

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 605**

FINAL READING

Introduced by Mello, 5; Krist, 10; Seiler, 33.

Read first time January 21, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 9-262, 9-352, 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01,  
3 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03, 28-322.04,  
4 28-393, 28-397, 28-507, 28-514, 28-519, 28-620, 28-621, 28-622,  
5 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1222, 28-1224,  
6 28-1344, 28-1345, 29-2246, 29-2260, 29-2263, 29-2266, 29-2268,  
7 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229, 81-1185,  
8 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823,  
9 81-1848, 83-182.01, 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107,  
10 83-1,119, 83-1,122, 83-1,135, 83-1,135.02, and 83-915.01, Reissue  
11 Revised Statutes of Nebraska, and sections 28-105, 28-106, 28-201,  
12 28-306, 28-309, 28-311, 28-311.08, 28-323, 28-394, 28-416, 28-504,  
13 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639,  
14 28-707, 28-813.01, 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05,  
15 28-1501, 29-1816, 29-2204, 29-2252, 29-2252.01, 29-2262, 29-4011,  
16 43-412, 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes  
17 Cumulative Supplement, 2014; to provide, change, and eliminate  
18 offenses, penalties, and punishments as prescribed; to change and  
19 eliminate sentencing provisions; to change provisions and provide  
20 requirements relating to restitution, probation, and parole; to  
21 provide for post-release supervision; to change provisions of the  
22 Nebraska Probation Administration Act, the Nebraska Crime Victim's

1           Reparations Act, and the Nebraska Treatment and Corrections Act; to  
2           authorize access to criminal records as prescribed; to provide  
3           powers and duties for the Department of Correctional Services, the  
4           Office of Probation Administration, the Office of Parole  
5           Administration, and the Board of Parole; to create the Committee on  
6           Justice Reinvestment Oversight and the County Justice Reinvestment  
7           Grant Program; to provide for studies and reports; to change  
8           provisions relating to victims' rights and the Inmate Welfare and  
9           Club Accounts Fund; to provide for suspension of medical assistance  
10          for inmates of public institutions as prescribed; to provide for  
11          applicability of provisions; to eliminate requirements relating to  
12          indeterminate sentences, the Nebraska Justice Reinvestment Working  
13          Group, and certain evaluations of juveniles and obsolete provisions;  
14          to harmonize provisions; to provide severability; to repeal the  
15          original sections; and to outright repeal sections 29-2204.01 and  
16          83-1,105.01, Reissue Revised Statutes of Nebraska, and section  
17          43-413, Revised Statutes Cumulative Supplement, 2014.

18   Be it enacted by the people of the State of Nebraska,

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

3 9-262 (1) Except when another penalty is specifically provided, any  
4 person, licensee, or permittee, or employee or agent thereof, who  
5 violates any provision of the Nebraska Bingo Act, or who causes, aids,  
6 abets, or conspires with another to cause any person, licensee, or  
7 permittee, or any employee or agent thereof, to violate the act, shall be  
8 guilty of a Class I misdemeanor for the first offense and a Class IV  
9 felony for any second or subsequent violation. Any licensee guilty of  
10 violating any provision of the act more than once in a twelve-month  
11 period may have its license canceled or revoked.

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

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

23 ~~(b) Intentionally employing or possessing any device to facilitate~~  
24 ~~cheating in a bingo game or using any fraudulent scheme or technique in~~  
25 ~~connection with any bingo game when the amount gained or intended to be~~  
26 ~~gained through the use of such items, schemes, or techniques is three~~  
27 ~~hundred dollars or more;~~

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

30 (c d) Knowingly falsifying or making any false entry in any books or  
31 records with respect to any transaction connected with the conduct of

1 bingo activity.

2 (3) Intentionally employing or possessing any device to facilitate  
3 cheating in a bingo game or using any fraudulent scheme or technique in  
4 connection with any bingo game is a violation of the Nebraska Bingo Act.

5 The offense is a:

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

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

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

16 (4 3) In all proceedings initiated in any court or otherwise under  
17 the Nebraska Bingo Act, it shall be the duty of the Attorney General and  
18 appropriate county attorney to prosecute and defend all such proceedings.

19 (5 4) The failure to do any act required by or under the Nebraska  
20 Bingo Act shall be deemed an act in part in the principal office of the  
21 department. Any prosecution under such act may be conducted in any county  
22 where the defendant resides or has a place of business or in any county  
23 in which any violation occurred.

24 (6 5) In the enforcement and investigation of any offense committed  
25 under the Nebraska Bingo Act, the department may call to its aid any  
26 sheriff, deputy sheriff, or other peace officer in the state.

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

29 9-352 (1) Except when another penalty is specifically provided, any  
30 person or licensee, or employee or agent thereof, who violates any  
31 provision of the Nebraska Pickle Card Lottery Act, or who causes, aids,

1 abets, or conspires with another to cause any person or licensee or any  
2 employee or agent thereof to violate the act, shall be guilty of a Class  
3 I misdemeanor for the first offense and a Class IV felony for any second  
4 or subsequent violation. Any licensee guilty of violating any provision  
5 of the act more than once in a twelve-month period may have its license  
6 canceled or revoked. Such matters may also be referred to any other state  
7 licensing agencies for appropriate action.

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

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

19 (b) Making or receiving payment of a portion of the purchase price  
20 of pickle cards by a seller of pickle cards to a buyer of pickle cards to  
21 induce the purchase of pickle cards or to improperly influence future  
22 purchases of pickle cards;

23 (c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs,  
24 break opens, punchboards, jar tickets, or any other similar card, board,  
25 or ticket or substituting or using any pickle cards, pull tabs, or jar  
26 tickets that have been marked or tampered with;

27 ~~(d) Intentionally employing or possessing any device to facilitate~~  
28 ~~cheating in any lottery by the sale of pickle cards or use of any~~  
29 ~~fraudulent scheme or technique in connection with any lottery by the sale~~  
30 ~~of pickle cards when the amount gained or intended to be gained through~~  
31 ~~the use of such items, schemes, or techniques is three hundred dollars or~~

1 ~~more;~~

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

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

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

11 (3) Intentionally employing or possessing any device to facilitate  
12 cheating in any lottery by the sale of pickle cards or use of any  
13 fraudulent scheme or technique in connection with any lottery by the sale  
14 of pickle cards is a violation of the Nebraska Pickle Card Lottery Act.  
15 The offense is a:

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

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

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

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

29 (5 4) The failure to do any act required by or under the Nebraska  
30 Pickle Card Lottery Act shall be deemed an act in part in the principal  
31 office of the department. Any prosecution under such act may be conducted

1 in any county where the defendant resides or has a place of business or  
2 in any county in which any violation occurred.

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

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

8 9-434 (1) Except when another penalty is specifically provided, any  
9 person, licensee, or permittee, or employee or agent thereof, who  
10 violates any provision of the Nebraska Lottery and Raffle Act, or who  
11 causes, aids, abets, or conspires with another to cause any person,  
12 licensee, or permittee or employee or agent thereof to violate the act,  
13 shall be guilty of a Class I misdemeanor for the first offense and a  
14 Class IV felony for any second or subsequent violation. Any licensee  
15 guilty of violating any provision of the act more than once in a twelve-  
16 month period may have its license canceled or revoked.

