercise of a security interest or a
17 right of setoff by a creditor or a financial institution;

18 (c) The lawful, good faith compliance by any person when required by
19 any warrant, levy, garnishment, attachment, court order, or other
20 judicial or administrative order, decree, or directive; or

21 (d) The investigative activities of law enforcement.

22 (3)(a) Identity theft is a Class IIA ~~III~~ felony if the credit,
23 money, goods, services, or other thing of value that was gained or was
24 attempted to be gained was five ~~one thousand five hundred~~ dollars or
25 more. Any second or subsequent conviction under this subdivision is a
26 Class II felony.

27 (b) Identity theft is a Class IV felony if the credit, money, goods,
28 services, or other thing of value that was gained or was attempted to be
29 gained was one thousand five hundred dollars or more but less than five
30 ~~one thousand five hundred~~ dollars. Any second or subsequent conviction
31 under this subdivision is a Class III felony.

1 (c) Identity theft is a Class I misdemeanor if the credit, money,
2 goods, services, or other thing of value that was gained or was attempted
3 to be gained was five ~~two~~ hundred dollars or more but less than one
4 thousand five hundred dollars. Any second or subsequent conviction under
5 this subdivision is a Class IV felony.

6 (d) Identity theft is a Class II misdemeanor if no credit, money,
7 goods, services, or other thing of value was gained or was attempted to
8 be gained, or if the credit, money, goods, services, or other thing of
9 value that was gained or was attempted to be gained was less than five
10 ~~two~~ hundred dollars. Any second conviction under this subdivision is a
11 Class I misdemeanor, and any third or subsequent conviction under this
12 subdivision is a Class IV felony.

13 (e) A person found guilty of violating this section may, in addition
14 to the penalties under this subsection, be ordered to make restitution
15 pursuant to sections 29-2280 to 29-2289.

16 Sec. 43. Section 28-703, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 28-703 (1) Any person who shall knowingly intermarry or engage in
19 sexual penetration with any person who falls within the degrees of
20 consanguinity set forth in section 28-702 or any person who engages in
21 sexual penetration with his or her ~~minor~~ stepchild who is under nineteen
22 years of age commits incest.

23 (2) Incest is a Class III felony, except that incest with a person
24 who is under eighteen years of age is a Class IIA felony.

25 (3)(a) For purposes of this section, the definitions found in
26 section 28-318 shall be used.

27 (b) The testimony of a victim shall be entitled to the same weight
28 as the testimony of victims of other crimes under this code.

29 Sec. 44. Section 28-707, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 28-707 (1) A person commits child abuse if he or she knowingly,

1 intentionally, or negligently causes or permits a minor child to be:

2 (a) Placed in a situation that endangers his or her life or physical
3 or mental health;

4 (b) Cruelly confined or cruelly punished;

5 (c) Deprived of necessary food, clothing, shelter, or care;

6 (d) Placed in a situation to be sexually exploited by allowing,
7 encouraging, or forcing such minor child to solicit for or engage in
8 prostitution, debauchery, public indecency, or obscene or pornographic
9 photography, films, or depictions;

10 (e) Placed in a situation to be sexually abused as defined in
11 section 28-319, 28-319.01, or 28-320.01; or

12 (f) Placed in a situation to be a trafficking victim as defined in
13 section 28-830.

14 (2) The statutory privilege between patient and physician, between
15 client and professional counselor, and between husband and wife shall not
16 be available for excluding or refusing testimony in any prosecution for a
17 violation of this section.

18 (3) Child abuse is a Class I misdemeanor if the offense is committed
19 negligently and does not result in serious bodily injury as defined in
20 section 28-109 or death.

21 (4) Child abuse is a Class IIIA felony if the offense is committed
22 knowingly and intentionally and does not result in serious bodily injury
23 as defined in section 28-109 or death.

24 (5) Child abuse is a Class IIIA felony if the offense is committed
25 negligently and results in serious bodily injury as defined in section
26 28-109.

27 (6) Child abuse is a Class IIA ~~III~~ felony if the offense is
28 committed negligently and results in the death of such child.

29 (7) Child abuse is a Class II felony if the offense is committed
30 knowingly and intentionally and results in serious bodily injury as
31 defined in such section.

1 (8) Child abuse is a Class IB felony if the offense is committed
2 knowingly and intentionally and results in the death of such child.

3 (9) For purposes of this section, negligently refers to criminal
4 negligence and means that a person knew or should have known of the
5 danger involved and acted recklessly, as defined in section 28-109, with
6 respect to the safety or health of the minor child.

7 Sec. 45. Section 28-813.01, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 28-813.01 (1) It shall be unlawful for a person to knowingly possess
10 any visual depiction of sexually explicit conduct, as defined in section
11 28-1463.02, which has a child, as defined in such section, as one of its
12 participants or portrayed observers.

13 (2)(a) Any person who is under nineteen years of age at the time he
14 or she violates this section shall be guilty of a Class IV felony for
15 each offense.

16 (b) Any person who is nineteen years of age or older at the time he
17 or she violates this section shall be guilty of a Class IIA ~~III~~ felony
18 for each offense.

19 (c) Any person who violates this section and has previously been
20 convicted of a violation of this section or section 28-308, 28-309,
21 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,
22 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of section
23 28-320 shall be guilty of a Class IC felony for each offense.

24 (3) It shall be an affirmative defense to a charge made pursuant to
25 this section that:

26 (a) The visual depiction portrays no person other than the
27 defendant; or

28 (b)(i) The defendant was less than nineteen years of age; (ii) the
29 visual depiction of sexually explicit conduct portrays a child who is
30 fifteen years of age or older; (iii) the visual depiction was knowingly
31 and voluntarily generated by the child depicted therein; (iv) the visual

1 depiction was knowingly and voluntarily provided by the child depicted in
2 the visual depiction; (v) the visual depiction contains only one child;
3 (vi) the defendant has not provided or made available the visual
4 depiction to another person except the child depicted who originally sent
5 the visual depiction to the defendant; and (vii) the defendant did not
6 coerce the child in the visual depiction to either create or send the
7 visual depiction.

8 Sec. 46. Section 28-912, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-912 (1) A person commits escape if he or she unlawfully removes
11 himself or herself from official detention or fails to return to official
12 detention following temporary leave granted for a specific purpose or
13 limited period. Official detention means ~~shall mean~~ arrest, detention in
14 or transportation to any facility for custody of persons under charge or
15 conviction of crime or contempt or for persons alleged or found to be
16 delinquent, detention for extradition or deportation, or any other
17 detention for law enforcement purposes. Official ; ~~but official~~ detention
18 does not include supervision of probation or parole or constraint
19 incidental to release on bail.

20 (2) A public servant concerned in detention commits an offense if he
21 or she knowingly permits an escape. Any person who knowingly causes or
22 facilitates an escape commits a Class IV felony.

23 (3) Irregularity in bringing about or maintaining detention, or lack
24 of jurisdiction of the committing or detaining authority shall not be a
25 defense to prosecution under this section if the escape is from a prison
26 or other custodial facility or from detention pursuant to commitment by
27 official proceedings. In the case of other detentions, irregularity or
28 lack of jurisdiction shall be a defense only if:

29 (a) The escape involved no substantial risk of harm to the person or
30 property of anyone other than the detainee; and

31 (b) The detaining authority did not act in good faith under color of

1 law.

2 (4) Except as provided in subsections ~~subsection~~ (5) and (6) of this
3 section, escape is a Class IV felony.

4 (5) Escape is a Class III felony ~~when~~ where:

5 (a) The detainee was under arrest for or detained on a felony charge
6 or following conviction for the commission of an offense; or

7 ~~(b) The actor employs force, threat, deadly weapon, or other~~
8 ~~dangerous instrumentality to effect the escape; or~~

9 (b) ~~e~~) A public servant concerned in detention of persons convicted
10 of crime purposely facilitates or permits an escape from a detention
11 facility or from transportation thereto.

12 (6) Escape is a Class IIA felony when the actor employs force,
13 threat, deadly weapon, or other dangerous instrumentality to effect the
14 escape.

15 Sec. 47. Section 28-932, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 28-932 (1) Any person (a)(i) who is legally confined in a jail or an
18 adult correctional or penal institution, (ii) who is otherwise in legal
19 custody of the Department of Correctional Services, or (iii) who is
20 committed as a dangerous sex offender under the Sex Offender Commitment
21 Act and (b) who intentionally, knowingly, or recklessly causes bodily
22 injury to another person shall be guilty of a Class IIIA felony, except
23 that if a deadly or dangerous weapon is used to commit such assault, he
24 or she shall be guilty of a Class IIA ~~III~~ felony.

25 (2) Sentences imposed under subsection (1) of this section shall be
26 consecutive to any sentence or sentences imposed for violations committed
27 prior to the violation of subsection (1) of this section and shall not
28 include any credit for time spent in custody prior to sentencing unless
29 the time in custody is solely related to the offense for which the
30 sentence is being imposed under this section.

31 Sec. 48. Section 28-1005, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 28-1005 (1) No person shall knowingly:

3 (a) Promote, engage in, or be employed at dogfighting, cockfighting,
4 bearbaiting, or pitting an animal against another;

5 (b) Receive money for the admission of another person to a place
6 kept for such purpose;

7 (c) Own, use, train, sell, or possess an animal for such purpose; or

8 (d) Permit any act as described in this subsection to occur on any
9 premises owned or controlled by him or her.

10 (2) Any person violating subsection (1) of this section shall be
11 guilty of a Class IIIA ~~IV~~ felony and shall also be subject to section
12 28-1019.

13 (3) No person shall knowingly and willingly be present at and
14 witness as a spectator dogfighting, cockfighting, bearbaiting, or the
15 pitting of an animal against another as prohibited in subsection (1) of
16 this section. Any person who violates any provision of this subsection
17 shall be guilty of a Class IIIA ~~IV~~ felony and shall also be subject to
18 section 28-1019.

19 Sec. 49. Section 28-1009, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 28-1009 (1) A person who intentionally, knowingly, or recklessly
22 abandons or cruelly neglects an animal is guilty of a Class I misdemeanor
23 unless the abandonment or cruel neglect results in serious injury or
24 illness or death of the animal, in which case it is a Class IV felony.

25 (2)(a) Except as provided in subdivision (b) of this subsection, a
26 person who cruelly mistreats an animal is guilty of a Class I misdemeanor
27 for the first offense and a Class IIIA ~~IV~~ felony for any subsequent
28 offense.

29 (b) A person who cruelly mistreats an animal is guilty of a Class
30 IIIA ~~IV~~ felony if such cruel mistreatment involves the knowing and
31 intentional torture, repeated beating, or mutilation of the animal.

1 (3) A person commits harassment of a police animal if he or she
2 knowingly and intentionally teases or harasses a police animal in order
3 to distract, agitate, or harm the police animal for the purpose of
4 preventing such animal from performing its legitimate official duties.
5 Harassment of a police animal is a Class IV misdemeanor unless the
6 harassment is the proximate cause of the death of the police animal, in
7 which case it is a Class IIIA ~~IV~~ felony.

8 (4) A person convicted of a Class I misdemeanor under this section
9 may also be subject to section 28-1019. A person convicted of a Class
10 IIIA ~~IV~~ felony under this section shall also be subject to section
11 28-1019.

12 Sec. 50. Section 28-1102, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 28-1102 (1) A person commits the offense of promoting gambling in
15 the first degree if he or she knowingly advances or profits from unlawful
16 gambling activity by:

17 (a) Engaging in bookmaking to the extent that he or she receives or
18 accepts in any one day one or more bets totaling one thousand five
19 hundred dollars or more; or

20 (b) Receiving, in connection with any unlawful gambling scheme or
21 enterprise, ~~more than~~ one thousand five hundred dollars or more of money
22 played in the scheme or enterprise in any one day.

23 (2) Promoting gambling in the first degree is, for the first
24 offense, a Class I misdemeanor, for the second offense, a Class IV
25 felony, and for the third and all subsequent offenses, a Class III
26 felony. No person shall be charged with a second or subsequent offense
27 under this section unless the prior offense or offenses occurred after
28 August 24, 1979.

29 Sec. 51. Section 28-1103, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-1103 (1) A person commits the offense of promoting gambling in

1 the second degree if he or she knowingly advances or profits from any
2 unlawful gambling activity by:

3 (a) Engaging in bookmaking to the extent that he or she receives or
4 accepts in any one day one or more bets totaling less than one thousand
5 five hundred dollars;

6 (b) Receiving, in connection with any unlawful gambling scheme or
7 enterprise, less than one thousand five hundred dollars of money played
8 in the scheme or enterprise in any one day; or

9 (c) Betting something of value in an amount of five ~~three~~ hundred
10 dollars or more with one or more persons in one day.

11 (2) Promoting gambling in the second degree is a Class II
12 misdemeanor.

13 Sec. 52. Section 28-1104, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 28-1104 (1) A person commits the offense of promoting gambling in
16 the third degree if he or she knowingly participates in unlawful gambling
17 as a player by betting less than five ~~three~~ hundred dollars in any one
18 day.

19 (2) Promoting gambling in the third degree is a Class IV
20 misdemeanor.

21 Sec. 53. Section 28-1212.03, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 28-1212.03 Any person who possesses, receives, retains, or disposes
24 of a stolen firearm knowing that it has been or believing that it has
25 been stolen shall be guilty of a Class IIA ~~III~~ felony unless the firearm
26 is possessed, received, retained, or disposed of with intent to restore
27 it to the owner.

28 Sec. 54. Section 28-1222, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 28-1222 (1) Any person who uses an explosive material or destructive
31 device to commit any felony which may be prosecuted in this state or who

1 possesses an explosive during the commission of any felony which may be
2 prosecuted in this state commits the offense of using explosives to
3 commit a felony.

4 (2) Using explosives to commit a felony is a Class IIA ~~III~~ felony.

5 (3) In the case of a second or subsequent conviction under this
6 section, using explosives to commit a felony is a Class II felony.

7 Sec. 55. Section 28-1224, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-1224 (1) Any person who uses explosive materials or destructive
10 devices to intentionally kill, injure, or intimidate any individual
11 commits the offense of using explosives to kill or injure any person.

12 (2) Except as provided in subsection (3) or (4) of this section,
13 using explosives to kill or injure any person is a Class IIA ~~III~~ felony.

14 (3) If personal injury results, using explosives to kill or injure
15 any person is a Class II felony.

16 (4) If death results, using explosives to kill or injure any person
17 shall be punished as for conviction of murder in the first degree.

18 Sec. 56. Section 28-1344, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 28-1344 (1) Any person who intentionally accesses or causes to be
21 accessed, directly or indirectly, any computer, computer system, computer
22 software, or computer network without authorization or who, having
23 accessed any computer, computer system, computer software, or computer
24 network with authorization, knowingly and intentionally exceeds the
25 limits of such authorization shall be guilty of an offense ~~a Class IV~~
26 ~~felony~~ if he or she intentionally: (a ~~1~~) Deprives another of property or
27 services; or (b ~~2~~) obtains property or services of another, ~~except that~~
28 ~~any person who obtains property or services or deprives another of~~
29 ~~property or services with a value of one thousand dollars or more by such~~
30 ~~conduct shall be guilty of a Class III felony.~~

31 (2) The offense constitutes a Class III felony when the value of the

1 property or services involved is five thousand dollars or more.

2 (3) The offense constitutes a Class IV felony when the value of the
3 property or services involved is one thousand five hundred dollars or
4 more, but less than five thousand dollars.

5 (4) The offense constitutes a Class I misdemeanor when the value of
6 the property or services involved is five hundred dollars or more, but
7 less than one thousand five hundred dollars.

8 (5) The offense constitutes a Class II misdemeanor when the value of
9 the property or services involved is less than five hundred dollars.

10 Sec. 57. Section 28-1345, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-1345 (1) Any person who accesses or causes to be accessed any
13 computer, computer system, computer software, or computer network without
14 authorization or who, having accessed any computer, computer system,
15 computer software, or computer network with authorization, knowingly and
16 intentionally exceeds the limits of such authorization shall be guilty of
17 an offense a Class IV felony if he or she intentionally: (a ~~1~~) Alters,
18 damages, deletes, or destroys any computer, computer system, computer
19 software, computer network, computer program, data, or other property; (b
20 ~~2~~) disrupts the operation of any computer, computer system, computer
21 software, or computer network; or (c ~~3~~) distributes a destructive
22 computer program with intent to damage or destroy any computer, computer
23 system, computer network, or computer software, ~~except that any person~~
24 ~~who causes loss with a value of one thousand dollars or more by such~~
25 ~~conduct shall be guilty of a Class III felony.~~

26 (2) The offense constitutes a Class III felony when the value of the
27 loss caused is five thousand dollars or more.

28 (3) The offense constitutes a Class IV felony when the value of the
29 loss caused is one thousand five hundred dollars or more, but less than
30 five thousand dollars.

31 (4) The offense constitutes a Class I misdemeanor when the value of

1 the loss caused is five hundred dollars or more, but less than one
2 thousand five hundred dollars.

3 (5) The offense constitutes a Class II misdemeanor when the value of
4 the loss caused is less than five hundred dollars.

5 Sec. 58. Section 28-1463.05, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 28-1463.05 (1) It shall be unlawful for a person to knowingly
8 possess with intent to rent, sell, deliver, distribute, trade, or provide
9 to any person any visual depiction of sexually explicit conduct which has
10 a child as one of its participants or portrayed observers.