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

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

28 ~~(b) Intentionally employing or possessing any device to facilitate~~  
29 ~~cheating in any lottery or raffle or using any fraudulent scheme or~~  
30 ~~technique in connection with any lottery or raffle when the amount gained~~  
31 ~~or intended to be gained through the use of items, schemes, or techniques~~

1 ~~is three hundred dollars or more; or~~

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

4 (3) 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 is a violation of the  
7 Nebraska Lottery and Raffle 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 items, schemes, or techniques 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 items, schemes, or techniques 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 items, schemes, or techniques is one thousand  
17 five hundred dollars or more.

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

21 ~~(5 4)~~ The failure to do any act required by or under the Nebraska  
22 Lottery and Raffle Act shall be deemed an act in part in the principal  
23 office of the department. Any prosecution under such act may be conducted  
24 in any county where the defendant resides or has a place of business or  
25 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. 4. Section 9-652, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 9-652 (1) Except when another penalty is specifically provided, any



1 person or licensee, or employee or agent thereof, who knowingly or  
2 intentionally violates any provision of the Nebraska County and City  
3 Lottery Act, or who causes, aids, abets, or conspires with another to  
4 cause any person or licensee or any employee or agent thereof to violate  
5 the act, shall be guilty of a Class I misdemeanor for the first offense  
6 and a Class IV felony for any second or subsequent violation. Any  
7 licensee guilty of violating the act more than once in a twelve-month  
8 period may have its license canceled or revoked.

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

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

20 ~~(b) Intentionally employing or possessing any device to facilitate~~  
21 ~~cheating in any lottery or using any fraudulent scheme or technique in~~  
22 ~~connection with any lottery when the amount gained or intended to be~~  
23 ~~gained through the use of such device, scheme, or technique is three~~  
24 ~~hundred dollars or more;~~

25 (b e) Knowingly filing a false report under the act; or

26 (c d) Knowingly falsifying or making any false entry in any books or  
27 records with respect to any transaction connected with the conduct of a  
28 lottery.

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

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

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

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

11        (4 3) It shall be the duty of the Attorney General or appropriate  
12 county attorney to prosecute and defend all proceedings initiated in any  
13 court or otherwise under the act.

14        (5 4) The failure to do any act required by or under the Nebraska  
15 County and City Lottery Act shall be deemed an act in part in the  
16 principal office of the department. Any prosecution under such act may be  
17 conducted in any county where the defendant resides or has a place of  
18 business or in any county in which any violation occurred.

19        (6 5) In the enforcement and investigation of any offense committed  
20 under the act, the department may call to its aid any sheriff, deputy  
21 sheriff, or other peace officer in the state.

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

24        23-135.01 Whoever files ~~shall file~~ any claim against any county as  
25 provided in section 23-135, knowing the said claim to contain any false  
26 statement or representation as to a material fact, or whoever obtains or  
27 receives ~~shall obtain or receive~~ any money or any warrant for money from  
28 any county knowing that the claim therefor was based on a false statement  
29 or representation as to a material fact, if the amount claimed or money  
30 obtained or received, or if the face value of the warrant for money shall  
31 be one thousand five hundred dollars or more, shall be guilty of a Class

1 IV felony. If the amount is five more than one hundred dollars or more  
2 but less than one thousand five hundred dollars, the person so offending  
3 shall be guilty of a Class II misdemeanor. If the amount is less than  
4 five ~~one~~ hundred dollars, the person so offending shall be guilty of a  
5 Class III misdemeanor.

6 Sec. 6. Section 28-105, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 28-105 (1) For purposes of the Nebraska Criminal Code and any  
9 statute passed by the Legislature after the date of passage of the code,  
10 felonies are divided into ten ~~nine~~ classes which are distinguished from  
11 one another by the following penalties which are authorized upon  
12 conviction:

13	Class I felony	Death
14	Class IA felony	Life imprisonment
15	Class IB felony	Maximum – life imprisonment
16		Minimum – twenty years imprisonment
17	Class IC felony	Maximum – fifty years imprisonment
18		Mandatory minimum – five years imprisonment
19	Class ID felony	Maximum – fifty years imprisonment
20		Mandatory minimum – three years imprisonment
21	Class II felony	Maximum – fifty years imprisonment
22		Minimum – one year imprisonment
23	<u>Class IIA felony</u>	<u>Maximum – twenty years imprisonment</u>
24		<u>Minimum – none</u>
25	<u>Class III felony</u>	<u>Maximum – four years imprisonment and two years</u>
26		<u>post-release supervision or</u>
27		<u>twenty-five thousand dollars fine, or both</u>
28		<u>Minimum – none for imprisonment and nine months</u>
29		<u>post-release supervision if imprisonment is imposed</u>
30	<u>Class IIIA felony</u>	<u>Maximum – three years imprisonment</u>

1                    and eighteen months post-release supervision or  
2                    ten thousand dollars fine, or both  
3                    Minimum – none for imprisonment and nine months  
4                    post-release supervision if imprisonment is imposed  
5    Class IV felony    Maximum – two years imprisonment and twelve  
6                    months post-release supervision or  
7                    ten thousand dollars fine, or both  
8                    Minimum – none for imprisonment and nine months  
9                    post-release supervision if imprisonment is imposed  
10    ~~Class III felony~~    ~~Maximum – twenty years imprisonment, or~~  
11                    ~~twenty-five thousand dollars fine, or both~~  
12                    ~~Minimum – one year imprisonment~~  
13    ~~Class IIIA felony~~    ~~Maximum – five years imprisonment, or~~  
14                    ~~ten thousand dollars fine, or both~~  
15                    ~~Minimum – none~~  
16    ~~Class IV felony~~    ~~Maximum – five years imprisonment, or~~  
17                    ~~ten thousand dollars fine, or both~~  
18                    ~~Minimum – none~~

19            (2) All sentences for maximum terms of imprisonment for Class IA,  
20    ~~IB, IC, ID, II, and III felonies and sentences of one year or more for~~  
21    ~~Class IIIA and IV felonies shall be served in institutions under the~~  
22    ~~jurisdiction of the Department of Correctional Services. All sentences~~  
23    ~~for maximum terms of imprisonment Sentences of less than one year shall~~  
24    ~~be served in the county jail except as provided in this subsection. If~~  
25    ~~the department certifies that it has programs and facilities available~~  
26    ~~for persons sentenced to terms of less than one year, the court may order~~  
27    ~~that any sentence of six months or more be served in any institution~~  
28    ~~under the jurisdiction of the department. Any such certification shall be~~  
29    ~~given by the department to the State Court Administrator, who shall~~  
30    ~~forward copies thereof to each judge having jurisdiction to sentence in~~



1 Minimum – none  
2 Class III misdemeanor..... Maximum – three months imprisonment,  
3 or five hundred dollars fine, or both  
4 Minimum – none  
5 Class IIIA misdemeanor..... Maximum – seven days imprisonment, five  
6 hundred dollars fine, or both  
7 Minimum – none  
8 Class IV misdemeanor..... Maximum – no imprisonment, five hun-  
9 dred dollars fine  
10 Minimum – none ~~one hundred dollars fine~~  
11 Class V misdemeanor..... Maximum – no imprisonment, one hun-  
12 dred dollars fine  
13 Minimum – none  
14 Class W misdemeanor..... Driving under the influence or implied  
15 consent  
16 First conviction  
17 Maximum – sixty days imprisonment and  
18 five hundred dollars fine  
19 Mandatory minimum – seven days  
20 imprisonment and five hundred dollars  
21 fine  
22 Second conviction  
23 Maximum – six months imprisonment and  
24 five hundred dollars fine  
25 Mandatory minimum – thirty days  
26 imprisonment and five hundred dollars  
27 fine  
28 Third conviction  
29 Maximum – one year imprisonment and  
30 one thousand dollars fine

1 Mandatory minimum – ninety days  
2 imprisonment  
3 and one thousand dollars fine

4 (2) Sentences of imprisonment in misdemeanor cases shall be served  
5 in the county jail, except that ~~in the following circumstances the court~~  
6 ~~may, in its discretion, order that~~ such sentences may be served in  
7 institutions under the jurisdiction of the Department of Correctional  
8 Services if ÷

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

11 ~~(b) If the sentence is to be served concurrently or consecutively with a~~  
12 ~~term for conviction of a felony and the combined sentences total a term~~  
13 ~~of one year or more. ÷ or~~

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

18 Sec. 8. Section 28-201, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 28-201 (1) A person shall be guilty of an attempt to commit a crime  
21 if he or she:

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

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

29 (2) When causing a particular result is an element of the crime, a  
30 person shall be guilty of an attempt to commit the crime if, acting with  
31 the state of mind required to establish liability with respect to the

1 attendant circumstances specified in the definition of the crime, he or  
2 she intentionally engages in conduct which is a substantial step in a  
3 course of conduct intended or known to cause such a result.

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

7 (4) Criminal attempt is:

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

10 (b) A Class IIA felony when the crime attempted is a Class II  
11 felony;

12 (c) A Class IIIA III felony when the crime attempted is a Class  
13 IIA felony;

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

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

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

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

24 (g) A Class III misdemeanor when the crime attempted is a Class II  
25 misdemeanor.

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

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



1 (a) Harbors or conceals the other;

2 (b) Provides or aids in providing a weapon, transportation,  
3 disguise, or other means of effecting escape or avoiding discovery or  
4 apprehension;

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

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

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

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

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

19 (b) Accessory to felony is a Class IIIA felony if the actor violates  
20 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of  
21 the conduct of the other, and the conduct of the other constitutes a  
22 Class II or IIA felony.

23 (c) Accessory to felony is a Class IV felony if the actor violates  
24 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of  
25 the conduct of the other, and the conduct of the other constitutes a  
26 Class III or Class IIIA felony.

27 (d) Accessory to felony is a Class I misdemeanor if the actor  
28 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor  
29 knows of the conduct of the other, and the conduct of the other  
30 constitutes a Class IV felony.

31 (e) Accessory to felony is a Class IV felony if the actor violates

1 subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of  
2 the conduct of the other, and the conduct of the other constitutes a  
3 felony of any class other than a Class IV felony.

4 (f) Accessory to felony is a Class I misdemeanor if the actor  
5 violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor  
6 knows of the conduct of the other, and the conduct of the other  
7 constitutes a Class IV felony.

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

10 28-305 (1) A person commits manslaughter if he or she kills another  
11 without malice, ~~either~~ upon a sudden quarrel, or causes the death of  
12 another unintentionally while in the commission of an unlawful act.

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

14 Sec. 11. Section 28-306, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 28-306 (1) A person who causes the death of another unintentionally  
17 while engaged in the operation of a motor vehicle in violation of the law  
18 of the State of Nebraska or in violation of any city or village ordinance  
19 commits motor vehicle homicide.

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

22 (3)(a) If the proximate cause of the death of another is the  
23 operation of a motor vehicle in violation of section 60-6,213 or  
24 60-6,214, motor vehicle homicide is a Class IIIA felony.

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

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

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

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

21 Sec. 12. Section 28-309, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 28-309 (1) A person commits the offense of assault in the second  
24 degree if he or she:

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

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

29 (c) Unlawfully strikes or wounds another (i) while legally confined  
30 in a jail or an adult correctional or penal institution, (ii) while  
31 otherwise in legal custody of the Department of Correctional Services, or

1 (iii) while committed as a dangerous sex offender under the Sex Offender  
2 Commitment Act.

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

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

6 28-310.01 (1) A person commits the offense of strangulation if the  
7 person knowingly or intentionally impedes the normal breathing or  
8 circulation of the blood of another person by applying pressure on the  
9 throat or neck of the other person.

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

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

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

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

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

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

20 Sec. 14. Section 28-311, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 28-311 (1)(a) No person, by any means and without privilege to do  
23 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,  
24 coax, entice, or lure any child under the age of fourteen years to enter  
25 into any vehicle, whether or not the person knows the age of the child.

26 (b) No person, by any means and without privilege to do so, shall  
27 solicit, coax, entice, or lure or attempt to solicit, coax, entice, or  
28 lure any child under the age of fourteen years to enter into any place  
29 with the intent to seclude the child from his or her parent, guardian, or  
30 other legal custodian or the general public, whether or not the person  
31 knows the age of the child. For purposes of this subdivision, seclude

1 means to take, remove, hide, secrete, conceal, isolate, or otherwise  
2 unlawfully separate.

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

5 (a) The person had the express or implied permission of the parent,  
6 guardian, or other legal custodian of the child in undertaking the  
7 activity;

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

19 (c) The person undertook the activity in response to a bona fide  
20 emergency situation or the person undertook the activity in response to a  
21 reasonable belief that it was necessary to preserve the health, safety,  
22 or welfare of the child.

23 (3) Any person who violates this section commits criminal child  
24 enticement and is guilty of a Class IIIA felony. If such person has  
25 previously been convicted of (a) criminal child enticement under this  
26 section, (b) sexual assault of a child in the first degree under section  
27 28-319.01, (c) sexual assault of a child in the second or third degree  
28 under section 28-320.01, (d) child enticement by means of an electronic  
29 communication device under section 28-320.02, or (e) assault under  
30 section 28-308, 28-309, or 28-310, kidnapping under section 28-313, or  
31 false imprisonment under section 28-314 or 28-315 when the victim was

1 under eighteen years of age when such person violates this section, such  
2 person is guilty of a Class IIA ~~III~~ felony.

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

5 28-311.01 (1) A person commits terroristic threats if he or she  
6 threatens to commit any crime of violence:

7 (a) With the intent to terrorize another;

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

10 (c) In reckless disregard of the risk of causing such terror or  
11 evacuation.

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

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

15 28-311.04 (1) Except as provided in subsection (2) of this section,  
16 any person convicted of violating section 28-311.03 is guilty of a Class  
17 I misdemeanor.

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

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

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

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

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

27 (e) The person has been convicted of any felony in this state or has  
28 been convicted of a crime in another jurisdiction which, if committed in  
29 this state, would constitute a felony and the victim or a family or  
30 household member of the victim was also the victim of such previous  
31 felony.

1           Sec. 17. Section 28-311.08, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           28-311.08 (1) It shall be unlawful for any person to knowingly  
4 intrude upon any other person without his or her consent or knowledge in  
5 a place of solitude or seclusion.

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

11           (3) For purposes of this section:

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

14           (b) Intrude means either the:

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

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

19           (c) Place of solitude or seclusion means a place where a person  
20 would intend to be in a state of undress and have a reasonable  
21 expectation of privacy, including, but not limited to, any facility,  
22 public or private, used as a restroom, tanning booth, locker room, shower  
23 room, fitting room, or dressing room.