11 (2)(a) Any person who is under nineteen years of age at the time he
12 or she violates this section shall be guilty of a Class IIIA felony for
13 each offense.

14 (b) Any person who is nineteen years of age or older at the time he
15 or she violates this section shall be guilty of a Class IIA ~~III~~ felony
16 for each offense.

17 (c) Any person who violates this section and has previously been
18 convicted of a violation of this section or section 28-308, 28-309,
19 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,
20 28-813, 28-833, or 28-1463.03 or subsection (1) or (2) of section 28-320
21 shall be guilty of a Class IC felony for each offense.

22 Sec. 59. Section 29-1816, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 29-1816 (1)(a) The accused may be arraigned in county court or
25 district court:

26 (i) If the accused was eighteen years of age or older when the
27 alleged offense was committed;

28 (ii) If the accused was younger than eighteen years of age and was
29 fourteen years of age or older when an alleged offense punishable as a
30 Class I, IA, IB, IC, ID, II, or IIA ~~III~~ felony was committed; or

31 (iii) If the alleged offense is a traffic offense as defined in

1 section 43-245.

2 (b) Arraignment in county court or district court shall be by
3 reading to the accused the complaint or information, unless the reading
4 is waived by the accused when the nature of the charge is made known to
5 him or her. The accused shall then be asked whether he or she is guilty
6 or not guilty of the offense charged. If the accused appears in person
7 and by counsel and goes to trial before a jury regularly impaneled and
8 sworn, he or she shall be deemed to have waived arraignment and a plea of
9 not guilty shall be deemed to have been made.

10 (2) At the time of the arraignment, the county court or district
11 court shall advise the accused, if the accused was younger than eighteen
12 years of age at the time the alleged offense was committed, that the
13 accused may move the county court or district court at any time not later
14 than thirty days after arraignment, unless otherwise permitted by the
15 court for good cause shown, to waive jurisdiction in such case to the
16 juvenile court for further proceedings under the Nebraska Juvenile Code.
17 This subsection does not apply if the case was transferred to county
18 court or district court from juvenile court.

19 (3) For motions to transfer a case from the county court or district
20 court to juvenile court:

21 (a) The county court or district court shall schedule a hearing on
22 such motion within fifteen days. The customary rules of evidence shall
23 not be followed at such hearing. The accused shall be represented by an
24 attorney. The criteria set forth in section 43-276 shall be considered at
25 such hearing. After considering all the evidence and reasons presented by
26 both parties, the case shall be transferred to juvenile court unless a
27 sound basis exists for retaining the case in county court or district
28 court; and

29 (b) The county court or district court shall set forth findings for
30 the reason for its decision. If the county court or district court
31 determines that the accused should be transferred to the juvenile court,

1 the complete file in the county court or district court shall be
2 transferred to the juvenile court and the complaint, indictment, or
3 information may be used in place of a petition therein. The county court
4 or district court making a transfer shall order the accused to be taken
5 forthwith to the juvenile court and designate where the juvenile shall be
6 kept pending determination by the juvenile court. The juvenile court
7 shall then proceed as provided in the Nebraska Juvenile Code.

8 (4) When the accused was younger than eighteen years of age when an
9 alleged offense was committed, the county attorney or city attorney shall
10 proceed under section 43-274.

11 Sec. 60. Section 29-2204, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 29-2204 (1) Except when a term of life imprisonment is required by
14 law, in imposing a an indeterminate sentence upon an offender for any
15 class of felony other than a Class III, IIIA, or IV felony, the court
16 shall fix the minimum and the maximum terms of the sentence to be served
17 within the limits provided by law. The maximum term shall not be greater
18 than the maximum limit provided by law, and:

19 (a) The minimum term fixed by the court shall be less than the
20 maximum term imposed by the court; or

21 (b) The minimum term shall be the minimum limit provided by law.

22 (2) When a maximum term of life is imposed by the court for a Class
23 IB felony, the minimum term fixed by the court shall be:

24 (a) Any term of years not less than the minimum limit provided by
25 law; or

26 (b) A term of life imprisonment.

27 (3) When a maximum term of life is imposed by the court for a Class
28 IA felony, the minimum term fixed by the court shall be:

29 (a) A term of life imprisonment; or

30 (b) Any term of years not less than the minimum limit provided by
31 law after consideration of the mitigating factors in section 28-105.02,

1 if the defendant was under eighteen years of age at the time he or she
2 committed the crime for which he or she was convicted.

3 ~~(a)(i) Until July 1, 1998, fix the minimum and maximum limits of the~~
4 ~~sentence to be served within the limits provided by law, except that when~~
5 ~~a maximum limit of life is imposed by the court for a Class IB felony,~~
6 ~~the minimum limit may be any term of years not less than the statutory~~
7 ~~mandatory minimum; and~~

8 ~~(ii) Beginning July 1, 1998:~~

9 ~~(A) Fix the minimum and maximum limits of the sentence to be served~~
10 ~~within the limits provided by law for any class of felony other than a~~
11 ~~Class IV felony, except that when a maximum limit of life is imposed by~~
12 ~~the court for a Class IB felony, the minimum limit may be any term of~~
13 ~~years not less than the statutory mandatory minimum. If the criminal~~
14 ~~offense is a Class IV felony, the court shall fix the minimum and maximum~~
15 ~~limits of the sentence, but the minimum limit fixed by the court shall~~
16 ~~not be less than the minimum provided by law nor more than one-third of~~
17 ~~the maximum term and the maximum limit shall not be greater than the~~
18 ~~maximum provided by law; or~~

19 ~~(B) Impose a definite term of years, in which event the maximum term~~
20 ~~of the sentence shall be the term imposed by the court and the minimum~~
21 ~~term shall be the minimum sentence provided by law;~~

22 ~~(b) Advise the offender on the record the time the offender will~~
23 ~~serve on his or her minimum term before attaining parole eligibility~~
24 ~~assuming that no good time for which the offender will be eligible is~~
25 ~~lost; and~~

26 ~~(c) Advise the offender on the record the time the offender will~~
27 ~~serve on his or her maximum term before attaining mandatory release~~
28 ~~assuming that no good time for which the offender will be eligible is~~
29 ~~lost.~~

30 ~~If any discrepancy exists between the statement of the minimum limit~~
31 ~~of the sentence and the statement of parole eligibility or between the~~

1 ~~statement of the maximum limit of the sentence and the statement of~~
2 ~~mandatory release, the statements of the minimum limit and the maximum~~
3 ~~limit shall control the calculation of the offender's term. If the court~~
4 ~~imposes more than one sentence upon an offender or imposes a sentence~~
5 ~~upon an offender who is at that time serving another sentence, the court~~
6 ~~shall state whether the sentences are to be concurrent or consecutive.~~

7 ~~(4) (2)(a) When the court is of the opinion that imprisonment may be~~
8 ~~appropriate but desires more detailed information as a basis for~~
9 ~~determining the sentence to be imposed than has been provided by the~~
10 ~~presentence report required by section 29-2261, the court may shall~~
11 ~~commit an offender to the Department of Correctional Services ~~for a~~~~
12 ~~period not exceeding ninety days. During that time, the The department~~
13 ~~shall conduct a complete study of the offender as provided in section 62~~
14 ~~of this act during that time, inquiring into such matters as his or her~~
15 ~~previous delinquency or criminal experience, social background,~~
16 ~~capabilities, and mental, emotional, and physical health and the~~
17 ~~rehabilitative resources or programs which may be available to suit his~~
18 ~~or her needs. By the expiration of the period of commitment or by the~~
19 ~~expiration of such additional time as the court shall grant, not~~
20 ~~exceeding a further period of ninety days, the offender shall be returned~~
21 ~~to the court for sentencing and the court shall be provided with a~~
22 ~~written report of the results of the study, including whatever~~
23 ~~recommendations the department believes will be helpful to a proper~~
24 ~~resolution of the case. After receiving the report and the~~
25 ~~recommendations, the court shall proceed to sentence the offender in~~
26 ~~accordance with subsection (1) of this section. The term of the sentence~~
27 ~~shall run from the date of original commitment under this subsection.~~

28 ~~(b) In order to encourage the use of this procedure in appropriate~~
29 ~~cases, all costs incurred during the period the defendant is held in a~~
30 ~~state institution under this subsection shall be a responsibility of the~~
31 ~~state and the county shall be liable only for the cost of delivering the~~

1 ~~defendant to the institution and the cost of returning him or her to the~~
2 ~~appropriate court for sentencing or such other disposition as the court~~
3 ~~may then deem appropriate.~~

4 (5 3) Except when a term of life is required by law, whenever the
5 defendant was under eighteen years of age at the time he or she committed
6 the crime for which he or she was convicted, the court may, in its
7 discretion, instead of imposing the penalty provided for the crime, make
8 such disposition of the defendant as the court deems proper under the
9 Nebraska Juvenile Code. ~~Until October 1, 2013, prior to making a~~
10 ~~disposition which commits the juvenile to the Office of Juvenile~~
11 ~~Services, the court shall order the juvenile to be evaluated by the~~
12 ~~office if the juvenile has not had an evaluation within the past twelve~~
13 ~~months.~~

14 (6)(a) When imposing an indeterminate sentence upon an offender
15 under this section, the court shall:

16 (i) Advise the offender on the record the time the offender will
17 serve on his or her minimum term before attaining parole eligibility
18 assuming that no good time for which the offender will be eligible is
19 lost; and

20 (ii) Advise the offender on the record the time the offender will
21 serve on his or her maximum term before attaining mandatory release
22 assuming that no good time for which the offender will be eligible is
23 lost.

24 (b) If any discrepancy exists between the statement of the minimum
25 limit of the sentence and the statement of parole eligibility or between
26 the statement of the maximum limit of the sentence and the statement of
27 mandatory release, the statements of the minimum limit and the maximum
28 limit shall control the calculation of the offender's term.

29 (c) If the court imposes more than one sentence upon an offender or
30 imposes a sentence upon an offender who is at that time serving another
31 sentence, the court shall state whether the sentences are to be

1 concurrent or consecutive.

2 Sec. 61. (1) Except when a term of probation is required by law, in
3 imposing a sentence upon an offender for a Class III, IIIA, or IV felony,
4 the court shall:

5 (a) Impose a sentence of imprisonment within the applicable range in
6 section 28-105; and

7 (b) Impose a sentence of post-release supervision, under the
8 jurisdiction of the Office of Probation Administration, within the
9 applicable range in section 28-105.

10 (2) If the criminal offense is a Class IV felony, the court shall
11 impose a sentence of probation unless:

12 (a) The defendant is concurrently or consecutively sentenced to
13 imprisonment for a Class I, IA, IB, IC, II, or IIA felony;

14 (b) The defendant has been deemed a habitual criminal pursuant to
15 section 29-2221; or

16 (c) There are substantial and compelling reasons why the defendant
17 cannot effectively and safely be supervised in the community, including,
18 but not limited to, the criteria in subsections (2) and (3) of section
19 29-2260. Unless other reasons are found to be present, that the offender
20 has not previously succeeded on probation is not, standing alone, a
21 substantial and compelling reason.

22 (3) If a sentence of probation is not imposed, the court shall state
23 its reasoning on the record, advise the defendant of his or her right to
24 appeal the sentence, and impose a sentence as provided in subsection (1)
25 of this section.

26 (4) If the defendant was under eighteen years of age at the time he
27 or she committed the crime for which he or she was convicted, the court
28 may, in its discretion, instead of imposing the penalty provided for the
29 crime, make such disposition of the defendant as the court deems proper
30 under the Nebraska Juvenile Code.

31 (5)(a) When imposing a determinate sentence upon an offender under

1 this section, the court shall:

2 (i) Advise the offender on the record the time the offender will
3 serve on his or her term of imprisonment before his or her term of post-
4 release supervision assuming that no good time for which the offender
5 will be eligible is lost; and

6 (ii) Advise the offender on the record the time the offender will
7 serve on his or her term of post-release supervision before attaining
8 mandatory release assuming that no good time for which the offender will
9 be eligible is lost.

10 (b) If a period of post-release supervision is required but not
11 imposed by the sentencing court, the term of post-release supervision
12 shall be the minimum provided by law.

13 (c) If the court imposes more than one sentence upon an offender or
14 imposes a sentence upon an offender who is at that time serving another
15 sentence, the court shall state whether the sentences are to be
16 concurrent or consecutive.

17 Sec. 62. (1) When the court is of the opinion that imprisonment may
18 be appropriate but desires more detailed information as a basis for
19 determining the sentence to be imposed than has been provided by the
20 presentence report required by section 29-2261, the court shall commit an
21 offender to the Department of Correctional Services for a period not
22 exceeding ninety days. The department shall conduct a complete study of
23 the offender during that time, inquiring into such matters as his or her
24 previous delinquency or criminal experience, social background,
25 capabilities, and mental, emotional, and physical health and the
26 rehabilitative resources or programs which may be available to suit his
27 or her needs.

28 (2) By the expiration of the period of commitment or by the
29 expiration of such additional time as the court shall grant, not
30 exceeding a further period of ninety days, the offender shall be returned
31 to the court for sentencing and the court shall be provided with a

1 written report of the results of the study, including whatever
2 recommendations the department believes will be helpful to a proper
3 resolution of the case. After receiving the report and the
4 recommendations, the court shall proceed to sentence the offender in
5 accordance with section 29-2204 or section 61 of this act. The term of
6 the sentence shall run from the date of original commitment under this
7 section.

8 (3) In order to encourage the use of this procedure in appropriate
9 cases, all costs incurred during the period the defendant is held in a
10 state institution under this section shall be a responsibility of the
11 state and the county shall be liable only for the cost of delivering the
12 defendant to the institution and the cost of returning him or her to the
13 appropriate court for sentencing or such other disposition as the court
14 may then deem appropriate.

15 Sec. 63. Section 29-2246, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-2246 For purposes of the Nebraska Probation Administration Act
18 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context
19 otherwise requires:

20 (1) Association means the Nebraska District Court Judges
21 Association;

22 (2) Court means a district court, county court, or juvenile court as
23 defined in section 43-245;

24 (3) Office means the Office of Probation Administration;

25 (4) Probation means a sentence under which a person found guilty of
26 a crime upon verdict or plea or adjudicated delinquent or in need of
27 special supervision is released by a court subject to conditions imposed
28 by the court and subject to supervision. Probation includes post-release
29 supervision;

30 (5) Probationer means a person sentenced to probation or post-
31 release supervision;

1 (6) Probation officer means an employee of the system who supervises
2 probationers and conducts presentence, predisposition, or other
3 investigations as may be required by law or directed by a court in which
4 he or she is serving or performs such other duties as authorized pursuant
5 to section 29-2258, except unpaid volunteers from the community;

6 (7) Juvenile probation officer means any probation officer who
7 supervises probationers of a separate juvenile court;

8 (8) Juvenile intake probation officer means an employee of the
9 system who is called upon by a law enforcement officer in accordance with
10 section 43-250 to make a decision regarding the furtherance of a
11 juvenile's detention;

12 (9) Chief probation officer means the probation officer in charge of
13 a probation district;

14 (10) System means the Nebraska Probation System;

15 (11) Administrator means the probation administrator;~~and~~

16 (12) Non-probation-based program or service means a program or
17 service established within the district, county, or juvenile courts and
18 provided to individuals not sentenced to probation who have been charged
19 with or convicted of a crime for the purpose of diverting the individual
20 from incarceration or to provide treatment for issues related to the
21 individual's criminogenic needs. Non-probation-based programs or services
22 include, but are not limited to, drug court programs and problem solving
23 court programs established pursuant to section 24-1302 and the treatment
24 of problems relating to substance abuse, mental health, sex offenses, or
25 domestic violence; -

26 (13) Post-release supervision means the portion of a split sentence
27 following a period of incarceration under which a person found guilty of
28 a crime upon verdict or plea is released by a court subject to conditions
29 imposed by the court and subject to supervision by the office; and

30 (14) Rules and regulations means policies and procedures written by
31 the office and approved by the Supreme Court.