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

27           (b) Subsequent violation of this section involving an intrusion as  
28 defined in subdivision (3)(b)(i) of this section, subsequent violation  
29 under subsection (2) of this section, or violation of this section  
30 involving an intrusion as defined in subdivision (3)(b)(ii) of this  
31 section is a Class IV felony.

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

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

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

16 (a) The commission of the crime;

17 (b) Law enforcement's or a victim's receipt of actual or  
18 constructive notice of either the existence of a video or other  
19 electronic recording made in violation of this section or the  
20 distribution of images, video, or other electronic recording made in  
21 violation of this section; or

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

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

26 28-320 (1) Any person who subjects another person to sexual contact  
27 (a) without consent of the victim, or (b) who knew or should have known  
28 that the victim was physically or mentally incapable of resisting or  
29 appraising the nature of his or her conduct is guilty of sexual assault  
30 in either the second degree or third degree.

31 (2) Sexual assault shall be in the second degree and is a Class IIA



1 ~~III~~ felony if the actor shall have caused serious personal injury to the  
2 victim.

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

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

8 28-322.02 Any person who subjects an inmate or parolee to sexual  
9 penetration is guilty of sexual abuse of an inmate or parolee in the  
10 first degree. Sexual abuse of an inmate or parolee in the first degree is  
11 a Class IIA ~~III~~ felony.

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

14 28-322.03 Any person who subjects an inmate or parolee to sexual  
15 contact is guilty of sexual abuse of an inmate or parolee in the second  
16 degree. Sexual abuse of an inmate or parolee in the second degree is a  
17 Class IIIA ~~IV~~ felony.

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

20 28-322.04 (1) For purposes of this section:

21 (a) Person means an individual employed by the Department of Health  
22 and Human Services and includes, but is not limited to, any individual  
23 working in central administration or regional service areas or facilities  
24 of the department and any individual to whom the department has  
25 authorized or delegated control over a protected individual or a  
26 protected individual's activities, whether by contract or otherwise; and

27 (b) Protected individual means an individual in the care or custody  
28 of the department.

29 (2) A person commits the offense of sexual abuse of a protected  
30 individual if the person subjects a protected individual to sexual  
31 penetration or sexual contact as those terms are defined in section

1 28-318. It is not a defense to a charge under this section that the  
2 protected individual consented to such sexual penetration or sexual  
3 contact.

4 (3) Any person who subjects a protected individual to sexual  
5 penetration is guilty of sexual abuse of a protected individual in the  
6 first degree. Sexual abuse of a protected individual in the first degree  
7 is a Class IIA ~~III~~ felony.

8 (4) Any person who subjects a protected individual to sexual contact  
9 is guilty of sexual abuse of a protected individual in the second degree.  
10 Sexual abuse of a protected individual in the second degree is a Class  
11 IIIA ~~IV~~ felony.

12 Sec. 22. Section 28-323, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 28-323 (1) A person commits the offense of domestic assault in the  
15 third degree if he or she:

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

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

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

20 (2) A person commits the offense of domestic assault in the second  
21 degree if he or she intentionally and knowingly causes bodily injury to  
22 his or her intimate partner with a dangerous instrument.

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

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

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

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

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

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

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

17 28-393 (1) A person commits manslaughter of an unborn child if he or  
18 she (a) kills an unborn child without malice upon a sudden quarrel with  
19 any person or (b) causes the death of an unborn child unintentionally  
20 while in the perpetration of or attempt to perpetrate any criminal  
21 assault, any sexual assault, arson, robbery, kidnapping, intentional  
22 child abuse, hijacking of any public or private means of transportation,  
23 or burglary.

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

25 Sec. 24. Section 28-394, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 28-394 (1) A person who causes the death of an unborn child  
28 unintentionally while engaged in the operation of a motor vehicle in  
29 violation of the law of the State of Nebraska or in violation of any city  
30 or village ordinance commits motor vehicle homicide of an unborn child.

31 (2) Except as provided in subsection (3) of this section, motor

1 vehicle homicide of an unborn child is a Class I misdemeanor.

2 (3)(a) If the proximate cause of the death of an unborn child is the  
3 operation of a motor vehicle in violation of section 60-6,213 or  
4 60-6,214, motor vehicle homicide of an unborn child is a Class IV felony.

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

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

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

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

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

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

7           Sec. 26. Section 28-416, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9           28-416 (1) Except as authorized by the Uniform Controlled Substances  
10 Act, it shall be unlawful for any person knowingly or intentionally: (a)  
11 To manufacture, distribute, deliver, dispense, or possess with intent to  
12 manufacture, distribute, deliver, or dispense a controlled substance; or  
13 (b) to create, distribute, or possess with intent to distribute a  
14 counterfeit controlled substance.

15           (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
16 (10) of this section, any person who violates subsection (1) of this  
17 section with respect to: (a) A controlled substance classified in  
18 Schedule I, II, or III of section 28-405 which is an exceptionally  
19 hazardous drug shall be guilty of a Class II felony; (b) any other  
20 controlled substance classified in Schedule I, II, or III of section  
21 28-405 shall be guilty of a Class IIA ~~III~~ felony; or (c) a controlled  
22 substance classified in Schedule IV or V of section 28-405 shall be  
23 guilty of a Class IIIA felony.

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

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

19           (b) For purposes of this subsection:

20           (i) Playground shall mean any outdoor facility, including any  
21 parking lot appurtenant to the facility, intended for recreation, open to  
22 the public, and with any portion containing three or more apparatus  
23 intended for the recreation of children, including sliding boards,  
24 swingsets, and teeterboards;

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

29           (iii) Youth center shall mean any recreational facility or  
30 gymnasium, including any parking lot appurtenant to the facility or  
31 gymnasium, intended primarily for use by persons under eighteen years of

1 age which regularly provides athletic, civic, or cultural activities.

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

9 (b) Except as authorized by the Uniform Controlled Substances Act,  
10 it shall be unlawful for any person eighteen years of age or older to  
11 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
12 induce, entice, seduce, or coerce any person under the age of eighteen  
13 years to aid and abet any person in the manufacture, transportation,  
14 distribution, carrying, delivery, dispensing, preparation for delivery,  
15 offering for delivery, or possession with intent to do the same of a  
16 controlled substance or a counterfeit controlled substance.

17 (c) Any person who violates subdivision (a) or (b) of this  
18 subsection shall be punished by the next higher penalty classification  
19 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
20 this section, depending upon the controlled substance involved, for the  
21 first violation and for a second or subsequent violation shall be  
22 punished by the next higher penalty classification than that prescribed  
23 for a first violation of this subsection, but in no event shall such  
24 person be punished by a penalty greater than a Class IB felony.

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

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

31 (a) One hundred forty grams or more shall be guilty of a Class IB

1 felony;

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

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

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

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

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

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

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

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

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

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

24 (10) Any person who violates subsection (1) of this section with  
25 respect to amphetamine, its salts, optical isomers, and salts of its  
26 isomers, or with respect to methamphetamine, its salts, optical isomers,  
27 and salts of its isomers, 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 (11) Any person knowingly or intentionally possessing marijuana  
4 weighing more than one ounce but not more than one pound shall be guilty  
5 of a Class III misdemeanor.

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

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

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

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

20 (c) For the third and all subsequent offenses, be guilty of a Class  
21 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and  
22 be imprisoned not to exceed seven days.

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

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

31 (16) Any person knowingly or intentionally possessing a firearm

1 while in violation of subsection (1) of this section shall be punished by  
2 the next higher penalty classification than the penalty prescribed in  
3 subsection (2), (7), (8), (9), or (10) of this section, but in no event  
4 shall such person be punished by a penalty greater than a Class IB  
5 felony.

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

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

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

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

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

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

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

31 (i) For the first offense, the court may, as part of the judgment of

1 conviction or adjudication, (A) prohibit such person from obtaining any  
2 permit or any license pursuant to the act for which such person would  
3 otherwise be eligible until thirty days after the date of such order and  
4 (B) require such person to attend a drug education class;

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

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

19 A copy of an abstract of the court's conviction or adjudication  
20 shall be transmitted to the Director of Motor Vehicles pursuant to  
21 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
22 juvenile is prohibited from obtaining a license or permit under this  
23 subsection.

24 Sec. 27. Section 28-504, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 28-504 (1) A person commits arson in the third degree if he or she  
27 intentionally sets fire to, burns, causes to be burned, or by the use of  
28 any explosive, damages or destroys, or causes to be damaged or destroyed,  
29 any property of another person without such other person's consent. Such  
30 property shall not be contained within a building and shall not be a  
31 building or occupied structure.

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

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

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

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

10 28-507 (1) A person commits burglary if such person willfully,  
11 maliciously, and forcibly breaks and enters any real estate or any  
12 improvements erected thereon with intent to commit any felony or with  
13 intent to steal property of any value.

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

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

17 28-514 A person who comes into control of property of another that  
18 he or she knows to have been lost, mislaid, or delivered under a mistake  
19 as to the nature or amount of the property or the identity of the  
20 recipient commits theft if, with intent to deprive the owner thereof, he  
21 or she fails to take reasonable measures to restore the property to a  
22 person entitled to have it. Any person violating the provisions of this  
23 section shall, upon conviction thereof, be punished by the penalty  
24 prescribed in the next lower classification below the value of the item  
25 lost, mislaid, or delivered under a mistake pursuant to section 28-518.  
26 Any person convicted pursuant to this section when the value of the  
27 property is five ~~two~~ hundred dollars or less shall be guilty of a Class  
28 III misdemeanor for the first conviction, a Class II misdemeanor for the  
29 second conviction, and a Class I misdemeanor for the third or subsequent  
30 conviction.

31 Sec. 30. Section 28-518, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 28-518 (1) Theft constitutes a Class IIA ~~III~~ felony when the value  
3 of the thing involved is five ~~over one thousand five hundred dollars or~~  
4 more.

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

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

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

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

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

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

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

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

29 28-519 (1) A person commits criminal mischief if he or she:

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

31 (b) Intentionally tampers with property of another so as to endanger

1 person or property; or

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

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

9 (3) Criminal mischief is a Class I misdemeanor if the actor  
10 intentionally or maliciously causes pecuniary loss of one thousand five  
11 hundred dollars or more but less than five ~~one thousand five~~ ~~hundred~~  
12 dollars.

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

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

20 Sec. 32. Section 28-603, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 28-603 (1) Whoever, with intent to deceive or harm, falsely makes,  
23 completes, endorses, alters, or utters any written instrument which is or  
24 purports to be, or which is calculated to become or to represent if  
25 completed, a written instrument which does or may evidence, create,  
26 transfer, terminate, or otherwise affect a legal right, interest,  
27 obligation, or status, commits forgery in the second degree.

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

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

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

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

15 (6 ~~5~~) For the purpose of determining the class of penalty for  
16 forgery in the second degree, the face values, or purported face values,  
17 or the amounts of any proceeds wrongfully procured or intended to be  
18 procured by the use of more than one such instrument, may be aggregated  
19 in the indictment or information if such instruments were part of the  
20 same scheme or course of conduct which took place within a sixty-day  
21 period and within one county. Such values or amounts shall not be  
22 aggregated into more than one offense.

23 Sec. 33. Section 28-604, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 28-604 (1) Whoever, with knowledge that it is forged and with intent  
26 to deceive or harm, possesses any forged instrument covered by section  
27 28-602 or 28-603 commits criminal possession of a forged instrument.

28 (2) Criminal possession of a forged instrument prohibited by section  
29 28-602 is a Class IV felony.

30 (3) Criminal possession of a forged instrument prohibited by section  
31 28-603, the amount or value of which is five ~~one~~ thousand dollars or

1 more, is a Class IV felony.

2 (4) Criminal possession of a forged instrument prohibited by section  
3 28-603, the amount or value of which is one thousand five ~~more than three~~  
4 hundred dollars or more but less than five ~~one~~ thousand dollars, is a  
5 Class I misdemeanor.

6 (5) Criminal possession of a forged instrument prohibited by section  
7 28-603, the amount or value of which is five ~~three~~ hundred dollars or  
8 more but less than one thousand five hundred dollars, is a Class II  
9 misdemeanor.

10 (6) Criminal possession of a forged instrument prohibited by section  
11 28-603, the amount or value of which is less than five hundred dollars,  
12 is a Class III misdemeanor.

13 (7 ~~6~~) For the purpose of determining the class of penalty for  
14 criminal possession of a forged instrument prohibited by section 28-603,  
15 the amounts or values of more than one such forged instrument may be  
16 aggregated in the indictment or information if such forged instruments  
17 were part of the same scheme or course of conduct which took place within  
18 a sixty-day period and within one county. Such amounts or values shall  
19 not be aggregated into more than one offense.

20 Sec. 34. Section 28-611, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 28-611 (1) Whoever obtains property, services, or present value of  
23 any kind by issuing or passing a check, draft, assignment of funds, or  
24 similar signed order for the payment of money, knowing that he or she  
25 does not have sufficient funds in or credit with the drawee for the  
26 payment of the check, draft, assignment of funds, or order in full upon  
27 presentation, commits the offense of issuing a bad check. Issuing a bad  
28 check is:

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



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

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

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

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

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

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

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

27 (6) In any prosecution for issuing a bad check, the person issuing  
28 the check, draft, assignment of funds, or order shall be presumed to have  
29 known that he or she did not have sufficient funds in or credit with the  
30 drawee for the payment of the check, draft, assignment of funds, or order  
31 in full upon presentation if, within thirty days after issuance of the

1 check, draft, assignment of funds, or order, he or she was notified that  
2 the drawee refused payment for lack of funds and he or she failed within  
3 ten days after such notice to make the check, draft, assignment of funds,  
4 or order good or, in the absence of such notice, he or she failed to make  
5 the check, draft, assignment of funds, or order good within ten days  
6 after notice that such check, draft, assignment of funds, or order has  
7 been returned to the depositor was sent to him or her by the county  
8 attorney or his or her deputy, by United States mail addressed to such  
9 person at his or her last-known address. Upon request of the depositor  
10 and the payment of ten dollars for each check, draft, assignment of  
11 funds, or order, the county attorney or his or her deputy shall be  
12 required to mail notice to the person issuing the check, draft,  
13 assignment of funds, or order as provided in this subsection. The ten-  
14 dollar payment shall be payable to the county treasurer and credited to  
15 the county general fund. No such payment shall be collected from any  
16 county office to which such a check, draft, assignment of funds, or order  
17 is issued in the course of the official duties of the office.