1 Sec. 64. Section 29-2252, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-2252 The administrator shall:

4 (1) Supervise and administer the office;

5 (2) Establish and maintain policies, standards, and procedures for
6 the system, with the concurrence of the Supreme Court;

7 (3) Prescribe and furnish such forms for records and reports for the
8 system as shall be deemed necessary for uniformity, efficiency, and
9 statistical accuracy;

10 (4) Establish minimum qualifications for employment as a probation
11 officer in this state and establish and maintain such additional
12 qualifications as he or she deems appropriate for appointment to the
13 system. Qualifications for probation officers shall be established in
14 accordance with subsection (4) of section 29-2253. An ex-offender
15 released from a penal complex or a county jail may be appointed to a
16 position of deputy probation or parole officer. Such ex-offender shall
17 maintain a record free of arrests, except for minor traffic violations,
18 for one year immediately preceding his or her appointment;

19 (5) Establish and maintain advanced periodic inservice training
20 requirements for the system;

21 (6) Cooperate with all agencies, public or private, which are
22 concerned with treatment or welfare of persons on probation;

23 (7) Organize and conduct training programs for probation officers.
24 Training shall include the proper use of a risk and needs assessment,
25 risk-based supervision strategies, relationship skills, cognitive
26 behavioral interventions, community-based resources, criminal risk
27 factors, and targeting criminal risk factors to reduce recidivism and the
28 proper use of a matrix of administrative sanctions, custodial sanctions,
29 and rewards developed pursuant to subdivision (20) of this section. All
30 probation officers employed on or after the effective date of this act
31 shall complete the training requirements set forth in this subdivision;

1 (8) Collect, develop, and maintain statistical information
2 concerning probationers, probation practices, and the operation of the
3 system and provide the Community Corrections Division of the Nebraska
4 Commission on Law Enforcement and Criminal Justice with the information
5 needed to compile the report required in section 47-624;

6 (9) Interpret the probation program to the public with a view toward
7 developing a broad base of public support;

8 (10) Conduct research for the purpose of evaluating and improving
9 the effectiveness of the system. Subject to the availability of funding,
10 the administrator shall contract with an independent contractor or
11 academic institution for evaluation of existing community corrections
12 facilities and programs operated by the office;

13 (11) Adopt and promulgate such rules and regulations as may be
14 necessary or proper for the operation of the office or system. The
15 administrator shall adopt and promulgate rules and regulations for
16 transitioning individuals on probation across levels of supervision and
17 discharging them from supervision consistent with evidence-based
18 practices. The rules and regulations shall ensure supervision resources
19 are prioritized for individuals who are high risk to reoffend, require
20 transitioning individuals down levels of supervision intensity based on
21 assessed risk and months of supervision without a reported major
22 violation, and establish incentives for earning discharge from
23 supervision based on compliance;

24 (12) Transmit a report during each even-numbered year to the Supreme
25 Court on the operation of the office for the preceding two calendar years
26 which shall include a historical analysis of probation officer workload,
27 including participation in non-probation-based programs and services. The
28 report shall be transmitted by the Supreme Court to the Governor and the
29 Clerk of the Legislature. The report submitted to the Clerk of the
30 Legislature shall be submitted electronically;

31 (13) Administer the payment by the state of all salaries, travel,

1 and actual and necessary expenses incident to the conduct and maintenance
2 of the office;

3 (14) Use the funds provided under section 29-2262.07 to augment
4 operational or personnel costs associated with the development,
5 implementation, and evaluation of enhanced probation-based programs and
6 non-probation-based programs and services in which probation personnel or
7 probation resources are utilized pursuant to an interlocal agreement
8 authorized by subdivision (16) of this section and to purchase services
9 to provide such programs aimed at enhancing adult probationer or non-
10 probation-based program participant supervision in the community and
11 treatment needs of probationers and non-probation-based program
12 participants. Enhanced probation-based programs include, but are not
13 limited to, specialized units of supervision, related equipment purchases
14 and training, and programs that address a probationer's vocational,
15 educational, mental health, behavioral, or substance abuse treatment
16 needs;

17 (15) Ensure that any risk or needs assessment instrument utilized by
18 the system be periodically validated;

19 (16) Have the authority to enter into interlocal agreements in which
20 probation resources or probation personnel may be utilized in conjunction
21 with or as part of non-probation-based programs and services. Any such
22 interlocal agreement shall comply with section 29-2255;

23 (17) Collaborate with the Community Corrections Division of the
24 Nebraska Commission on Law Enforcement and Criminal Justice and the
25 Office of Parole Administration to develop rules governing the
26 participation of parolees in community corrections programs operated by
27 the Office of Probation Administration; ~~and~~

28 (18) Develop a matrix of rewards for compliance and positive
29 behaviors and graduated administrative sanctions and custodial sanctions
30 for use in responding to and deterring substance abuse violations and
31 technical violations. As applicable under section 29-2266, custodial

1 sanctions of up to thirty days in jail shall be designated as the most
2 severe response to a violation in lieu of revocation and custodial
3 sanctions of up to three days in jail shall be designated as the second
4 most severe response;

5 (19) Adopt and promulgate rules and regulations for the creation of
6 individualized post-release supervision plans, collaboratively with the
7 Department of Correctional Services and county jails, for probationers
8 sentenced to post-release supervision; and

9 (20 18) Exercise all powers and perform all duties necessary and
10 proper to carry out his or her responsibilities.

11 Each member of the Legislature shall receive an electronic copy of
12 the report required by subdivision (12) of this section by making a
13 request for it to the administrator.

14 Sec. 65. Section 29-2252.01, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 29-2252.01 On December 31 and June 30 of each fiscal year, the
17 administrator shall provide a report to the budget division of the
18 Department of Administrative Services, ~~and~~ the Legislative Fiscal
19 Analyst, ~~and the Supreme Court~~ which shall include, but not be limited
20 to:

21 (1) The total number of felony cases supervised by the office in the
22 previous six months for both regular and intensive supervision probation;

23 (2) The total number of misdemeanor cases supervised by the office
24 in the previous six months for both regular and intensive supervision
25 probation;

26 (3) The felony caseload per officer for both regular and intensive
27 supervision probation on the last day of the reporting period;

28 (4) The misdemeanor caseload per officer for both regular and
29 intensive supervision probation on the last day of the reporting period;

30 (5) The total number of juvenile cases supervised by the office in
31 the previous six months for both regular and intensive supervision

1 probation;

2 (6) The total number of predisposition investigations completed by
3 the office in the previous six months;

4 (7) The total number of presentence investigations completed by the
5 office in the previous six months; ~~and~~

6 (8) The total number of juvenile intake screening interviews
7 conducted and detentions authorized by the office in the previous six
8 months, using the detention screening instrument described in section
9 43-260.01; and ~~-~~

10 (9) The total number of probationers with restitution judgments, the
11 number of restitution payments made to clerks of the court, the average
12 amount of payments, and the total amount of restitution collected.

13 The report submitted to the Legislative Fiscal Analyst shall be
14 submitted electronically.

15 Sec. 66. Section 29-2260, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-2260 (1) Whenever a person is adjudicated to be as described in
18 subdivision (1), (2), (3)(b), or (4) of section 43-247, his or her
19 disposition shall be governed by the Nebraska Juvenile Code.

20 (2) Whenever a court considers sentence for an offender convicted of
21 either a misdemeanor or a felony for which mandatory or mandatory minimum
22 imprisonment is not specifically required, the court may withhold
23 sentence of imprisonment unless, having regard to the nature and
24 circumstances of the crime and the history, character, and condition of
25 the offender, the court finds that imprisonment of the offender is
26 necessary for protection of the public because:

27 (a) The risk is substantial that during the period of probation the
28 offender will engage in additional criminal conduct;

29 (b) The offender is in need of correctional treatment that can be
30 provided most effectively by commitment to a correctional facility; or

31 (c) A lesser sentence will depreciate the seriousness of the

1 offender's crime or promote disrespect for law.

2 (3) The following grounds, while not controlling the discretion of
3 the court, shall be accorded weight in favor of withholding sentence of
4 imprisonment:

5 (a) The crime neither caused nor threatened serious harm;

6 (b) The offender did not contemplate that his or her crime would
7 cause or threaten serious harm;

8 (c) The offender acted under strong provocation;

9 (d) Substantial grounds were present tending to excuse or justify
10 the crime, though failing to establish a defense;

11 (e) The victim of the crime induced or facilitated commission of the
12 crime;

13 (f) The offender has compensated or will compensate the victim of
14 his or her crime for the damage or injury the victim sustained;

15 (g) The offender has no history of prior delinquency or criminal
16 activity and has led a law-abiding life for a substantial period of time
17 before the commission of the crime;

18 (h) The crime was the result of circumstances unlikely to recur;

19 (i) The character and attitudes of the offender indicate that he or
20 she is unlikely to commit another crime;

21 (j) The offender is likely to respond affirmatively to probationary
22 treatment; and

23 (k) Imprisonment of the offender would entail excessive hardship to
24 his or her dependents.

25 (4) When an offender who has been convicted of a crime is not
26 sentenced to imprisonment, the court may sentence him or her to
27 probation.

28 (5) For all sentences of imprisonment for Class III, IIIA, or IV
29 felonies, other than those imposed consecutively or concurrently with a
30 sentence to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA
31 felony, the court shall impose a determinate sentence within the

1 applicable range in section 28-105, including a period of post-release
2 supervision.

3 Sec. 67. Section 29-2262, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 29-2262 (1) When a court sentences an offender to probation, it
6 shall attach such reasonable conditions as it deems necessary or likely
7 to insure that the offender will lead a law-abiding life. No offender
8 shall be sentenced to probation if he or she is deemed to be a habitual
9 criminal pursuant to section 29-2221.

10 (2) The court may, as a condition of a sentence of probation,
11 require the offender:

12 (a) To refrain from unlawful conduct;

13 (b) For misdemeanors, to ~~To~~ be confined periodically in the county
14 jail or to return to custody after specified hours but not to exceed ~~(i)~~
15 ~~for misdemeanors,~~ the lesser of ninety days or the maximum jail term
16 provided by law for the offense ~~and (ii) for felonies, one hundred eighty~~
17 ~~days;~~

18 (c) To meet his or her family responsibilities;

19 (d) To devote himself or herself to a specific employment or
20 occupation;

21 (e) To undergo medical or psychiatric treatment and to enter and
22 remain in a specified institution for such purpose;

23 (f) To pursue a prescribed secular course of study or vocational
24 training;

25 (g) To attend or reside in a facility established for the
26 instruction, recreation, or residence of persons on probation;

27 (h) To refrain from frequenting unlawful or disreputable places or
28 consorting with disreputable persons;

29 (i) To possess no firearm or other dangerous weapon if convicted of
30 a felony, or if convicted of any other offense, to possess no firearm or
31 other dangerous weapon unless granted written permission by the court;

1 (j) To remain within the jurisdiction of the court and to notify the
2 court or the probation officer of any change in his or her address or his
3 or her employment and to agree to waive extradition if found in another
4 jurisdiction;

5 (k) To report as directed to the court or a probation officer and to
6 permit the officer to visit his or her home;

7 (l) To pay a fine in one or more payments as ordered;

8 (m) To pay for tests to determine the presence of drugs or alcohol,
9 psychological evaluations, offender assessment screens, and
10 rehabilitative services required in the identification, evaluation, and
11 treatment of offenders if such offender has the financial ability to pay
12 for such services;

13 (n) To perform community service as outlined in sections 29-2277 to
14 29-2279 under the direction of his or her probation officer;

15 (o) To be monitored by an electronic surveillance device or system
16 and to pay the cost of such device or system if the offender has the
17 financial ability;

18 (p) To participate in a community correctional facility or program
19 as provided in the Community Corrections Act;

20 (q) To successfully complete an incarceration work camp program as
21 determined by the Department of Correctional Services;

22 (r) To satisfy any other conditions reasonably related to the
23 rehabilitation of the offender;

24 (s) To make restitution as described in sections 29-2280 and
25 29-2281; or

26 (t) To pay for all costs imposed by the court, including court costs
27 and the fees imposed pursuant to section 29-2262.06.

28 (3) In all cases in which the offender is guilty of violating
29 section 28-416, a condition of probation shall be mandatory treatment and
30 counseling as provided by such section.

31 (4) In all cases in which the offender is guilty of a crime covered

1 by the DNA Identification Information Act, a condition of probation shall
2 be the collecting of a DNA sample pursuant to the act and the paying of
3 all costs associated with the collection of the DNA sample prior to
4 release from probation.

5 Sec. 68. Section 29-2263, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 29-2263 (1) Except as provided in subsection (2) of this section,
8 when ~~When~~ a court has sentenced an offender to probation, the court shall
9 specify the term of such probation which shall be not more than five
10 years upon conviction of a felony or second offense misdemeanor and two
11 years upon conviction of a first offense misdemeanor. The court, on
12 application of a probation officer or of the probationer ~~offender~~ or on
13 its own motion, may discharge a probationer ~~an offender~~ at any time.

14 (2) When a court has sentenced an offender to post-release
15 supervision, the court shall specify the term of such post-release
16 supervision as provided in section 28-105. The court, on application of a
17 probation officer or of the probationer or on its own motion, may
18 discharge a probationer at any time.

19 (3 2) During the term of probation, the court on application of a
20 probation officer or of the probationer ~~offender~~, or its own motion, may
21 modify or eliminate any of the conditions imposed on the probationer
22 ~~offender~~ or add further conditions authorized by section 29-2262. This
23 subsection does not preclude a probation officer from imposing
24 administrative sanctions with the probationer's ~~offender's~~ full knowledge
25 and consent as authorized by subsection (2) or (9) of section 29-2266.

26 (4 3) Upon completion of the term of probation, or the earlier
27 discharge of the probationer ~~offender~~, the probationer ~~offender~~ shall be
28 relieved of any obligations imposed by the order of the court and shall
29 have satisfied the sentence for his or her crime.

30 (5 4) Whenever a probationer disappears or leaves the jurisdiction
31 of the court without permission, the time during which he or she keeps

1 his or her whereabouts hidden or remains away from the jurisdiction of
2 the court shall be added to the original term of probation.

3 Sec. 69. Section 29-2266, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-2266 (1) For purposes of this section:

6 (a) Administrative sanction means additional probation requirements
7 imposed upon a probationer by his or her probation officer, with the full
8 knowledge and consent of the probationer, designed to hold the
9 probationer accountable for ~~substance abuse or noncriminal~~ violations of
10 conditions of probation, including:

11 (i) Counseling or reprimand by his or her probation officer;

12 (ii) Increased supervision contact requirements;

13 (iii) Increased substance abuse testing;

14 (iv) Referral for substance abuse or mental health evaluation or
15 other specialized assessment, counseling, or treatment;

16 (v) Imposition of a designated curfew for a period not to exceed
17 thirty days;

18 (vi) Community service for a specified number of hours pursuant to
19 sections 29-2277 to 29-2279;

20 (vii) Travel restrictions to stay within his or her county of
21 residence or employment unless otherwise permitted by the supervising
22 probation officer; and

23 (viii) Restructuring court-imposed financial obligations to mitigate
24 their effect on the probationer;

25 (b) Noncriminal violation means a probationer's activities or
26 behaviors which create the opportunity for re-offending or diminish the
27 effectiveness of probation supervision resulting in a violation of an
28 original condition of probation, including:

29 (i) Moving traffic violations;

30 (ii) Failure to report to his or her probation officer;

31 (iii) Leaving the jurisdiction of the court or leaving the state

1 without the permission of the court or his or her probation officer;

2 (iv) Failure to work regularly or attend training or school;

3 (v) Failure to notify his or her probation officer of change of
4 address or employment;

5 (vi) Frequenting places where controlled substances are illegally
6 sold, used, distributed, or administered;

7 (vii) Failure to perform community service as directed; and

8 (viii) Failure to pay fines, court costs, restitution, or any fees
9 imposed pursuant to section 29-2262.06 as directed; and

10 (c) Substance abuse violation means a probationer's activities or
11 behaviors associated with the use of chemical substances or related
12 treatment services resulting in a violation of an original condition of
13 probation, including:

14 (i) Positive breath test for the consumption of alcohol if the
15 offender is required to refrain from alcohol consumption;

16 (ii) Positive urinalysis for the illegal use of drugs;

17 (iii) Failure to report for alcohol testing or drug testing; and

18 (iv) Failure to appear for or complete substance abuse or mental
19 health treatment evaluations or inpatient or outpatient treatment.

20 (2) Whenever a probation officer has reasonable cause to believe
21 that a probationer sentenced for a misdemeanor has committed or is about
22 to commit a substance abuse violation or noncriminal violation while on
23 probation, but that the probationer will not attempt to leave the
24 jurisdiction and will not place lives or property in danger, the
25 probation officer shall either:

26 (a) Impose one or more administrative sanctions with the approval of
27 his or her chief probation officer or such chief's designee. The decision
28 to impose administrative sanctions in lieu of formal revocation
29 proceedings rests with the probation officer and his or her chief
30 probation officer or such chief's designee and shall be based upon the
31 probationer's risk level, the severity of the violation, and the

1 probationer's response to the violation. If administrative sanctions are
2 to be imposed, the probationer shall acknowledge in writing the nature of
3 the violation and agree upon the administrative sanction. The probationer
4 has the right to decline to acknowledge the violation; and if he or she
5 declines to acknowledge the violation, the probation officer shall take
6 action pursuant to subdivision (2)(b) of this section. A copy of the
7 report shall be submitted to the county attorney of the county where
8 probation was imposed; or

9 (b) Submit a written report to the sentencing court, with a copy to
10 the county attorney of the county where probation was imposed, outlining
11 the nature of the probation violation and request that formal revocation
12 proceedings be instituted against the probationer.

13 (3) Whenever a probation officer has reasonable cause to believe
14 that a probationer sentenced for a misdemeanor has violated or is about
15 to violate a condition of probation other than a substance abuse
16 violation or noncriminal violation and that the probationer will not
17 attempt to leave the jurisdiction and will not place lives or property in
18 danger, the probation officer shall submit a written report to the
19 sentencing court, with a copy to the county attorney of the county where
20 probation was imposed, outlining the nature of the probation violation.

21 (4) Whenever a probation officer has a reasonable cause to believe
22 that a probationer sentenced for a misdemeanor has violated or is about
23 to violate a condition of his or her probation and that the probationer
24 will attempt to leave the jurisdiction or will place lives or property in
25 danger, the probation officer shall arrest the probationer without a
26 warrant and may call on any peace officer for assistance. Whenever a
27 probationer is arrested, with or without a warrant, he or she shall be
28 detained in a jail or other detention facility.