18 (7) Any person convicted of violating this section may, in addition  
19 to a fine or imprisonment, be ordered to make restitution to the party  
20 injured for the value of the check, draft, assignment of funds, or order  
21 and to pay ten dollars to the injured party and any reasonable handling  
22 fee imposed on the injured party by a financial institution. If the  
23 court, in addition to sentencing any person to imprisonment under this  
24 section, also enters an order of restitution, the time permitted to make  
25 such restitution shall not be concurrent with the sentence of  
26 imprisonment.

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

1           Sec. 35. Section 28-611.01, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           28-611.01 (1) Whoever issues or passes a check, draft, assignment of  
4 funds, or similar signed order for the payment of money, knowing that he  
5 or she has no account with the drawee at the time the check, draft,  
6 assignment of funds, or order is issued, commits the offense of issuing a  
7 no-account check. Issuing a no-account check is:

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

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

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

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

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

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

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

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

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

31           28-620 (1) A person commits the offense of unauthorized use of a

1 financial transaction device if such person uses such device in an  
2 automated banking device, to imprint a sales form, or in any other  
3 manner:

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

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

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

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

12 (2) For purposes of this section, notice shall mean either notice  
13 given in person or notice given in writing to the account holder, by  
14 registered or certified mail, return receipt requested, duly stamped and  
15 addressed to such account holder at his or her last address known to the  
16 issuer. Such notice shall be evidenced by a returned receipt signed by  
17 the account holder which shall be prima facie evidence that the notice  
18 was received.

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

21 (a) A Class II misdemeanor if the total value of the money, credit,  
22 property, or services obtained or the financial payments made are less  
23 than five ~~two~~ hundred dollars within a six-month period from the date of  
24 the first unauthorized use;

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

30 (c) A Class IV felony if the total value of the money, credit,  
31 property, or services obtained or the financial payments made are one

1 ~~thousand~~ five hundred dollars or more but less than ~~five~~ ~~one~~ thousand  
2 ~~five hundred~~ dollars within a six-month period from the date of the first  
3 unauthorized use; and

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

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

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

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

16 28-621 (1) A person commits the offense of criminal possession of a  
17 financial transaction device if, with the intent to defraud, such person  
18 has in his or her possession or under his or her control any financial  
19 transaction device issued to a different account holder or which he or  
20 she knows or reasonably should know to be lost, stolen, forged, altered,  
21 or counterfeited.

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

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

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

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

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

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

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

13           28-627 (1) A person commits the offense of unlawful manufacture of a  
14 financial transaction device if, with intent to defraud, such person:

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

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

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

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

24           Sec. 40. Section 28-631, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26           28-631 (1) A person or entity commits a fraudulent insurance act if  
27 he or she:

28           (a) Knowingly and with intent to defraud or deceive presents, causes  
29 to be presented, or prepares with knowledge or belief that it will be  
30 presented to or by an insurer, or any agent of an insurer, any statement  
31 as part of, in support of, or in denial of a claim for payment or other

1 benefit from an insurer or pursuant to an insurance policy knowing that  
2 the statement contains any false, incomplete, or misleading information  
3 concerning any fact or thing material to a claim;

4 (b) Assists, abets, solicits, or conspires with another to prepare  
5 or make any statement that is intended to be presented to or by an  
6 insurer or person in connection with or in support of any claim for  
7 payment or other benefit from an insurer or pursuant to an insurance  
8 policy knowing that the statement contains any false, incomplete, or  
9 misleading information concerning any fact or thing material to the  
10 claim;

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

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

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

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

22 (g) Knowingly and with intent to defraud or deceive issues fake or  
23 counterfeit insurance policies, certificates of insurance, insurance  
24 identification cards, or insurance binders;

25 (h) Knowingly and with intent to defraud or deceive possesses fake  
26 or counterfeit insurance policies, certificates of insurance, insurance  
27 identification cards, or insurance binders;

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

31 (j) Knowingly and with the intent to defraud or deceive provides

1 false, incomplete, or misleading information to an insurer concerning the  
2 number, location, or classification of employees for the purpose of  
3 lessening or reducing the premium otherwise chargeable for workers'  
4 compensation insurance coverage;

5 (k) Knowingly and with intent to defraud or deceive removes,  
6 conceals, alters, diverts, or destroys assets or records of an insurer or  
7 person engaged in the business of insurance or attempts to remove,  
8 conceal, alter, divert, or destroy assets or records of an insurer or  
9 person engaged in the business of insurance;

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

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

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

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

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

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

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

31 (f) A violation of subdivisions (1)(g), (i), (j), (k), (l), and (m)



1 of this section is a Class IV felony.

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

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

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

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

14 (6) For purposes of this section:

15 (a) Insurer means any person or entity transacting insurance as  
16 defined in section 44-102 with or without a certificate of authority  
17 issued by the Director of Insurance. Insurer also means health  
18 maintenance organizations, legal service insurance corporations, prepaid  
19 limited health service organizations, dental and other similar health  
20 service plans, discount medical plan organizations, and entities licensed  
21 pursuant to the Intergovernmental Risk Management Act and the  
22 Comprehensive Health Insurance Pool Act. Insurer also means an employer  
23 who is approved by the Nebraska Workers' Compensation Court as a self-  
24 insurer; and

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

31 Sec. 41. Section 28-638, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 28-638 (1) A person commits the crime of criminal impersonation if  
3 he or she:

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

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

10 (c) Knowingly provides false personal identifying information or a  
11 false personal identification document to a court or a law enforcement  
12 officer; or

13 (d) Knowingly provides false personal identifying information or a  
14 false personal identification document to an employer for the purpose of  
15 obtaining employment.

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

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

28 (c) Criminal impersonation, as described in subdivisions (1)(a) and  
29 (1)(b) of this section, is a Class I misdemeanor if the credit, money,  
30 goods, services, or other thing of value that was gained or was attempted  
31 to be gained was five ~~two~~ hundred dollars or more but less than one

1 thousand five hundred dollars. Any second or subsequent conviction under  
2 this subdivision is a Class IV felony.

3 (d) Criminal impersonation, as described in subdivisions (1)(a) and  
4 (1)(b) of this section, is a Class II misdemeanor if no credit, money,  
5 goods, services, or other thing of value was gained or was attempted to  
6 be gained, or if the credit, money, goods, services, or other thing of  
7 value that was gained or was attempted to be gained was less than five  
8 ~~two~~ hundred dollars. Any second conviction under this subdivision is a  
9 Class I misdemeanor, and any third or subsequent conviction under this  
10 subdivision is a Class IV felony.

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

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

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

21 Sec. 42. Section 28-639, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 28-639 (1) A person commits the crime of identity theft if he or she  
24 knowingly takes, purchases, manufactures, records, possesses, or uses any  
25 personal identifying information or entity identifying information of  
26 another person or entity without the consent of that other person or  
27 entity or creates personal identifying information for a fictional person  
28 or entity, with the intent to obtain or use the other person's or  
29 entity's identity for any unlawful purpose or to cause loss to a person  
30 or entity whether or not the person or entity actually suffers any  
31 economic loss as a result of the offense, or with the intent to obtain or

1 continue employment or with the intent to gain a pecuniary benefit for  
2 himself, herself, or another.

3 (2) Identity theft is not:

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

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

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

11 (d) The investigative activities of law enforcement.