29 (5) Immediately after arrest and detention pursuant to subsection
30 (4) of this section, the probation officer shall notify the county
31 attorney of the county where probation was imposed and submit a written

1 report of the reason for such arrest and of any violation of probation.
2 After prompt consideration of such written report, the county attorney
3 shall:

4 (a) Order the probationer's release from confinement; or

5 (b) File with the sentencing court a motion or information to revoke
6 the probation.

7 (6) Whenever a county attorney receives a report from a probation
8 officer that a probationer sentenced for a misdemeanor has violated a
9 condition of probation, the county attorney may file a motion or
10 information to revoke probation.

11 (7) Whenever a probation officer has reasonable cause to believe
12 that a probationer sentenced for a felony has committed or is about to
13 commit a violation while on probation, the probation officer shall
14 consider:

15 (a) Whether the probation officer is required to arrest the
16 probationer pursuant to subsection (10) of this section;

17 (b) The probationer's risk level, the severity of the violation, and
18 the probationer's response to the violation; and

19 (c) Whether to impose administrative sanctions or seek custodial
20 sanctions or revocation pursuant to subsection (8) of this section.

21 (8) The following sanctions may be imposed or sought by the
22 probation officer, with approval from his or her chief probation officer
23 or such chief's designee, for felony probationers:

24 (a) One or more administrative sanctions;

25 (b) A custodial sanction of up to three days in jail or up to thirty
26 days in jail, to be imposed by the court. Custodial sanctions may be
27 combined with one or more administrative sanctions; or

28 (c) Formal revocation proceedings, however formal revocations may
29 only be instituted against the probationer for a substance abuse or
30 noncriminal violation if the probationer has served ninety days of
31 cumulative custodial sanctions during the current probation term.

1 (9) If administrative sanctions are to be imposed by the probation
2 officer pursuant to subsection (8) of this section, the probationer must
3 acknowledge in writing the nature of the violation and agree upon the
4 sanction. Prior to acknowledging the violation and agreeing upon the
5 sanction, the probationer must be presented with a violation report and
6 advised of the right to a hearing before the court on the alleged
7 violation. The probationer has the right to decline to acknowledge the
8 violation and request a court hearing. If the probationer declines to
9 acknowledge the violation, the probation officer shall submit a written
10 report to the sentencing court, with a copy to the county attorney of the
11 county where probation was imposed, describing the alleged violation or
12 violations and requesting that administrative sanctions or a custodial
13 sanction of up to thirty days in jail be imposed.

14 (10) Whenever a probation officer has reasonable cause to believe
15 that a probationer sentenced for a felony has violated or is about to
16 violate a condition of his or her probation and that the probationer will
17 attempt to leave the jurisdiction or will place lives or property in
18 danger, the probation officer shall arrest the probationer without a
19 warrant and may call on any peace officer for assistance. Whenever a
20 probationer is arrested, with or without a warrant, he or she shall be
21 detained in a jail or other detention facility. The probation officer
22 shall notify the county attorney of the county where probation was
23 imposed and submit a written report of the reason for such arrest and of
24 any violation of probation. After prompt consideration of such written
25 report, the county attorney shall:

26 (a) Order the probationer's release from confinement; or

27 (b) File with the sentencing court a motion or information to impose
28 administrative or custodial sanctions, or both, or revoke the probation.

29 (11) The administrator shall adopt and promulgate rules and
30 regulations at the direction of the Supreme Court to ensure prompt court
31 review of requests for the imposition of custodial sanctions.

1 (12 7) The administrator shall adopt and promulgate rules and
2 regulations to carry out this section.

3 Sec. 70. Section 29-2268, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-2268 (1) If the court finds that the probationer, other than a
6 probationer serving a term of post-release supervision, did violate a
7 condition of his or her probation, it may revoke the probation and impose
8 on the offender such new sentence as might have been imposed originally
9 for the crime of which he or she was convicted.

10 (2) If the court finds that a probationer serving a term of post-
11 release supervision did violate a condition of his or her post-release
12 supervision, it may revoke the post-release supervision and impose on the
13 offender a term of imprisonment up to the remaining period of post-
14 release supervision. The term shall be served in an institution under the
15 jurisdiction of the Department of Correctional Services or in county jail
16 subject to subsection (2) of section 28-105.

17 (3 2) If the court finds that the probationer did violate a
18 condition of his or her probation, but is of the opinion that revocation
19 ~~of probation~~ is not appropriate, the court may order that:

20 (a) The probationer receive a reprimand and warning;

21 (b) Probation supervision and reporting be intensified;

22 (c) The probationer be required to conform to one or more additional
23 conditions of probation which may be imposed in accordance with the
24 provisions of sections 29-2246 to 29-2268; and

25 (d) The probationer's term of probation be extended, subject to the
26 provisions of section 29-2263.

27 Sec. 71. Section 29-2281, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-2281 To determine the amount of restitution, the court may hold a
30 hearing at the time of sentencing. The amount of restitution shall be
31 based on the actual damages sustained by the victim and shall be

1 supported by evidence which shall become a part of the court record. The
2 court shall consider the defendant's earning ability, employment status,
3 financial resources, and family or other legal obligations and shall
4 balance such considerations against the obligation to the victim. In
5 considering the earning ability of a defendant who is sentenced to
6 imprisonment, the court may receive evidence of money anticipated to be
7 earned by the defendant during incarceration. A person may not be granted
8 or denied probation or parole either solely or primarily due to his or
9 her financial resources or ability or inability to pay restitution. The
10 court may order that restitution be made immediately, in specified
11 installments, or within a specified period of time not to exceed five
12 years after the date of judgment or defendant's final release date from
13 imprisonment, whichever is later. Restitution payments shall be made
14 through the clerk of the court ordering restitution. The clerk shall
15 maintain a record of all receipts and disbursements.

16 Sec. 72. Section 29-2308, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-2308 (1) In all criminal cases that now are or may hereafter be
19 pending in the Court of Appeals or Supreme Court, the appellate court may
20 reduce the sentence rendered by the district court against the accused
21 when in its opinion the sentence is excessive, and it shall be the duty
22 of the appellate court to render such sentence against the accused as in
23 its opinion may be warranted by the evidence. No judgment shall be set
24 aside, new trial granted, or judgment rendered in any criminal case on
25 the grounds of misdirection of the jury or the improper admission or
26 rejection of evidence or for error as to any matter of pleading or
27 procedure if the appellate court, after an examination of the entire
28 cause, considers that no substantial miscarriage of justice has actually
29 occurred.

30 (2) In all criminal cases based on offenses subject to determinate
31 sentencing under subsection (2) of section 61 of this act, the appellate

1 court may determine that a sentence is excessive because the district
2 court did not provide substantial and compelling reasons for imposing a
3 sentence other than probation.

4 Sec. 73. Section 29-3523, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 29-3523 (1) That part of criminal history record information
7 consisting of a notation of an arrest, described in subsection (3 2) of
8 this section, shall not be disseminated to persons other than criminal
9 justice agencies after the expiration of the periods described in
10 subsection (3 2) of this section except as provided in subsection (2) of
11 this section and except when the subject of the record:

12 (a) Is currently the subject of prosecution or correctional control
13 as the result of a separate arrest;

14 (b) Is currently an announced candidate for or holder of public
15 office;

16 (c) Has made a notarized request for the release of such record to a
17 specific person; or

18 (d) Is kept unidentified, and the record is used for purposes of
19 surveying or summarizing individual or collective law enforcement agency
20 activity or practices, or the dissemination is requested consisting only
21 of release of criminal history record information showing (i) dates of
22 arrests, (ii) reasons for arrests, and (iii) the nature of the
23 dispositions including, but not limited to, reasons for not prosecuting
24 the case or cases.

25 (2) That part of criminal history record information consisting of a
26 notation of an arrest, described in subsection (3) of this section, may
27 be disseminated to individuals and agencies for the express purpose of
28 research, evaluative, or statistical activities pursuant to an agreement
29 with a criminal justice agency that specifically authorizes access to the
30 information, limits the use of the information to research, evaluative,
31 or statistical activities, and ensures the confidentiality and security

1 of the information.

2 (3 2) Except as provided in subsections ~~subsection~~ (1) and (2) of
3 this section, the notation of arrest shall be removed from the public
4 record as follows:

5 (a) In the case of an arrest for which no charges are filed as a
6 result of the determination of the prosecuting attorney, the arrest shall
7 not be part of the public record after one year from the date of arrest;

8 (b) In the case of an arrest for which charges are not filed as a
9 result of a completed diversion, the arrest shall not be part of the
10 public record after two years from the date of arrest; and

11 (c) In the case of an arrest for which charges are filed, but
12 dismissed by the court on motion of the prosecuting attorney or as a
13 result of a hearing not the subject of a pending appeal, the arrest shall
14 not be part of the public record after three years from the date of
15 arrest.

16 (4 3) Any person arrested due to the error of a law enforcement
17 agency may file a petition with the district court for an order to
18 expunge the criminal history record information related to such error.
19 The petition shall be filed in the district court of the county in which
20 the petitioner was arrested. The county attorney shall be named as the
21 respondent and shall be served with a copy of the petition. The court may
22 grant the petition and issue an order to expunge such information if the
23 petitioner shows by clear and convincing evidence that the arrest was due
24 to error by the arresting law enforcement agency.

25 Sec. 74. Section 29-4011, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 29-4011 (1) Any person required to register under the Sex Offender
28 Registration Act who violates the act is guilty of a Class IIIA ~~IV~~
29 felony.

30 (2) Any person required to register under the act who violates the
31 act and who has previously been convicted of a violation of the act is

1 guilty of a Class ~~IIA~~ ~~III~~ felony and shall be sentenced to a mandatory
2 minimum term of at least one year in prison unless the violation which
3 caused the person to be placed on the registry was a misdemeanor, in
4 which case the violation of the act shall be a Class ~~IIIA~~ ~~IV~~ felony.

5 (3) Any law enforcement agency with jurisdiction in the area in
6 which a person required to register under the act resides, has a
7 temporary domicile, maintains a habitual living location, is employed,
8 carries on a vocation, or attends school shall investigate and enforce
9 violations of the act.

10 Sec. 75. Section 43-412, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 43-412 (1) Every juvenile committed to the Office of Juvenile
13 Services pursuant to the Nebraska Juvenile Code ~~or pursuant to subsection~~
14 ~~(3) of section 29-2204~~ shall remain committed until he or she attains the
15 age of nineteen or is legally discharged.

16 (2) Upon attainment of the age of nineteen or absent a continuing
17 order of intensive supervised probation, discharge of any juvenile
18 pursuant to the rules and regulations shall be a complete release from
19 all penalties incurred by conviction or adjudication of the offense for
20 which he or she was committed.

21 (3) The Office of Juvenile Services shall provide the committing
22 court, Office of Probation Administration, county attorney, defense
23 attorney, if any, and guardian ad litem, if any, with written
24 notification of the juvenile's discharge within thirty days prior to a
25 juvenile being discharged from the care and custody of the office.

26 Sec. 76. Section 28-1501, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 ~~28-1501~~ (1) The Legislature finds that while serious crime in the
29 State of Nebraska has not increased in the past five years, the prison
30 population continues to increase as does the amount spent on correctional
31 issues. The Legislature further finds that a need exists to closely

1 examine the criminal justice system of the State of Nebraska in order to
2 increase public safety while concurrently reducing correctional spending
3 and reinvesting in strategies that decrease crime and strengthen Nebraska
4 communities.

5 (2) It is the intent of the Legislature that the ~~The~~ State of
6 Nebraska ~~shall~~ work cooperatively with the Council of State Governments
7 Justice Center to study and identify innovative solutions and evidence-
8 based practices to develop a data-driven approach to reduce correctional
9 spending and reinvest savings in strategies that can decrease recidivism
10 and increase public safety and for ~~The Nebraska Justice Reinvestment~~
11 ~~Working Group is created under the authority of the executive,~~
12 legislative, and judicial branches of Nebraska state government to work
13 with the Council of State Governments Justice Center in this process.

14 (3) The Committee on Justice Reinvestment Oversight is created as a
15 special legislative committee to maintain continuous oversight of the
16 Nebraska Justice Reinvestment Initiative and related issues.

17 (4) The special legislative committee shall be comprised of five
18 members of the Legislature selected by the Executive Board of the
19 Legislative Council, including the chairperson of the Judiciary Committee
20 of the Legislature who shall serve as chairperson of the special
21 committee.

22 (5) The Committee on Justice Reinvestment Oversight shall monitor
23 and guide analysis and policy development in all aspects of the criminal
24 justice system in Nebraska within the scope of the justice reinvestment
25 initiative, including tracking implementation of evidence-based
26 strategies as established in this legislative bill, reviewing policies to
27 improve public safety, reduce recidivism, and reduce spending on
28 corrections in Nebraska, working with the Council of State Governments
29 Justice Center to collect data from relevant state agencies for analysis
30 and reporting, and monitoring performance and outcome measures.

31 (6) The committee shall prepare and submit an annual report of its

1 activities and findings and may make recommendations to improve any
2 aspect of the criminal justice system. The committee shall deliver the
3 report to the Governor, the Clerk of the Legislature, and the Chief
4 Justice by September 1 of each year. The report to the clerk shall be
5 delivered electronically.

6 ~~(3) The Governor, the Executive Board of the Legislative Council,~~
7 ~~and the Chief Justice of the Supreme Court are authorized to take any~~
8 ~~necessary actions to engage the Council of State Governments Justice~~
9 ~~Center in this process and to ensure that the report required by~~
10 ~~subsection (6) of this section is delivered. Upon delivery of the report,~~
11 ~~the working group shall be dissolved and discharged of any further~~
12 ~~duties.~~

13 ~~(4) The working group shall be comprised of four members selected by~~
14 ~~the Governor, four members selected by the Speaker of the Legislature,~~
15 ~~four members selected by the Chief Justice of the Supreme Court, and four~~
16 ~~representatives of local governments selected jointly by the Governor,~~
17 ~~the Speaker of the Legislature, and the Chief Justice. The Governor,~~
18 ~~Speaker of the Legislature, and Chief Justice shall serve as co-~~
19 ~~chairpersons of the working group.~~

20 ~~(5) The study undertaken in accordance with this section shall~~
21 ~~include a broad range of issues, including:~~

22 ~~(a) Courts, specialty courts, and sentencing trends;~~

23 ~~(b) Development of a process to determine the impact of pending~~
24 ~~legislation on the criminal justice system;~~

25 ~~(c) Analysis of the prison population and its growth;~~

26 ~~(d) Reported crimes and arrests;~~

27 ~~(e) Alternatives to incarceration;~~

28 ~~(f) Effectiveness of all available offender programs, including~~
29 ~~prison programs and community-based programs;~~

30 ~~(g) Reentry programming and transition;~~

31 ~~(h) Prison programming;~~

- 1 ~~(i) Community services;~~
- 2 ~~(j) Probation and parole services;~~
- 3 ~~(k) Prison admissions and length of stay; and~~
- 4 ~~(l) Recidivism rates of offenders released from prison, jail,~~
- 5 ~~parole, probation, and other community-based programs.~~

6 ~~(6) The Council of State Governments Justice Center shall make a~~
7 ~~final report that includes a summary of the issues studied as required by~~
8 ~~subsection (5) of this section, potential legislative solutions for the~~
9 ~~problems associated with prison overcrowding, and an estimate of the cost~~
10 ~~savings for all policies recommended by the center. The Council of State~~
11 ~~Governments Justice Center shall electronically deliver the report to the~~
12 ~~Governor, the Clerk of the Legislature, and the Chief Justice of the~~
13 ~~Supreme Court by September 1, 2015.~~

14 Sec. 77. Section 60-6,197.03, Revised Statutes Cumulative
15 Supplement, 2014, is amended to read:

16 60-6,197.03 Any person convicted of a violation of section 60-6,196
17 or 60-6,197 shall be punished as follows:

18 (1) Except as provided in subdivision (2) of this section, if such
19 person has not had a prior conviction, such person shall be guilty of a
20 Class W misdemeanor, and the court shall, as part of the judgment of
21 conviction, order that the operator's license of such person be revoked
22 for a period of six months from the date ordered by the court. The
23 revocation order shall require that the person apply for an ignition
24 interlock permit pursuant to section 60-6,211.05 for the revocation
25 period and have an ignition interlock device installed on any motor
26 vehicle he or she operates during the revocation period. Such revocation
27 shall be administered upon sentencing, upon final judgment of any appeal
28 or review, or upon the date that any probation is revoked.

29 If the court places such person on probation or suspends the
30 sentence for any reason, the court shall, as one of the conditions of
31 probation or sentence suspension, order that the operator's license of

1 such person be revoked for a period of sixty days from the date ordered
2 by the court. The court shall order that during the period of revocation
3 the person apply for an ignition interlock permit pursuant to section
4 60-6,211.05. Such order of probation or sentence suspension shall also
5 include, as one of its conditions, the payment of a five-hundred-dollar
6 fine;

7 (2) If such person has not had a prior conviction and, as part of
8 the current violation, had a concentration of fifteen-hundredths of one
9 gram or more by weight of alcohol per one hundred milliliters of his or
10 her blood or fifteen-hundredths of one gram or more by weight of alcohol
11 per two hundred ten liters of his or her breath, such person shall be
12 guilty of a Class W misdemeanor, and the court shall, as part of the
13 judgment of conviction, revoke the operator's license of such person for
14 a period of one year from the date ordered by the court. The revocation
15 order shall require that the person apply for an ignition interlock
16 permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the
17 revocation period and have an ignition interlock device installed on any
18 motor vehicle he or she operates during the revocation period. Such
19 revocation shall be administered upon sentencing, upon final judgment of
20 any appeal or review, or upon the date that any probation is revoked.

21 If the court places such person on probation or suspends the
22 sentence for any reason, the court shall, as one of the conditions of
23 probation or sentence suspension, order that the operator's license of
24 such person be revoked for a period of one year from the date ordered by
25 the court. The revocation order shall require that the person apply for
26 an ignition interlock permit pursuant to subdivision (1)(b) of section
27 60-6,197.01 for the revocation period and have an ignition interlock
28 device installed on any motor vehicle he or she operates during the
29 revocation period. Such revocation shall be administered upon sentencing,
30 upon final judgment of any appeal or review, or upon the date that any
31 probation is revoked. Such order of probation or sentence suspension

1 shall also include, as conditions, the payment of a five-hundred-dollar
2 fine and either confinement in the city or county jail for two days or
3 the imposition of not less than one hundred twenty hours of community
4 service;

5 (3) Except as provided in subdivision (5) of this section, if such
6 person has had one prior conviction, such person shall be guilty of a
7 Class W misdemeanor, and the court shall, as part of the judgment of
8 conviction, order that the operator's license of such person be revoked
9 for a period of eighteen months from the date ordered by the court. The
10 revocation order shall require that the person not drive for a period of
11 forty-five days and that the person apply for an ignition interlock
12 permit and have an ignition interlock device installed on any motor
13 vehicle he or she owns or operates for at least one year. The court shall
14 also issue an order pursuant to subdivision (1)(b) of section
15 60-6,197.01. If the person has an ignition interlock device installed as
16 required under this subdivision, the person shall not be eligible for
17 reinstatement of his or her operator's license until he or she has had
18 the ignition interlock device installed for the period ordered by the
19 court. The revocation shall be administered upon sentencing, upon final
20 judgment of any appeal or review, or upon the date that any probation is
21 revoked.

22 If the court places such person on probation or suspends the
23 sentence for any reason, the court shall, as one of the conditions of
24 probation or sentence suspension, order that the operator's license of
25 such person be revoked for a period of eighteen months from the date
26 ordered by the court. The revocation order shall require that the person
27 not drive for a period of forty-five days and that the person apply for
28 an ignition interlock permit and installation of an ignition interlock
29 device for not less than a one-year period pursuant to section
30 60-6,211.05. The court shall also issue an order pursuant to subdivision
31 (1)(b) of section 60-6,197.01. If the person has an ignition interlock

1 device installed as required under this subdivision, the person shall not
2 be eligible for reinstatement of his or her operator's license until he
3 or she has had the ignition interlock device installed for the period
4 ordered by the court. The order of probation or sentence suspension shall
5 also include, as conditions, the payment of a five-hundred-dollar fine
6 and either confinement in the city or county jail for ten days or the
7 imposition of not less than two hundred forty hours of community service;

8 (4) Except as provided in subdivision (6) of this section, if such
9 person has had two prior convictions, such person shall be guilty of a
10 Class W misdemeanor, and the court shall, as part of the judgment of
11 conviction, order that the operator's license of such person be revoked
12 for a period of fifteen years from the date ordered by the court and
13 shall issue an order pursuant to section 60-6,197.01. Such orders shall
14 be administered upon sentencing, upon final judgment of any appeal or
15 review, or upon the date that any probation is revoked.

16 If the court places such person on probation or suspends the
17 sentence for any reason, the court shall, as one of the conditions of
18 probation or sentence suspension, order that the operator's license of
19 such person be revoked for a period of at least two years but not more
20 than fifteen years from the date ordered by the court. The revocation
21 order shall require that the person not drive for a period of forty-five
22 days, after which the court may order that during the period of
23 revocation the person apply for an ignition interlock permit and
24 installation of an ignition interlock device issued pursuant to section
25 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of
26 section 60-6,197.01. Such order of probation or sentence suspension shall
27 also include, as conditions, the payment of a one-thousand-dollar fine
28 and confinement in the city or county jail for thirty days;

29 (5) If such person has had one prior conviction and, as part of the
30 current violation, had a concentration of fifteen-hundredths of one gram
31 or more by weight of alcohol per one hundred milliliters of his or her

1 blood or fifteen-hundredths of one gram or more by weight of alcohol per
2 two hundred ten liters of his or her breath or refused to submit to a
3 test as required under section 60-6,197, such person shall be guilty of a
4 Class I misdemeanor, and the court shall, as part of the judgment of
5 conviction, order payment of a one-thousand-dollar fine and revoke the
6 operator's license of such person for a period of at least eighteen
7 months but not more than fifteen years from the date ordered by the court
8 and shall issue an order pursuant to section 60-6,197.01. Such revocation
9 and order shall be administered upon sentencing, upon final judgment of
10 any appeal or review, or upon the date that any probation is revoked. The
11 court shall also sentence such person to serve at least ninety days'
12 imprisonment in the city or county jail or an adult correctional
13 facility.

14 If the court places such person on probation or suspends the
15 sentence for any reason, the court shall, as one of the conditions of
16 probation or sentence suspension, order that the operator's license of
17 such person be revoked for a period of at least eighteen months but not
18 more than fifteen years from the date ordered by the court. The
19 revocation order shall require that the person not drive for a period of
20 forty-five days and that during the period of revocation the person apply
21 for an ignition interlock permit and installation of an ignition
22 interlock device for not less than a one-year period issued pursuant to
23 section 60-6,211.05. The court shall also issue an order pursuant to
24 subdivision (1)(b) of section 60-6,197.01. If the person has an ignition
25 interlock device installed as required under this subdivision, the person
26 shall not be eligible for reinstatement of his or her operator's license
27 until he or she has had the ignition interlock device installed for the
28 period ordered by the court. The order of probation or sentence
29 suspension shall also include, as conditions, the payment of a one-
30 thousand-dollar fine and confinement in the city or county jail for
31 thirty days;

1 (6) If such person has had two prior convictions and, as part of the
2 current violation, had a concentration of fifteen-hundredths of one gram
3 or more by weight of alcohol per one hundred milliliters of his or her
4 blood or fifteen-hundredths of one gram or more by weight of alcohol per
5 two hundred ten liters of his or her breath or refused to submit to a
6 test as required under section 60-6,197, such person shall be guilty of a
7 Class IIIA felony, and the court shall, as part of the judgment of
8 conviction, revoke the operator's license of such person for a period of
9 fifteen years from the date ordered by the court and shall issue an order
10 pursuant to section 60-6,197.01. Such revocation and order shall be
11 administered upon sentencing, upon final judgment of any appeal or
12 review, or upon the date that any probation is revoked. The court shall
13 also sentence such person to serve at least one hundred eighty days'
14 imprisonment in the city or county jail or an adult correctional
15 facility.

16 If the court places such person on probation or suspends the
17 sentence for any reason, the court shall, as one of the conditions of
18 probation or sentence suspension, order that the operator's license of
19 such person be revoked for a period of at least five years but not more
20 than fifteen years from the date ordered by the court. The revocation
21 order shall require that the person not drive for a period of forty-five
22 days, after which the court may order that during the period of
23 revocation the person apply for an ignition interlock permit and
24 installation of an ignition interlock device issued pursuant to section
25 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of
26 section 60-6,197.01. Such order of probation or sentence suspension shall
27 also include, as conditions, the payment of a one-thousand-dollar fine,
28 confinement in the city or county jail for sixty days, and, upon release
29 from such confinement, the use of a continuous alcohol monitoring device
30 and abstention from alcohol use at all times for no less than sixty days;

31 (7) Except as provided in subdivision (8) of this section, if such

1 person has had three prior convictions, such person shall be guilty of a
2 Class IIIA felony, and the court shall, as part of the judgment of
3 conviction, order that the operator's license of such person be revoked
4 for a period of fifteen years from the date ordered by the court and
5 shall issue an order pursuant to section 60-6,197.01. Such orders shall
6 be administered upon sentencing, upon final judgment of any appeal or
7 review, or upon the date that any probation is revoked. The court shall
8 also sentence such person to serve at least one hundred eighty days'
9 imprisonment in the city or county jail or an adult correctional
10 facility.

11 If the court places such person on probation or suspends the
12 sentence for any reason, the court shall, as one of the conditions of
13 probation or sentence suspension, order that the operator's license of
14 such person be revoked for a period of fifteen years from the date
15 ordered by the court. The revocation order shall require that the person
16 not drive for a period of forty-five days, after which the court may
17 order that during the period of revocation the person apply for an
18 ignition interlock permit and installation of an ignition interlock
19 device issued pursuant to section 60-6,211.05 and shall issue an order
20 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
21 probation or sentence suspension shall also include, as conditions, the
22 payment of a two-thousand-dollar fine, confinement in the city or county
23 jail for ninety days, and, upon release from such confinement, the use of
24 a continuous alcohol monitoring device and abstention from alcohol use at
25 all times for no less than ninety days;

26 (8) If such person has had three prior convictions and, as part of
27 the current violation, had a concentration of fifteen-hundredths of one
28 gram or more by weight of alcohol per one hundred milliliters of his or
29 her blood or fifteen-hundredths of one gram or more by weight of alcohol
30 per two hundred ten liters of his or her breath or refused to submit to a
31 test as required under section 60-6,197, such person shall be guilty of a

1 Class IIA ~~III~~ felony, and the court shall, as part of the judgment of
2 conviction, revoke the operator's license of such person for a period of
3 fifteen years from the date ordered by the court and shall issue an order
4 pursuant to section 60-6,197.01. Such revocation and order shall be
5 administered upon sentencing, upon final judgment of any appeal or
6 review, or upon the date that any probation is revoked.

7 If the court places such person on probation or suspends the
8 sentence for any reason, the court shall, as one of the conditions of
9 probation or sentence suspension, order that the operator's license of
10 such person be revoked for a period of fifteen years from the date
11 ordered by the court. The revocation order shall require that the person
12 not drive for a period of forty-five days, after which the court may
13 order that during the period of revocation the person apply for an
14 ignition interlock permit and installation of an ignition interlock
15 device issued pursuant to section 60-6,211.05 and shall issue an order
16 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
17 probation or sentence suspension shall also include, as conditions, the
18 payment of a two-thousand-dollar fine, confinement in the city or county
19 jail for one hundred twenty days, and, upon release from such
20 confinement, the use of a continuous alcohol monitoring device and
21 abstention from alcohol use at all times for no less than one hundred
22 twenty days;

23 (9) Except as provided in subdivision (10) of this section, if such
24 person has had four or more prior convictions, such person shall be
25 guilty of a Class IIA ~~III~~ felony with a minimum sentence of two years'
26 imprisonment, and the court shall, as part of the judgment of conviction,
27 order that the operator's license of such person be revoked for a period
28 of fifteen years from the date ordered by the court and shall issue an
29 order pursuant to section 60-6,197.01. Such orders shall be administered
30 upon sentencing, upon final judgment of any appeal or review, or upon the
31 date that any probation is revoked.

1 If the court places such person on probation or suspends the
2 sentence for any reason, the court shall, as one of the conditions of
3 probation or sentence suspension, order that the operator's license of
4 such person be revoked for a period of fifteen years from the date
5 ordered by the court. The revocation order shall require that the person
6 not drive for a period of forty-five days, after which the court may
7 order that during the period of revocation the person apply for an
8 ignition interlock permit and installation of an ignition interlock
9 device issued pursuant to section 60-6,211.05 and shall issue an order
10 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
11 probation or sentence suspension shall also include, as conditions, the
12 payment of a two-thousand-dollar fine, confinement in the city or county
13 jail for one hundred eighty days, and, upon release from such
14 confinement, the use of a continuous alcohol monitoring device and
15 abstention from alcohol use at all times for no less than one hundred
16 eighty days; and

17 (10) If such person has had four or more prior convictions and, as
18 part of the current violation, had a concentration of fifteen-hundredths
19 of one gram or more by weight of alcohol per one hundred milliliters of
20 his or her blood or fifteen-hundredths of one gram or more by weight of
21 alcohol per two hundred ten liters of his or her breath or refused to
22 submit to a test as required under section 60-6,197, such person shall be
23 guilty of a Class II felony with a minimum sentence of two years'
24 imprisonment and the court shall, as part of the judgment of conviction,
25 revoke the operator's license of such person for a period of fifteen
26 years from the date ordered by the court and shall issue an order
27 pursuant to section 60-6,197.01. Such revocation and order shall be
28 administered upon sentencing, upon final judgment of any appeal or
29 review, or upon the date that any probation is revoked.

30 If the court places such person on probation or suspends the
31 sentence for any reason, the court shall, as one of the conditions of

1 probation or sentence suspension, order that the operator's license of
2 such person be revoked for a period of fifteen years from the date
3 ordered by the court. The revocation order shall require that the person
4 not drive for a period of forty-five days, after which the court may
5 order that during the period of revocation the person apply for an
6 ignition interlock permit and installation of an ignition interlock
7 device issued pursuant to section 60-6,211.05 and shall issue an order
8 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
9 probation or sentence suspension shall also include, as conditions, the
10 payment of a two-thousand-dollar fine, confinement in the city or county
11 jail for one hundred eighty days, and, upon release from such
12 confinement, the use of a continuous alcohol monitoring device and
13 abstention from alcohol use at all times for no less than one hundred
14 eighty days.

15 Sec. 78. Section 60-6,197.06, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 60-6,197.06 (1) Unless otherwise provided by law pursuant to an
18 ignition interlock permit, any person operating a motor vehicle on the
19 highways or streets of this state while his or her operator's license has
20 been revoked pursuant to section 28-306, section 60-698, subdivision (4),
21 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section
22 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196
23 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions
24 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and
25 the court shall, as part of the judgment of conviction, revoke the
26 operator's license of such person for a period of fifteen years from the
27 date ordered by the court and shall issue an order pursuant to section
28 60-6,197.01. Such revocation and order shall be administered upon
29 sentencing, upon final judgment of any appeal or review, or upon the date
30 that any probation is revoked.

31 (2) If such person has had a conviction under this section or under

1 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,
2 as such subsections existed prior to July 16, 2004, prior to the date of
3 the current conviction under this section, such person shall be guilty of
4 a Class ~~IIA~~ ~~III~~ felony, and the court shall, as part of the judgment of
5 conviction, revoke the operator's license of such person for a period of
6 fifteen years from the date ordered by the court and shall issue an order
7 pursuant to section 60-6,197.01. Such revocation and order shall be
8 administered upon sentencing, upon final judgment of any appeal or
9 review, or upon the date that any probation is revoked.

10 Sec. 79. Section 68-1017, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 68-1017 (1) Any person, including vendors and providers of medical
13 assistance and social services, who, by means of a willfully false
14 statement or representation, or by impersonation or other device, obtains
15 or attempts to obtain, or aids or abets any person to obtain or to
16 attempt to obtain (a) an assistance certificate of award to which he or
17 she is not entitled, (b) any commodity, any foodstuff, any food
18 instrument, any Supplemental Nutrition Assistance Program benefit or
19 electronic benefit card, or any payment to which such individual is not
20 entitled or a larger payment than that to which he or she is entitled,
21 (c) any payment made on behalf of a recipient of medical assistance or
22 social services, or (d) any other benefit administered by the Department
23 of Health and Human Services, or who violates any statutory provision
24 relating to assistance to the aged, blind, or disabled, aid to dependent
25 children, social services, or medical assistance, commits an offense.

26 (2) Any person who commits an offense under subsection (1) of this
27 section shall upon conviction be punished as follows: (a) If the
28 aggregate value of all funds or other benefits obtained or attempted to
29 be obtained is less than five hundred dollars, the person so convicted
30 shall be guilty of a Class IV ~~III~~ misdemeanor; (b) if the aggregate value
31 of all funds or other benefits obtained or attempted to be obtained is

1 five hundred dollars or more but less than one thousand five hundred
2 dollars, the person so convicted shall be guilty of a Class III
3 misdemeanor; or (c b) if the aggregate value of all funds and other
4 benefits obtained or attempted to be obtained is one thousand five
5 hundred dollars or more, the person so convicted shall be guilty of a
6 Class IV felony.

7 Sec. 80. Section 68-1017.01, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 68-1017.01 (1) A person commits an offense if he or she knowingly
10 uses, alters, or transfers any Supplemental Nutrition Assistance Program
11 benefits or electronic benefit cards or any authorizations to participate
12 in the Supplemental Nutrition Assistance Program in any manner not
13 authorized by law. An offense under this subsection shall be a Class IV
14 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance
15 Program benefits, electronic benefit cards, or authorizations is less
16 than five hundred dollars, shall be a Class III misdemeanor if the value
17 is five hundred dollars or more but less than one thousand five hundred
18 dollars, and shall be a Class IV felony if the value is one thousand five
19 hundred dollars or more.

20 (2) A person commits an offense if he or she knowingly (a) possesses
21 any Supplemental Nutrition Assistance Program benefits or electronic
22 benefit cards or any authorizations to participate in the Supplemental
23 Nutrition Assistance Program when such individual is not authorized by
24 law to possess them, (b) redeems Supplemental Nutrition Assistance
25 Program benefits or electronic benefit cards when he or she is not
26 authorized by law to redeem them, or (c) redeems Supplemental Nutrition
27 Assistance Program benefits or electronic benefit cards for purposes not
28 authorized by law. An offense under this subsection shall be a Class IV
29 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance
30 Program benefits, electronic benefit cards, or authorizations is less
31 than five hundred dollars, shall be a Class III misdemeanor if the value

1 is five hundred dollars or more but less than one thousand five hundred
2 dollars, and shall be a Class IV felony if the value is one thousand five
3 hundred dollars or more.