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

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

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

27 (d) Identity theft is a Class II misdemeanor if no credit, money,  
28 goods, services, or other thing of value was gained or was attempted to  
29 be gained, or if the credit, money, goods, services, or other thing of  
30 value that was gained or was attempted to be gained was less than five  
31 ~~two~~ hundred dollars. Any second conviction under this subdivision is a

1 Class I misdemeanor, and any third or subsequent conviction under this  
2 subdivision is a Class IV felony.

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

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

8 28-703 (1) Any person who shall knowingly intermarry or engage in  
9 sexual penetration with any person who falls within the degrees of  
10 consanguinity set forth in section 28-702 or any person who engages in  
11 sexual penetration with his or her ~~minor~~ stepchild who is under nineteen  
12 years of age commits incest.

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

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

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

19 Sec. 44. Section 28-707, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 28-707 (1) A person commits child abuse if he or she knowingly,  
22 intentionally, or negligently causes or permits a minor child to be:

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

25 (b) Cruelly confined or cruelly punished;

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

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

31 (e) Placed in a situation to be sexually abused as defined in

1 section 28-319, 28-319.01, or 28-320.01; or

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

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

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

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

14 (5) Child abuse is a Class IIIA felony if the offense is committed  
15 negligently and results in serious bodily injury as defined in section  
16 28-109.

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

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

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

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

28 Sec. 45. Section 28-813.01, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 28-813.01 (1) It shall be unlawful for a person to knowingly possess  
31 any visual depiction of sexually explicit conduct, as defined in section

1 28-1463.02, which has a child, as defined in such section, as one of its  
2 participants or portrayed observers.

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

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

9 (c) Any person who violates this section and has previously been  
10 convicted of a violation of this section or section 28-308, 28-309,  
11 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
12 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of section  
13 28-320 shall be guilty of a Class IC felony for each offense.

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

16 (a) The visual depiction portrays no person other than the  
17 defendant; or

18 (b)(i) The defendant was less than nineteen years of age; (ii) the  
19 visual depiction of sexually explicit conduct portrays a child who is  
20 fifteen years of age or older; (iii) the visual depiction was knowingly  
21 and voluntarily generated by the child depicted therein; (iv) the visual  
22 depiction was knowingly and voluntarily provided by the child depicted in  
23 the visual depiction; (v) the visual depiction contains only one child;  
24 (vi) the defendant has not provided or made available the visual  
25 depiction to another person except the child depicted who originally sent  
26 the visual depiction to the defendant; and (vii) the defendant did not  
27 coerce the child in the visual depiction to either create or send the  
28 visual depiction.

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

31 28-912 (1) A person commits escape if he or she unlawfully removes

1 himself or herself from official detention or fails to return to official  
2 detention following temporary leave granted for a specific purpose or  
3 limited period. Official detention means ~~shall mean~~ arrest, detention in  
4 or transportation to any facility for custody of persons under charge or  
5 conviction of crime or contempt or for persons alleged or found to be  
6 delinquent, detention for extradition or deportation, or any other  
7 detention for law enforcement purposes. Official ~~;~~ ~~but official~~ detention  
8 does not include supervision of probation or parole or constraint  
9 incidental to release on bail.

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

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

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

21 (b) The detaining authority did not act in good faith under color of  
22 law.

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

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

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

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

30 (b e) A public servant concerned in detention of persons convicted  
31 of crime purposely facilitates or permits an escape from a detention



1 facility or from transportation thereto.

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

5 Sec. 47. Section 28-932, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7 28-932 (1) Any person (a)(i) who is legally confined in a jail or an  
8 adult correctional or penal institution, (ii) who is otherwise in legal  
9 custody of the Department of Correctional Services, or (iii) who is  
10 committed as a dangerous sex offender under the Sex Offender Commitment  
11 Act and (b) who intentionally, knowingly, or recklessly causes bodily  
12 injury to another person shall be guilty of a Class IIIA felony, except  
13 that if a deadly or dangerous weapon is used to commit such assault, he  
14 or she shall be guilty of a Class IIA ~~III~~ felony.

15 (2) Sentences imposed under subsection (1) of this section shall be  
16 consecutive to any sentence or sentences imposed for violations committed  
17 prior to the violation of subsection (1) of this section and shall not  
18 include any credit for time spent in custody prior to sentencing unless  
19 the time in custody is solely related to the offense for which the  
20 sentence is being imposed under this section.

21 Sec. 48. Section 28-1005, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 28-1005 (1) No person shall knowingly:

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

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

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

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

31 (2) Any person violating subsection (1) of this section shall be

1 guilty of a Class IIIA ~~IV~~ felony and shall also be subject to section  
2 28-1019.

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

9 Sec. 49. Section 28-1009, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11 28-1009 (1) A person who intentionally, knowingly, or recklessly  
12 abandons or cruelly neglects an animal is guilty of a Class I misdemeanor  
13 unless the abandonment or cruel neglect results in serious injury or  
14 illness or death of the animal, in which case it is a Class IV felony.

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

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

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

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

1 28-1019.

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

4 28-1102 (1) A person commits the offense of promoting gambling in  
5 the first degree if he or she knowingly advances or profits from unlawful  
6 gambling activity by:

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

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

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

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

21 28-1103 (1) A person commits the offense of promoting gambling in  
22 the second degree if he or she knowingly advances or profits from any  
23 unlawful gambling activity by:

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

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

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

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

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

5           28-1104 (1) A person commits the offense of promoting gambling in  
6 the third degree if he or she knowingly participates in unlawful gambling  
7 as a player by betting less than five ~~three~~ hundred dollars in any one  
8 day.

9           (2) Promoting gambling in the third degree is a Class IV  
10 misdemeanor.

11          Sec. 53. Section 28-1212.03, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13          28-1212.03 Any person who possesses, receives, retains, or disposes  
14 of a stolen firearm knowing that it has been or believing that it has  
15 been stolen shall be guilty of a Class IIA ~~III~~ felony unless the firearm  
16 is possessed, received, retained, or disposed of with intent to restore  
17 it to the owner.

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

20          28-1222 (1) Any person who uses an explosive material or destructive  
21 device to commit any felony which may be prosecuted in this state or who  
22 possesses an explosive during the commission of any felony which may be  
23 prosecuted in this state commits the offense of using explosives to  
24 commit a felony.

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

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

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

30          28-1224 (1) Any person who uses explosive materials or destructive  
31 devices to intentionally kill, injure, or intimidate any individual

1 commits the offense of using explosives to kill or injure any person.

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

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

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

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

10 28-1344 (1) Any person who intentionally accesses or causes to be  
11 accessed, directly or indirectly, any computer, computer system, computer  
12 software, or computer network without authorization or who, having  
13 accessed any computer, computer system, computer software, or computer  
14 network with authorization, knowingly and intentionally exceeds the  
15 limits of such authorization shall be guilty of an offense a Class ~~IV~~  
16 felony if he or she intentionally: (a 1) Deprives another of property or  
17 services; or (b 2) obtains property or services of another, except that  
18 any person who obtains property or services or deprives another of  
19 property or services with a value of one thousand dollars or more by such  
20 conduct shall be guilty of a Class ~~III~~ felony.

21 (2) The offense constitutes a Class III felony when the value of the  
22 property or services involved is five thousand dollars or more.

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

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

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

31 Sec. 57. Section 28-1345, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

21 (4) The offense constitutes a Class I misdemeanor when the value of  
22 the loss caused is five hundred dollars or more, but less than one  
23 thousand five hundred dollars.