4 (3) A person commits an offense if he or she knowingly possesses
5 blank authorizations to participate in the Supplemental Nutrition
6 Assistance Program when such possession is not authorized by law. An
7 offense under this subsection shall be a Class IV felony.

8 (4) When any Supplemental Nutrition Assistance Program benefits or
9 electronic benefit cards or any authorizations to participate in the
10 Supplemental Nutrition Assistance Program of various values are obtained
11 in violation of this section pursuant to one scheme or a continuing
12 course of conduct, whether from the same or several sources, such conduct
13 may be considered as one offense, and the values aggregated in
14 determining the grade of the offense.

15 Sec. 81. Section 71-2228, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 71-2228 Any person who by means of a willfully false statement or
18 representation, by impersonation, or by other device obtains or attempts
19 to obtain or aids or abets any person to obtain or to attempt to obtain
20 (1) a food instrument to which he, she, or it is not entitled, (2) any
21 supplemental foods to which such person is not entitled, or (3) any other
22 benefit administered by the Department of Health and Human Services under
23 sections 71-2226 and 71-2227 commits an offense and shall, upon
24 conviction, be punished as follows: (a) If the aggregate value of all
25 funds and ~~or~~ other benefits obtained or attempted to be obtained is less
26 than five hundred dollars, the person so convicted shall be guilty of a
27 Class IV ~~III~~ misdemeanor; (b) if the aggregate value of all funds and
28 other benefits obtained or attempted to be obtained is five hundred
29 dollars or more but less than one thousand five hundred dollars, the
30 person so convicted shall be guilty of a Class III misdemeanor; or (c) ~~b~~
31 if the aggregate value of all funds and other benefits obtained or

1 attempted to be obtained is one thousand five hundred dollars or more,
2 the person so convicted shall be guilty of a Class IV felony.

3 Sec. 82. Section 71-2229, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-2229 (1) A person commits an offense if he, she, or it knowingly
6 and unlawfully uses, alters, or transfers a food instrument or
7 supplemental food. An offense under this subsection shall be a Class IV
8 ~~III~~ misdemeanor if the value of the food instrument or benefit is less
9 than five hundred dollars, shall be a Class III misdemeanor if the value
10 of the food instrument or benefit is five hundred dollars or more but
11 less than one thousand five hundred dollars, and shall be a Class IV
12 felony if the value of the food instrument or benefit is one thousand
13 five hundred dollars or more.

14 (2) A person commits an offense if he, she, or it (a) knowingly and
15 unlawfully possesses a food instrument or supplemental food, (b)
16 knowingly and unlawfully redeems a food instrument, (c) knowingly
17 falsifies or misapplies a food instrument, or (d) fraudulently obtains a
18 food instrument. An offense under this subsection shall be a Class IV ~~III~~
19 misdemeanor if the value of the food instrument or benefit is less than
20 five hundred dollars, shall be a Class III misdemeanor if the value of
21 the food instrument or benefit is five hundred dollars or more but less
22 than one thousand five hundred dollars, and shall be a Class IV felony if
23 the value of the food instrument or benefit is one thousand five hundred
24 dollars or more.

25 (3) A person commits an offense if he, she, or it knowingly and
26 unlawfully possesses a blank authorization to participate in the WIC
27 program or CSF program. An offense under this subsection shall be a Class
28 IV felony.

29 (4) When food instruments or supplemental foods are obtained in
30 violation of this section pursuant to one scheme or a continuing course
31 of conduct, whether from the same or several sources, such conduct may be

1 considered as one offense and the values aggregated in determining the
2 grade of the offense.

3 Sec. 83. Section 81-1185, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-1185 For purposes of the State Government Recycling Management
6 Act, state government recyclable material means shall mean any product or
7 material that has reached the end of its useful life, is obsolete, or is
8 no longer needed by state government and for which there are readily
9 available markets to take the material. State government recyclable
10 material includes, ~~but is not limited to,~~ paper, paperboard, aluminum and
11 other metals, yard waste, glass, tires, oil, and plastics. State
12 government recyclable material does not include cans or other containers
13 recycled under section 83-915.01.

14 Sec. 84. Section 81-1415, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-1415 As used in sections 81-1415 to 81-1426 and section 87 of
17 this act, unless the context otherwise requires: Commission means shall
18 ~~mean~~ the Nebraska Commission on Law Enforcement and Criminal Justice.

19 Sec. 85. Section 81-1416, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-1416 There is hereby created the Nebraska Commission on Law
22 Enforcement and Criminal Justice. The commission shall educate the
23 community at large to the problems encountered by law enforcement
24 authorities, promote respect for law and encourage community involvement
25 in the administration of criminal justice. The commission shall be an
26 agency of the state, and the exercise by the commission of the powers
27 conferred by the provisions of sections 81-1415 to 81-1426 and section 87
28 of this act shall be deemed to be an essential governmental function of
29 the state.

30 Sec. 86. Section 81-1423, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-1423 The commission shall have authority to:

2 (1) Adopt and promulgate rules and regulations for its organization
3 and internal management and rules and regulations governing the exercise
4 of its powers and the fulfillment of its purposes under sections 81-1415
5 to 81-1426 and section 87 of this act;

6 (2) Delegate to one or more of its members such powers and duties as
7 it may deem proper;

8 (3) Coordinate and jointly pursue its activities with the Governor's
9 Policy Research Office;

10 (4) Appoint and abolish such advisory committees as may be necessary
11 for the performance of its functions and delegate appropriate powers and
12 duties to them;

13 (5) Plan improvements in the administration of criminal justice and
14 promote their implementation;

15 (6) Make or encourage studies of any aspect of the administration of
16 criminal justice;

17 (7) Conduct research and stimulate research by public and private
18 agencies which shall be designed to improve the administration of
19 criminal justice;

20 (8) Coordinate activities relating to the administration of criminal
21 justice among agencies of state and local government;

22 (9) Cooperate with the federal and other state authorities
23 concerning the administration of criminal justice;

24 (10) Accept and administer loans, grants, and donations from the
25 United States, its agencies, the State of Nebraska, its agencies, and
26 other sources, public and private, for carrying out any of its functions,
27 except that no communications equipment shall be acquired and no approval
28 for acquisition of communications equipment shall be granted without
29 receiving the written approval of the Director of Communications of the
30 office of Chief Information Officer;

31 (11) Enter into contracts, leases, and agreements necessary,

1 convenient, or desirable for carrying out its purposes and the powers
2 granted under sections 81-1415 to 81-1426 and section 87 of this act with
3 agencies of state or local government, corporations, or persons;

4 (12) Acquire, hold, and dispose of personal property in the exercise
5 of its powers;

6 (13) Conduct random annual audits of criminal justice agencies to
7 verify the accuracy and completeness of criminal history record
8 information maintained by such agencies and to determine compliance with
9 laws and regulations dealing with the dissemination, security, and
10 privacy of criminal history information;

11 (14) Do all things necessary to carry out its purposes and for the
12 exercise of the powers granted in sections 81-1415 to 81-1426 and section
13 87 of this act, except that no activities or transfers or expenditures of
14 funds available to the commission shall be inconsistent with legislative
15 policy as reflected in substantive legislation, legislative intent
16 legislation, or appropriations legislation;

17 (15) Exercise budgetary and administrative control over the Crime
18 Victim's Reparations Committee and the Jail Standards Board; and

19 (16) Do all things necessary to carry out sections 81-1843 to
20 81-1851.

21 Sec. 87. (1) There is created a separate and distinct budgetary
22 program within the commission to be known as the County Justice
23 Reinvestment Grant Program. Funding shall be used to provide grants to
24 counties to help offset jail costs. It is the intent of the Legislature
25 to appropriate five hundred thousand dollars to the County Justice
26 Reinvestment Grant Program.

27 (2) The annual General Fund appropriation to the County Justice
28 Reinvestment Grant Program shall be apportioned to the counties as grants
29 in accordance with a formula established in rules and regulations adopted
30 and promulgated by the commission. The formula shall be based on the
31 total number per county of individuals incarcerated in jails and the

1 total capacity of jails.

2 (3) Funds provided to counties under the County Justice Reinvestment
3 Grant Program shall be used exclusively to assist counties in the event
4 that their average daily jail population increases after the effective
5 date of this act. In distributing funds provided under the County Justice
6 Reinvestment Grant Program, counties shall demonstrate to the commission
7 that their average daily jail population increased, using data to
8 pinpoint the contributing factors, as a result of the implementation of
9 this legislative bill. The commission shall grant funds to counties which
10 have an increase in population compared to the average daily population
11 of the preceding three fiscal years. In calculating the average daily
12 population, counties shall only include post-adjudication inmates who are
13 serving sentences or inmates serving custodial sanctions due to probation
14 violations. Counties may apply for grants one year after the effective
15 date of this act.

16 (4) No funds appropriated or distributed under the County Justice
17 Reinvestment Grant Program shall be used for the construction of secure
18 detention facilities, secure treatment facilities, secure confinement
19 facilities, or county jails. Grants received under this section shall not
20 be used for capital construction or the lease or acquisition of
21 facilities. No funds appropriated under this section shall be used to
22 replace existing funding for programs or services. Any funds appropriated
23 to the County Justice Reinvestment Grant Program to be distributed to
24 counties under this section shall be retained by the commission to be
25 distributed in the form of grants in the following fiscal year.

26 (5) In distributing funds provided under the County Justice
27 Reinvestment Grant Program, recipients shall use the funds for programs,
28 services, and approaches that reduce jail populations and costs.

29 (6) Any county receiving grants under the County Justice
30 Reinvestment Grant Program shall submit annual information electronically
31 to the commission as required by rules and regulations adopted and

1 promulgated by the commission. The information shall include, but not be
2 limited to, the objective sought for the grant and estimated savings and
3 reduction in jail inmates.

4 (7) The commission shall report annually to the Governor and the
5 Legislature on the distribution and use of funds for grants appropriated
6 under the County Justice Reinvestment Grant Program. The report shall
7 include, but not be limited to, the information listed under subsection
8 (6) of this section. The report submitted to the Legislature shall be
9 submitted electronically.

10 (8) The commission shall adopt and promulgate rules and regulations
11 to implement this section.

12 Sec. 88. Section 81-1802, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-1802 A Crime Victim's Reparations Committee is hereby created.
15 The committee shall consist of five members of the commission and three
16 ~~two~~ public members to be appointed by the Governor subject to approval by
17 the Legislature. One public member shall represent charitable
18 organizations, ~~and~~ one public member shall represent businesses, and one
19 public member, who has training and relevant work experience with victims
20 and survivors of crime, shall represent crime victims. The members of the
21 committee shall select a chairperson who is a member of the commission.

22 Sec. 89. Section 81-1803, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-1803 Members of the committee shall serve for terms of four
25 years, ~~except that of the public members first appointed one shall be~~
26 ~~appointed for a term of two years and one for a term of four years.~~

27 Sec. 90. Section 81-1813, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1813 The committee ~~may, subject to the approval of the commission~~
30 shall ~~adopt and promulgate rules and regulations prescribing the~~
31 ~~procedures to be followed in the filing of applications and proceedings~~

1 under the Nebraska Crime Victim's Reparations Act and any other matters
2 the commission ~~committee~~ considers appropriate, including special
3 circumstances, such as when expenses of job retraining or similar
4 employment-related rehabilitative services are involved, under which an
5 award from the Victim's Compensation Fund may exceed twenty-five ~~ten~~
6 thousand dollars. If the rules and regulations authorize awards in excess
7 of twenty-five thousand dollars for special circumstances, the amount of
8 an award in excess of twenty-five thousand dollars shall only be used for
9 such special circumstances. The committee shall make available all forms
10 and educational materials necessary to promote the existence of the
11 programs to persons throughout the state.

12 Sec. 91. Section 81-1823, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-1823 Except as provided in section 81-1813, no compensation shall
15 be awarded under the Nebraska Crime Victim's Reparations Act from the
16 Victim's Compensation Fund in an amount in excess of twenty-five ~~ten~~
17 thousand dollars for each applicant per incident ~~unless expenses for job~~
18 ~~retraining or similar employment-related rehabilitative services for the~~
19 ~~victim are deemed necessary. In such case, amounts in excess of ten~~
20 ~~thousand dollars shall be used only for such purposes.~~ Each award shall
21 be paid in installments unless the hearing officer or committee decides
22 otherwise.

23 Sec. 92. Section 81-1848, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-1848 (1) Victims as defined in section 29-119 shall have the
26 following rights:

27 (a) To examine information which is a matter of public record and
28 collected by criminal justice agencies on individuals consisting of
29 identifiable descriptions and notations of issuance of arrest warrants,
30 arrests, detentions, indictments, charges by information, and other
31 formal criminal charges. Such information shall include any disposition

1 arising from such arrests, charges, sentencing, correctional supervision,
2 and release, but shall not include intelligence or investigative
3 information;

4 (b) To receive from the county attorney advance reasonable notice of
5 any scheduled court proceedings and notice of any changes in that
6 schedule;

7 (c) To be present throughout the entire trial of the defendant,
8 unless the victim is to be called as a witness or the court finds
9 sequestration of the victim necessary for a fair trial. If the victim is
10 to be called as a witness, the court may order the victim to be
11 sequestered;

12 (d) To be notified by the county attorney by any means reasonably
13 calculated to give prompt actual notice of the following:

14 (i) The crimes for which the defendant is charged, the defendant's
15 bond, and the time and place of any scheduled court proceedings;

16 (ii) The final disposition of the case;

17 (iii) The crimes for which the defendant was convicted;

18 (iv) The victim's right to make a written or oral impact statement
19 to be used in the probation officer's preparation of a presentence
20 investigation report concerning the defendant;

21 (v) The address and telephone number of the probation office which
22 is to prepare the presentence investigation report;

23 (vi) That a presentence investigation report and any statement by
24 the victim included in such report will be made available to the
25 defendant unless exempted from disclosure by order of the court; and

26 (vii) The victim's right to submit a written impact statement at the
27 sentencing proceeding or to read his or her impact statement submitted
28 pursuant to subdivision (1)(d)(iv) of this section at the sentencing
29 proceeding;

30 (e) To be notified by the county attorney by any means reasonably
31 calculated to give prompt actual notice of the time and place of any

1 subsequent judicial proceedings if the defendant was acquitted on grounds
2 of insanity;

3 (f) To be notified as provided in section 81-1850, to testify before
4 the Board of Parole or submit a written statement for consideration by
5 the board, and to be notified of the decision of and any action taken by
6 the board;~~and~~

7 (g) To submit a written statement for consideration at any
8 conditional release proceedings, Board of Parole proceedings, pardon
9 proceedings, or commutation proceedings. Conditional release proceeding
10 means a proceeding convened pursuant to a Department of Correctional
11 Services' decision to grant a furlough from incarceration for twenty-four
12 hours or longer or a release into community-based programs, including
13 educational release and work release; and -

14 (h) To have any personal identifying information, other than the
15 victim's name, not be disclosed on pleadings and documents filed in
16 criminal actions that may be available to the public. The Supreme Court
17 shall adopt and promulgate rules to implement this subdivision.

18 (2) Victims and witnesses of crimes shall have the following rights:

19 (a) To be informed on all writs of subpoena or notices to appear
20 that they are entitled to apply for and may receive a witness fee;

21 (b) To be notified that a court proceeding to which they have been
22 subpoenaed will not go on as scheduled in order to save the person an
23 unnecessary trip to court;

24 (c) To receive protection from harm and threats of harm arising out
25 of their cooperation with law enforcement and prosecution efforts and to
26 be provided with information as to the level of protection available;

27 (d) To be informed of financial assistance and other social services
28 available as a result of being a witness or a victim of a crime,
29 including information on how to apply for the assistance and services;

30 (e) To be informed of the procedure to be followed in order to apply
31 for and receive any witness fee to which they are entitled;

1 (f) To be provided, whenever possible, a secure waiting area during
2 court proceedings that does not require them to be in close proximity to
3 defendants and families and friends of defendants;

4 (g) To have any stolen or other personal property expeditiously
5 returned by law enforcement agencies when no longer needed as evidence.
6 If feasible, all such property, except weapons, currency, contraband,
7 property subject to evidentiary analysis, and property the ownership of
8 which is disputed, shall be returned to the person within ten days after
9 being taken;

10 (h) To be provided with appropriate employer intercession services
11 to insure that employers of victims and witnesses will cooperate with the
12 criminal justice process in order to minimize an employee's loss of pay
13 and other benefits resulting from court appearances;

14 (i) To be entitled to a speedy disposition of the case in which they
15 are involved as a victim or witness in order to minimize the length of
16 time they must endure the stress of their responsibilities in connection
17 with the matter;

18 (j) To be informed by the county attorney of the final disposition
19 of a felony case in which they were involved and to be notified pursuant
20 to section 81-1850 whenever the defendant in such case is released from
21 custody; and

22 (k) To have the family members of all homicide victims afforded all
23 of the rights under this subsection ~~(2) of this section~~ and services
24 analogous to those provided under section 81-1847.

25 Sec. 93. Section 83-182.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 83-182.01 (1) Structured programming shall be planned for all adult
28 persons committed to the department. The structured programming shall
29 include any of the following: Work programs, vocational training,
30 behavior management and modification, money management, and substance
31 abuse awareness, counseling, or treatment. Programs and treatment

1 services shall address:

2 (a) Behavioral impairments, severe emotional disturbances, and other
3 mental health or psychiatric disorders;

4 (b) Drug and alcohol use and addiction;

5 (c) Health and medical needs;

6 (d) Education and related services;

7 (e) Counseling services for persons committed to the department who
8 have been physically or sexually abused;

9 (f) Work ethic and structured work programs;~~and~~

10 (g) The development and enhancement of job acquisition skills and
11 job performance skills; and -

12 (h) Cognitive behavioral intervention.

13 Structured programming may also include classes and activities
14 organized by inmate self-betterment clubs, cultural clubs, and other
15 inmate-led or volunteer-led groups.

16 (2) The goal of such structured programming is to provide the skills
17 necessary for the person committed to the department to successfully
18 return to his or her home or community or to a suitable alternative
19 community upon his or her release from the adult correctional facility.
20 The Legislature recognizes that many inmate self-betterment clubs and
21 cultural clubs help achieve this goal by providing constructive
22 opportunities for personal growth.

23 (3) If a person committed to the department refuses to participate
24 in the structured programming described in subsection (1) of this
25 section, he or she shall be subject to disciplinary action, except that a
26 person committed to the department who refuses to participate in
27 structured programming consisting of classes and activities organized by
28 inmate self-betterment clubs, cultural clubs, or other inmate-led or
29 volunteer-led groups shall not be subject to disciplinary action.

30 (4) Any person committed to the department who is qualified by
31 reason of education, training, or experience to teach academic or

1 vocational classes may be given the opportunity to teach such classes to
2 committed offenders as part of the structured programming described in
3 this section.

4 (5) The department shall evaluate the quality of programs funded by
5 the department. The evaluation shall focus on whether program
6 participation reduces recidivism. Subject to the availability of funding,
7 the department may contract with an independent contractor or academic
8 institution for each program evaluation. Each program evaluation shall be
9 standardized and shall include a site visit, interviews with key staff,
10 interviews with offenders, group observation, if applicable, and review
11 of materials used for the program. The evaluation shall include adherence
12 to concepts that are linked with program effectiveness, such as program
13 procedures, staff qualifications, and fidelity to the program model of
14 delivering offender assessment and treatment. Each program evaluation
15 shall also include feedback to the department concerning program
16 strengths and weaknesses and recommendations for better adherence to
17 evidence-based programming.

18 Sec. 94. Section 83-183, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-183 (1) To establish good habits of work and responsibility, to
21 foster vocational training, and to reduce the cost of operating the
22 facilities, persons committed to the department shall be employed, eight
23 hours per day, so far as possible in constructive and diversified
24 activities in the production of goods, services, and foodstuffs to
25 maintain the facilities, for state use, and for other purposes authorized
26 by law. To accomplish these purposes, the director may establish and
27 maintain industries and farms in appropriate facilities and may enter
28 into arrangements with any other board or agency of the state, any
29 natural resources district, or any other political subdivision, except
30 that any arrangements entered into with school districts, educational
31 service units, community colleges, state colleges, or universities shall

1 include supervision provided by the department, for the employment of
2 persons committed to the department for state or governmental purposes.
3 Nothing in this subsection shall be construed to effect a reduction in
4 the number of work release positions.

5 (2) The director shall make rules and regulations governing the
6 hours, the conditions of labor, and the rates of compensation of persons
7 committed to the department. In determining the rates of compensation,
8 such regulations may take into consideration the quantity and quality of
9 the work performed by such person, whether or not such work was performed
10 during regular working hours, the skill required for its performance, and
11 the economic value of similar work outside of correctional facilities.

12 (3) Except as provided in section 83-183.01, wage payments to a
13 person committed to the department shall be set aside by the chief
14 executive officer of the facility in a separate fund. The fund shall
15 enable such person committed to the department to contribute to the
16 support of his or her dependents, if any, to make necessary purchases
17 from the commissary, ~~and~~ to set aside sums to be paid to him or her at
18 the time of his or her release from the facility, and to pay restitution
19 if restitution is required.

20 (4) The director shall adopt and promulgate rules and regulations
21 which will protect the committed offender's rights to due process and
22 govern the collection of restitution as provided in section 96 of this
23 act.

24 (5 4) The director may authorize the chief executive officer to
25 invest the earnings of a person committed to the department. Any accrued
26 interest thereon shall be credited to such person's fund.

27 (6 5) The director may authorize the chief executive officer to
28 reimburse the state from the wage fund of a person committed to the
29 department for:

30 (a) The actual value of property belonging to the state or any other
31 person intentionally or recklessly destroyed by such person committed to

1 the department during his or her commitment;

2 (b) The actual value of the damage or loss incurred as a result of
3 unauthorized use of property belonging to the state or any other person
4 by such person committed to the department;

5 (c) The actual cost to the state for injuries or other damages
6 caused by intentional acts of such person committed to the department;
7 and

8 (d) The reasonable costs incurred in returning such person committed
9 to the department to the facility to which he or she is committed in the
10 event of his or her escape.

11 (~~7~~ 6) No person committed to the department shall be required to
12 engage in excessive labor, and no such person shall be required to
13 perform any work for which he or she is declared unfit by a physician
14 designated by the director. No person who performs labor or work pursuant
15 to this section shall be required to wear manacles, shackles, or other
16 restraints.

17 (~~8~~ 7) The director may authorize that a portion of the earnings of a
18 person committed to the department be retained by that person for
19 personal use.

20 Sec. 95. Section 83-183.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-183.01 A person committed to the department, who is earning at
23 least minimum wage and is employed pursuant to sections 81-1827 and
24 83-183, shall have his or her wages set aside by the chief executive
25 officer of the facility in a separate wage fund. The director shall adopt
26 and promulgate rules and regulations which will protect the inmate's
27 rights to due process, provide for hearing as necessary before the Crime
28 Victim's Reparations Committee, and govern the disposition of a confined
29 person's gross monthly wage minus required payroll deductions and payment
30 of necessary work-related incidental expenses for the following purposes:

31 (1) For the support of families and dependent relatives of the

1 respective inmates;

2 (2) For the discharge of any legal obligations, including judgments
3 for restitution as provided in section 97 of this act;

4 (3) To pay all or a part of the cost of their board, room, clothing,
5 medical, dental, and other correctional services;

6 (4) To provide for funds payable to the person committed to the
7 department upon his or her release;

8 (5) For the actual value of state property intentionally or
9 willfully and wantonly destroyed by such person during his or her
10 commitment;

11 (6) For reasonable costs incurred in returning such person to the
12 facility to which he or she is committed in the event of escape; and

13 (7) For deposit in the Victim's Compensation Fund.

14 Sec. 96. Section 83-184, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 83-184 (1) When the conduct, behavior, mental attitude, and
17 conditions indicate that a person committed to the department and the
18 general society of the state will be benefited, and there is reason to
19 believe that the best interests of the people of the state and the person
20 committed to the department will be served thereby, in that order, and
21 upon the recommendation of the board in the case of each committed
22 offender, the director may authorize such person, under prescribed
23 conditions, to:

24 (a) Visit a specifically designated place or places and return to
25 the same or another facility. An extension of limits may be granted to
26 permit a visit to a dying relative, attendance at the funeral of a
27 relative, the obtaining of medical services, the contacting of
28 prospective employers, or for any other reason consistent with the public
29 interest; or

30 (b) Work at paid employment or participate in a training program in
31 the community on a voluntary basis whenever:

1 (i) Such paid employment will not result in the displacement of
2 employed workers, or be applied in skills, crafts, or trades in which
3 there is a surplus of available gainful labor in the locality, or impair
4 existing contracts for services; and

5 (ii) The rates of pay and other conditions of employment will not be
6 less than those paid or provided for work of similar nature in the
7 locality in which the work is to be performed.

8 (2) The wages earned by a person authorized to work at paid
9 employment in the community under the provisions of this section shall be
10 credited by the chief executive officer of the facility to such person's
11 wage fund. The director shall authorize the chief executive officer to
12 withhold up to five percent of such person's net wages. The funds
13 withheld pursuant to this subsection shall be remitted to the State
14 Treasurer for credit as provided in subsection (2) of section 33-157.

15 (3) A person authorized to work at paid employment in the community
16 under the provisions of this section may be required to pay, and the
17 director is authorized to collect, such costs incident to the person's
18 confinement as the director deems appropriate and reasonable. Collections
19 shall be deposited in the state treasury as miscellaneous receipts.

20 (4) A person authorized to work at paid employment in the community
21 under the provisions of this section may be required to pay restitution.
22 The director shall adopt and promulgate rules and regulations which will
23 protect the committed offender's rights to due process and govern the
24 collection of restitution as provided in section 97 of this act.

25 (5 4) The willful failure of a person to remain within the extended
26 limits of his or her confinement or to return within the time prescribed
27 to a facility designated by the director may be deemed an escape from
28 custody punishable as provided in section 28-912.

29 (6 5) No person employed in the community under the provisions of
30 this section or otherwise released shall, while working in such
31 employment in the community or going to or from such employment or during

1 the time of such release, be deemed to be an agent, employee, or servant
2 of the state.

3 Sec. 97. (1) The department, in consultation with the State Court
4 Administrator, shall adopt and promulgate rules and regulations to
5 provide an effective process for the transfer of funds for the purpose of
6 satisfying restitution orders.

7 (2) A sentencing order requiring an inmate to pay restitution shall
8 be treated as a court order authorizing the department to withhold and
9 transfer funds for the purpose of satisfying a restitution order.

10 (3) This section applies to funds in the wage fund of any inmate
11 confined in a correctional facility on or after the effective date of
12 this act.

13 (4) The department shall report annually to the Legislature on the
14 collection of restitution from wage funds. The report shall include the
15 total number of inmates with restitution judgments, the total number of
16 inmates with wage funds, the total number of inmates with both, the
17 number of payments made to either victims or clerks of the court, the
18 average amount of payments, and the total amount of restitution
19 collected. The report shall be submitted electronically.

20 Sec. 98. Section 83-1,100, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-1,100 There is hereby created within the department the Office of
23 Parole Administration. The office shall consist of the Parole
24 Administrator, the field parole service, and all other office staff. The
25 office shall be responsible for the following:

26 (1) The administration of parole services in the community;

27 (2) The maintenance of all records and files associated with the
28 Board of Parole;

29 (3) The daily supervision and training of staff members of the
30 office, including training regarding evidence-based practices in
31 supervision pursuant to section 99 of this act; and

1 (4) The assessment, evaluation, and supervision of individuals who
2 are subject to parole supervision, including lifetime community
3 supervision pursuant to section 83-174.03.

4 Nothing in this section shall be construed to prohibit the office
5 from maintaining daily records and files associated with the Board of
6 Pardons.

7 Sec. 99. (1) For purposes of this section:

8 (a) Levels of supervision means the determination of the following
9 for each person on parole:

10 (i) Supervision contact requirements, including the frequency,
11 location, methods, and nature of contact with the parole officer;

12 (ii) Substance abuse testing requirements and frequency;

13 (iii) Contact restrictions;

14 (iv) Curfew restrictions;

15 (v) Access to available programs and treatment, with priority given
16 to moderate-risk and high-risk parolees; and

17 (vi) Severity of graduated responses to violations of supervision
18 conditions; and

19 (b) Risk and needs assessment means an actuarial tool that has been
20 validated in Nebraska to determine the likelihood of the parolee engaging
21 in future criminal behavior.

22 (2) The Office of Parole Administration shall establish an evidence-
23 based process that utilizes a risk and needs assessment to measure
24 criminal risk factors and specific individual needs.

25 (3) The risk and needs assessment shall be performed at the
26 commencement of the parole term and every six months thereafter by office
27 staff trained and certified in the use of the risk and needs assessment.

28 (4) The office shall test the validity of the risk and needs
29 assessment at least every five years.

30 (5) Based on the results of the risk and needs assessment, the
31 office shall determine levels of supervision to target parolee criminal

1 risk and need factors by focusing sanction, program, and treatment
2 resources on moderate-risk and high-risk parolees.

3 (6) The office shall provide training to its parole officers on use
4 of a risk and needs assessment, risk-based supervision strategies,
5 relationship skills, cognitive behavioral interventions, community-based
6 resources, criminal risk factors, targeting criminal risk factors to
7 reduce recidivism, and proper use of a matrix of administrative
8 sanctions, custodial sanctions, and rewards developed pursuant to section
9 83-1,119. All parole officers employed on the effective date of this act
10 shall complete the training requirements set forth in this subsection on
11 or before July 1, 2016. Each parole officer hired on or after the
12 effective date of this act shall complete the training requirements set
13 forth in this subsection within one year after his or her hire date.

14 (7) The office shall provide training for chief parole officers to
15 become trainers so as to ensure long-term and self-sufficient training
16 capacity in the state.

17 Sec. 100. (1) The board, in consultation with the department, shall
18 adopt and promulgate rules and regulations to reduce the number of
19 inmates under the custody of the department who serve their entire
20 sentence in a correctional facility and are released without supervision.
21 The rules and regulations shall establish clear guidelines and procedures
22 to ensure that each parolee is subject to a minimum of nine months of
23 supervision and shall place priority on providing supervision lengths
24 that enable meaningful transition periods for all offenders. The rules
25 and regulations shall ensure that each inmate eligible for parole is
26 assessed for risk of reoffending using a validated risk and needs
27 assessment provided by the department and shall incorporate into the
28 release decision an inmate's assessed risk of reoffending, past criminal
29 history, program completion, institutional conduct, and other individual
30 characteristics related to the likelihood of reoffending into parole
31 release decisions.

1 (2) By February 1, 2016, and by February 1 of each year thereafter,
2 the board and the department shall submit a report to the Legislature,
3 the Supreme Court, and the Governor that describes the percentage of
4 offenders sentenced to the custody of the department who complete their
5 entire sentence and are released with no supervision. The report shall
6 document characteristics of the individuals released without supervision,
7 including the highest felony class of conviction, offense type of
8 conviction, most recent risk assessment, status of the individualized
9 release or reentry plan, and reasons for the release without supervision.
10 The report also shall provide recommendations from the department and
11 board for changes to policy and practice to meet the goal of achieving a
12 reduction in the number of inmates under the custody of the department
13 who serve their entire sentence in a correctional facility and are
14 released without supervision. The report to the Legislature shall be
15 submitted electronically.

16 Sec. 101. Section 83-1,107, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-1,107 (1)(a) Within sixty days after initial classification and
19 assignment of any offender committed to the department, all available
20 information regarding such committed offender shall be reviewed and a
21 committed offender department-approved personalized program plan document
22 shall be drawn up. The document shall specifically describe the
23 department-approved personalized program plan and the specific goals the
24 department expects the committed offender to achieve. The document shall
25 also contain a realistic schedule for completion of the department-
26 approved personalized program plan. The department-approved personalized
27 program plan shall be fully explained to the committed offender. The
28 department shall provide programs to allow compliance by the committed
29 offender with the department-approved personalized program plan.

30 Programming may include, but is not limited to:

31 (i) Academic and vocational education, including teaching such

1 classes by qualified offenders;

2 (ii) Substance abuse treatment;

3 (iii) Mental health and psychiatric treatment, including criminal
4 personality programming;

5 (iv) Constructive, meaningful work programs; and

6 (v) Any other program deemed necessary and appropriate by the
7 department.

8 (b) A modification in the department-approved personalized program
9 plan may be made to account for the increased or decreased abilities of
10 the committed offender or the availability of any program. Any
11 modification shall be made only after notice is given to the committed
12 offender. The department may not impose disciplinary action upon any
13 committed offender solely because of the committed offender's failure to
14 comply with the department-approved personalized program plan, but such
15 failure may be considered by the board in its deliberations on whether or
16 not to grant parole to a committed offender.

17 (2)(a) The department shall reduce the term of a committed offender
18 by six months for each year of the offender's term and pro rata for any
19 part thereof which is less than a year.

20 (b) In addition to reductions granted in subdivision (2)(a) of this
21 section, the department shall reduce the term of a committed offender by
22 three days on the first day of each month following a twelve-month period
23 of incarceration within the department during which the offender has not
24 been found guilty of (i) a Class I or Class II offense or (ii) more than
25 three Class III offenses under the department's disciplinary code.
26 Reductions earned under this subdivision shall not be subject to forfeit
27 or withholding by the department.

28 (c) The total reductions under this subsection shall be credited
29 from the date of sentence, which shall include any term of confinement
30 prior to sentence and commitment as provided pursuant to section
31 83-1,106, and shall be deducted from the maximum term, to determine the

1 date when discharge from the custody of the state becomes mandatory.

2 (3) While the offender is in the custody of the department,
3 reductions of terms granted pursuant to subdivision (2)(a) of this
4 section may be forfeited, withheld, and restored by the chief executive
5 officer of the facility with the approval of the director after the
6 offender has been notified regarding the charges of misconduct.

7 (4) The department shall ensure that a release or reentry plan is
8 complete or near completion when the offender has served at least eighty
9 percent of his or her sentence. For purposes of this subsection, release
10 or reentry plan means a comprehensive and individualized strategic plan
11 to ensure an individual's safe and effective transition or reentry into
12 the community to which he or she resides with the primary goal of
13 reducing recidivism. At a minimum, the release or reentry plan shall
14 include, but not be limited to, consideration of the individual's housing
15 needs, medical or mental health care needs, and transportation and job
16 needs and shall address an individual's barriers to successful release or
17 reentry in order to prevent recidivism. The release or reentry plan does
18 not include an individual's programming needs included in the
19 individual's personalized program plan for use inside the prison.

20 (5) The department shall make treatment programming available to
21 committed offenders as provided in section 83-1,110.01 and shall include
22 continuing participation in such programming as part of each offender's
23 parolee personalized program plan.

24 (6)(a) Within thirty days after any committed offender has been
25 paroled, all available information regarding such parolee shall be
26 reviewed and a parolee personalized program plan document shall be drawn
27 up and approved by the Office of Parole Administration. The document
28 shall specifically describe the approved personalized program plan and
29 the specific goals the office expects the parolee to achieve. The
30 document shall also contain a realistic schedule for completion of the
31 approved personalized program plan. The approved personalized program

1 plan shall be fully explained to the parolee. During the term of parole,
2 the parolee shall comply with the approved personalized program plan and
3 the office shall provide programs to allow compliance by the parolee with
4 the approved personalized program plan.

5 Programming may include, but is not limited to:

6 (i) Academic and vocational education;

7 (ii) Substance abuse treatment;

8 (iii) Mental health and psychiatric treatment, including criminal
9 personality programming;

10 (iv) Constructive, meaningful work programs;

11 (v) Community service programs; and

12 (vi) Any other program deemed necessary and appropriate by the
13 office.

14 (b) A modification in the approved personalized program plan may be
15 made to account for the increased or decreased abilities of the parolee
16 or the availability of any program. Any modification shall be made only
17 after notice is given to the parolee. Intentional failure to comply with
18 the approved personalized program plan by any parolee as scheduled for
19 any year, or pro rata part thereof, shall cause disciplinary action to be
20 taken by the office resulting in the forfeiture of up to a maximum of
21 three months' good time for the scheduled year.

22 (7) While the offender is in the custody of the board, reductions of
23 terms granted pursuant to subdivision (2)(a) of this section may be
24 forfeited, withheld, and restored by the administrator with the approval
25 of the director after the offender has been notified regarding the
26 charges of misconduct or breach of the conditions of parole. In addition,
27 the board may recommend such forfeitures of good time to the director.

28 (8) Good time or other reductions of sentence granted under the
29 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
30 or restored in accordance with the terms of the Nebraska Treatment and
31 Corrections Act.

1 (9) Pursuant to rules and regulations adopted by the probation
2 administrator and the director, an individualized post-release
3 supervision plan shall be collaboratively prepared by the Office of
4 Probation Administration and the department and provided to the court to
5 prepare individuals under custody of the department for post-release
6 supervision. All records created during the period of incarceration shall
7 be shared with the Office of Probation Administration and considered in
8 preparation of the post-release supervision plan.

9 Sec. 102. Section 83-1,119, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 83-1,119 (1) For purposes of this section:

12 (a) Administrative sanction means additional parole requirements
13 imposed upon a parolee by his or her parole officer, with the full
14 knowledge and consent of the parolee, designed to hold the parolee
15 accountable for substance abuse or technical violations of conditions of
16 parole, including, but not limited to:

17 (i) Counseling or reprimand by the adult parole administration of
18 the department;

19 (ii) Increased supervision contact requirements;

20 (iii) Increased substance abuse testing;

21 (iv) Referral for substance abuse or mental health evaluation or
22 other specialized assessment, counseling, or treatment;

23 (v) Imposition of a designated curfew for a period to be determined
24 by the adult parole administration; and

25 (vi) Travel restrictions to stay within his or her county of
26 residence or employment unless otherwise permitted by the adult parole
27 administration;

28 **(b) Contract facility means a county jail that contracts with the**
29 **department to house parolees or other offenders under the jurisdiction of**
30 **the department;**

31 **(c) Substance abuse violation means a parolee's activities or**

1 behaviors associated with the use of chemical substances or related
2 treatment services resulting in a violation of an original condition of
3 parole, including:

4 (i) Positive breath test for the consumption of alcohol if the
5 parolee is required to refrain from alcohol consumption;

6 (ii) Positive urinalysis for the illegal use of drugs;

7 (iii) Failure to report for alcohol testing or drug testing; and

8 (iv) Failure to appear for or complete substance abuse or mental
9 health treatment evaluations or inpatient or outpatient treatment; and

10 (d e) Technical violation means a parolee's activities or behaviors
11 which create the opportunity for re-offending or diminish the
12 effectiveness of parole supervision resulting in a violation of an
13 original condition of parole, including, but not limited to:

14 (i) Moving traffic violations;

15 (ii) Failure to report to his or her parole officer;

16 (iii) Leaving the state without the permission of the Board of
17 Parole;

18 (iv) Failure to work regularly or attend training or school;

19 (v) Failure to notify his or her parole officer of change of address
20 or employment;

21 (vi) Frequenting places where controlled substances are illegally
22 sold, used, distributed, or administered; and

23 (vii) Failure to pay fines, court costs, restitution, or any fees
24 imposed pursuant to section 83-1,107.01 as directed.

25 (2) The Office of Parole Administration shall develop a matrix of
26 rewards for compliance and positive behaviors and graduated
27 administrative sanctions and custodial sanctions for use in responding to
28 and deterring substance abuse violations and technical violations. A
29 custodial sanction of thirty days in a correctional facility or a
30 contract facility shall be designated as the most severe response to a
31 violation in lieu of revocation.

1 (3 2) Whenever a parole officer has reasonable cause to believe that
2 a parolee has committed or is about to commit a substance abuse violation
3 or technical violation while on parole, but that the parolee will not
4 attempt to leave the jurisdiction and will not place lives or property in
5 danger, the parole officer shall either:

6 (a) Impose one or more administrative sanctions based upon the
7 parolee's risk level, the severity of the violation, and the parolee's
8 response to the violation. If administrative sanctions are to be imposed,
9 the parolee shall acknowledge in writing the nature of the violation and
10 agree upon the administrative sanction. The parolee has the right to
11 decline to acknowledge the violation. If he or she declines to
12 acknowledge the violation, the parole officer shall take action pursuant
13 to subdivision (3 2)(b) of this section. A copy of the report shall be
14 submitted to the Board of Parole; or

15 (b) Submit a written report to the Board of Parole, outlining the
16 nature of the parole violation, and request the imposition of a custodial
17 sanction of thirty days in a correctional facility or a contract
18 facility. On the basis of the report and such further investigation as
19 the board may deem appropriate, the board shall determine whether and how
20 the parolee violated the conditions of parole and may: that formal
21 revocation proceedings be instituted against the parolee.

22 (i) Dismiss the charge of violation; or

23 (ii) If the board finds a violation justifying a custodial sanction,
24 issue a warrant if necessary and impose a custodial sanction of thirty
25 days in a correctional facility or a contract facility.

26 (4 3) Whenever a parole officer has reasonable cause to believe that
27 a parolee has violated or is about to violate a condition of parole by a
28 violation other than a substance abuse violation or a technical violation
29 and the parole officer has reasonable cause to believe that the parolee
30 will not attempt to leave the jurisdiction and will not place lives or
31 property in danger, the parole officer shall submit a written report to

1 the Board of Parole which may, on the basis of such report and such
2 further investigation as it may deem appropriate:

3 (a) Dismiss the charge of violation;

4 (b) Determine whether the parolee violated the conditions of his or
5 her parole;

6 (c) Impose a custodial sanction of thirty days in a correctional
7 facility or a contract facility;

8 (d e) Revoke his or her parole in accordance with the Nebraska
9 Treatment and Corrections Act; or

10 (e d) Issue a warrant for the arrest of the parolee.

11 (5 4) Whenever a parole officer has reasonable cause to believe that
12 a parolee has violated or is about to violate a condition of parole and
13 that the parolee will attempt to leave the jurisdiction or will place
14 lives or property in danger, the parole officer shall arrest the parolee
15 without a warrant and call on any peace officer to assist him or her in
16 doing so.

17 (6 5) Whenever a parolee is arrested with or without a warrant, he
18 or she shall be detained in a local jail or other detention facility.
19 Immediately after such arrest and detention, the parole officer shall
20 notify the Board of Parole and submit a written report of the reason for
21 such arrest. A complete investigation shall be made by the parole
22 administration and submitted to the board. After prompt consideration of
23 such written report, the board shall order the parolee's release from
24 detention or continued confinement to await a final decision on
25 imposition of a custodial sanction or the revocation of parole.

26 (7 6) The Board of Parole shall adopt and promulgate rules and
27 regulations necessary to carry out this section.

28 Sec. 103. Section 83-1,122, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 83-1,122 (1) If the board finds that the parolee has engaged in
31 criminal conduct, ~~used drugs or alcohol, or refused to submit to a drug~~

1 ~~or alcohol test while on parole,~~ the board may order revocation of the
2 parolee's parole.

3 (2) If the board finds that the parolee did violate a condition of
4 parole but is of the opinion that revocation of parole is not
5 appropriate, the board may order that:

6 (a) The parolee receive a reprimand and warning;

7 (b) Parole supervision and reporting be intensified;

8 (c) Good time granted pursuant to section 83-1,108 be forfeited or
9 withheld;~~or~~

10 (d) The parolee serve a custodial sanction of thirty days in a
11 correctional facility or a contract facility as defined in section
12 83-1,119; or

13 (e) The parolee be required to conform to one or more additional
14 conditions of parole which may be imposed in accordance with the Nebraska
15 Treatment and Corrections Act.

16 (3) Cumulative custodial sanctions of thirty days in a correctional
17 facility or a contract facility under this section and section 83-1,119
18 shall not exceed sixty days. If a parolee has previously received two
19 thirty-day custodial sanctions before the current violation, the board
20 shall either order revocation of the parolee's parole or one or more of
21 the other sanctions described in subsection (2) of this section.

22 (4) Time spent in custodial sanctions under this section and section
23 83-1,119 shall be credited to the parolee's sentence.

24 Sec. 104. The board shall not have jurisdiction over persons who
25 are committed to the department in accordance with section 61 of this act
26 unless the defendant is also sentenced for an offense in accordance with
27 section 29-2204.

28 Sec. 105. Section 83-1,135, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 83-1,135 Sections 83-170 to 83-1,135.02 and sections 97, 99, 100,
31 and 104 of this act 83-1,135 shall be known and may be cited as the

1 Nebraska Treatment and Corrections Act.

2 Sec. 106. Section 83-1,135.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 83-1,135.02 (1) It is the intent of the Legislature that the
5 changes made to the Nebraska Treatment and Corrections Act by Laws 2003,
6 LB 46, with respect to parole eligibility apply to all committed
7 offenders under sentence and not on parole on May 24, 2003, and to all
8 persons sentenced on and after such date.

9 (2) It is the intent of the Legislature that the changes made to
10 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
11 83-1,119, and 83-1,122 by this legislative bill and sections 97, 99, and
12 100 of this act apply to all committed offenders under sentence, on
13 parole, or on probation on the effective date of this act and to all
14 persons sentenced on and after such date.

15 Sec. 107. Section 83-915.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-915.01 The Inmate Welfare and Club Accounts Fund is created. The
18 fund shall consist of revenue from soft drinks sold to inmates in the
19 custody of the Department of Correctional Services, including proceeds
20 from recycling cans or other containers containing such soft drinks,
21 profit from departmental canteens, interest earned by the fund, interest
22 on inmate trust funds pursuant to section 83-915, or other revenue at the
23 department's discretion. The fund shall be used to provide recreational
24 activities and equipment for inmates at all of the department's
25 correctional facilities. The fund shall be administered by the Director
26 of Correctional Services or his or her designee. Any money in the fund
27 available for investment shall be invested by the state investment
28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
29 State Funds Investment Act.

30 Sec. 108. (1) It is the intent of the Legislature to ensure that
31 human services agencies, correctional facilities, and detention

1 facilities recognize that:

2 (a) Federal law generally does not authorize federal financial
3 participation for medicaid when a person is an inmate of a public
4 institution as defined in federal law but that federal financial
5 participation is available after an inmate is released from
6 incarceration; and

7 (b) The fact that an applicant is currently an inmate does not, in
8 and of itself, preclude the Department of Health and Human Services from
9 processing an application submitted to it by, or on behalf of, the
10 inmate.

11 (2)(a) Medical assistance under the medical assistance program shall
12 be suspended, rather than canceled or terminated, for a person who is an
13 inmate of a public institution if:

14 (i) The Department of Health and Human Services is notified of the
15 person's entry into the public institution;

16 (ii) On the date of entry, the person was enrolled in the medical
17 assistance program; and

18 (iii) The person is eligible for the medical assistance program
19 except for institutional status.

20 (b) A suspension under subdivision (2)(a) of this section shall end
21 on the date the person is no longer an inmate of a public institution.

22 (c) Upon release from incarceration, such person shall continue to
23 be eligible for receipt of medical assistance until such time as the
24 person is otherwise determined to no longer be eligible for the medical
25 assistance program.

26 (3)(a) The Department of Correctional Services shall notify the
27 Department of Health and Human Services:

28 (i) Within twenty days after receiving information that a person
29 receiving medical assistance under the medical assistance program is or
30 will be an inmate of a public institution; and

31 (ii) Within forty-five days prior to the release of a person who

1 qualified for suspension under subdivision (2)(a) of this section.

2 (b) Local correctional facilities, juvenile detention facilities,
3 and other temporary detention centers shall notify the Department of
4 Health and Human Services within ten days after receiving information
5 that a person receiving medical assistance under the medical assistance
6 program is or will be an inmate of a public institution.

7 (4) Nothing in this section shall create a state-funded benefit or
8 program.

9 (5) For purposes of this section, medical assistance program means
10 the medical assistance program under the Medical Assistance Act and the
11 State Children's Health Insurance Program.

12 (6) This section shall be implemented only if, and to the extent,
13 allowed by federal law. This section shall be implemented only to the
14 extent that any necessary federal approval of state plan amendments or
15 other federal approvals are obtained. The Department of Health and Human
16 Services shall seek such approval if required.

17 (7) Local correctional facilities, the Nebraska Commission on Law
18 Enforcement and Criminal Justice, and the Office of Probation
19 Administration shall cooperate with the Department of Health and Human
20 Services and the Department of Correctional Services for purposes of
21 facilitating information sharing to achieve the purposes of this section.

22 (8)(a) The Department of Correctional Services shall adopt and
23 promulgate rules and regulations, in consultation with the Department of
24 Health and Human Services and local correctional facilities, to carry out
25 this section.

26 (b) The Department of Health and Human Services shall adopt and
27 promulgate rules and regulations, in consultation with the Department of
28 Correctional Services and local correctional facilities, to carry out
29 this section.

30 Sec. 109. The changes made to the sections listed in this section
31 by this legislative bill shall not apply to any offense committed prior

1 to the effective date of this act. Any such offense shall be construed
2 and punished according to the provisions of law existing at the time the
3 offense was committed. For purposes of this section, an offense shall be
4 deemed to have been committed prior to the effective date of this act if
5 any element of the offense occurred prior to such date. The following
6 sections are subject to this provision: Sections 9-262, 9-352, 9-434,
7 9-652, 23-135.01, 28-105, 28-106, 28-201, 28-204, 28-305, 28-306, 28-309,
8 28-310.01, 28-311, 28-311.01, 28-311.04, 28-311.08, 28-320, 28-322.02,
9 28-322.03, 28-322.04, 28-323, 28-393, 28-394, 28-397, 28-416, 28-504,
10 28-507, 28-514, 28-518, 28-519, 28-603, 28-604, 28-611, 28-611.01,
11 28-620, 28-621, 28-622, 28-627, 28-631, 28-638, 28-639, 28-703, 28-707,
12 28-813.01, 28-912, 28-932, 28-1005, 28-1009, 28-1102, 28-1103, 28-1104,
13 28-1212.03, 28-1222, 28-1224, 28-1344, 28-1345, 28-1463.05, 29-1816,
14 29-2204, 29-2260, 29-2308, 29-4011, 60-6,197.03, 60-6,197.06, 68-1017,
15 68-1017.01, 71-2228, and 71-2229.

16 Sec. 110. If any section in this act or any part of any section is
17 declared invalid or unconstitutional, the declaration shall not affect
18 the validity or constitutionality of the remaining portions.

19 Sec. 111. Original sections 9-262, 9-352, 9-434, 9-652, 23-135.01,
20 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02,
21 28-322.03, 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519, 28-620,
22 28-621, 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104,
23 28-1222, 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2263, 29-2266,
24 29-2268, 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229,
25 81-1185, 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823,
26 81-1848, 83-182.01, 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107,
27 83-1,119, 83-1,122, 83-1,135, 83-1,135.02, and 83-915.01, Reissue Revised
28 Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-306,
29 28-309, 28-311, 28-311.08, 28-323, 28-394, 28-416, 28-504, 28-518,
30 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-707,
31 28-813.01, 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05, 28-1501,

1 29-1816, 29-2204, 29-2252, 29-2252.01, 29-2262, 29-4011, 43-412,
2 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes Cumulative
3 Supplement, 2014, are repealed.

4 Sec. 112. The following sections are outright repealed: Section
5 83-1,105.01, Reissue Revised Statutes of Nebraska, and section 43-413,
6 Revised Statutes Cumulative Supplement, 2014.