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

26 Sec. 58. Section 28-1463.05, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

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

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

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

7           (c) Any person who violates this section and has previously been  
8 convicted of a violation of this section or section 28-308, 28-309,  
9 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
10 28-813, 28-833, or 28-1463.03 or subsection (1) or (2) of section 28-320  
11 shall be guilty of a Class IC felony for each offense.

12           Sec. 59. Section 29-1816, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14           29-1816 (1)(a) The accused may be arraigned in county court or  
15 district court:

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

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

21           (iii) If the alleged offense is a traffic offense as defined in  
22 section 43-245.

23           (b) Arraignment in county court or district court shall be by  
24 reading to the accused the complaint or information, unless the reading  
25 is waived by the accused when the nature of the charge is made known to  
26 him or her. The accused shall then be asked whether he or she is guilty  
27 or not guilty of the offense charged. If the accused appears in person  
28 and by counsel and goes to trial before a jury regularly impaneled and  
29 sworn, he or she shall be deemed to have waived arraignment and a plea of  
30 not guilty shall be deemed to have been made.

31           (2) At the time of the arraignment, the county court or district

1 court shall advise the accused, if the accused was younger than eighteen  
2 years of age at the time the alleged offense was committed, that the  
3 accused may move the county court or district court at any time not later  
4 than thirty days after arraignment, unless otherwise permitted by the  
5 court for good cause shown, to waive jurisdiction in such case to the  
6 juvenile court for further proceedings under the Nebraska Juvenile Code.  
7 This subsection does not apply if the case was transferred to county  
8 court or district court from juvenile court.

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

11 (a) The county court or district court shall schedule a hearing on  
12 such motion within fifteen days. The customary rules of evidence shall  
13 not be followed at such hearing. The accused shall be represented by an  
14 attorney. The criteria set forth in section 43-276 shall be considered at  
15 such hearing. After considering all the evidence and reasons presented by  
16 both parties, the case shall be transferred to juvenile court unless a  
17 sound basis exists for retaining the case in county court or district  
18 court; and

19 (b) The county court or district court shall set forth findings for  
20 the reason for its decision. If the county court or district court  
21 determines that the accused should be transferred to the juvenile court,  
22 the complete file in the county court or district court shall be  
23 transferred to the juvenile court and the complaint, indictment, or  
24 information may be used in place of a petition therein. The county court  
25 or district court making a transfer shall order the accused to be taken  
26 forthwith to the juvenile court and designate where the juvenile shall be  
27 kept pending determination by the juvenile court. The juvenile court  
28 shall then proceed as provided in the Nebraska Juvenile Code.

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



1           Sec. 60. Section 29-2204, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           29-2204 (1) Except when a term of life imprisonment is required by  
4 law, in imposing a an indeterminate sentence upon an offender for any  
5 class of felony other than a Class III, IIIA, or IV felony, the court  
6 shall fix the minimum and the maximum terms of the sentence to be served  
7 within the limits provided by law. The maximum term shall not be greater  
8 than the maximum limit provided by law, and:

9           (a) The minimum term fixed by the court shall be any term of years  
10 less than the maximum term imposed by the court; or

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

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

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

16           (b) A term of life imprisonment.

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

19           (a) A term of life imprisonment; or

20           (b) Any term of years not less than the minimum limit provided by  
21 law after consideration of the mitigating factors in section 28-105.02,  
22 if the defendant was under eighteen years of age at the time he or she  
23 committed the crime for which he or she was convicted.

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

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

30           ~~(A) Fix the minimum and maximum limits of the sentence to be served~~  
31 ~~within the limits provided by law for any class of felony other than a~~

1 ~~Class IV felony, except that when a maximum limit of life is imposed by~~  
2 ~~the court for a Class IB felony, the minimum limit may be any term of~~  
3 ~~years not less than the statutory mandatory minimum. If the criminal~~  
4 ~~offense is a Class IV felony, the court shall fix the minimum and maximum~~  
5 ~~limits of the sentence, but the minimum limit fixed by the court shall~~  
6 ~~not be less than the minimum provided by law nor more than one-third of~~  
7 ~~the maximum term and the maximum limit shall not be greater than the~~  
8 ~~maximum provided by law; or~~

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

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

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

20 ~~If any discrepancy exists between the statement of the minimum limit~~  
21 ~~of the sentence and the statement of parole eligibility or between the~~  
22 ~~statement of the maximum limit of the sentence and the statement of~~  
23 ~~mandatory release, the statements of the minimum limit and the maximum~~  
24 ~~limit shall control the calculation of the offender's term. If the court~~  
25 ~~imposes more than one sentence upon an offender or imposes a sentence~~  
26 ~~upon an offender who is at that time serving another sentence, the court~~  
27 ~~shall state whether the sentences are to be concurrent or consecutive.~~

28 ~~(4) (2)(a) When the court is of the opinion that imprisonment may be~~  
29 ~~appropriate but desires more detailed information as a basis for~~  
30 ~~determining the sentence to be imposed than has been provided by the~~  
31 ~~presentence report required by section 29-2261, the court may shall~~

1 commit an offender to the Department of Correctional Services ~~for a~~  
2 ~~period not exceeding ninety days. During that time, the~~ The department  
3 shall conduct a complete study of the offender as provided in section 62  
4 of this act during that time, inquiring into such matters as his or her  
5 previous delinquency or criminal experience, social background,  
6 capabilities, and mental, emotional, and physical health and the  
7 rehabilitative resources or programs which may be available to suit his  
8 or her needs. By the expiration of the period of commitment or by the  
9 expiration of such additional time as the court shall grant, not  
10 exceeding a further period of ninety days, the offender shall be returned  
11 to the court for sentencing and the court shall be provided with a  
12 written report of the results of the study, including whatever  
13 recommendations the department believes will be helpful to a proper  
14 resolution of the case. After receiving the report and the  
15 recommendations, the court shall proceed to sentence the offender in  
16 accordance with subsection (1) of this section. The term of the sentence  
17 shall run from the date of original commitment under this subsection.

18 (b) ~~In order to encourage the use of this procedure in appropriate~~  
19 ~~cases, all costs incurred during the period the defendant is held in a~~  
20 ~~state institution under this subsection shall be a responsibility of the~~  
21 ~~state and the county shall be liable only for the cost of delivering the~~  
22 ~~defendant to the institution and the cost of returning him or her to the~~  
23 ~~appropriate court for sentencing or such other disposition as the court~~  
24 ~~may then deem appropriate.~~

25 (5 3) Except when a term of life is required by law, whenever the  
26 defendant was under eighteen years of age at the time he or she committed  
27 the crime for which he or she was convicted, the court may, in its  
28 discretion, instead of imposing the penalty provided for the crime, make  
29 such disposition of the defendant as the court deems proper under the  
30 Nebraska Juvenile Code. ~~Until October 1, 2013, prior to making a~~  
31 ~~disposition which commits the juvenile to the Office of Juvenile~~

1 ~~Services, the court shall order the juvenile to be evaluated by the~~  
2 ~~office if the juvenile has not had an evaluation within the past twelve~~  
3 ~~months.~~

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

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

10 (ii) Advise the offender on the record the time the offender will  
11 serve on his or her maximum term before attaining mandatory release  
12 assuming that no good time for which the offender will be eligible is  
13 lost.

14 (b) If any discrepancy exists between the statement of the minimum  
15 limit of the sentence and the statement of parole eligibility or between  
16 the statement of the maximum limit of the sentence and the statement of  
17 mandatory release, the statements of the minimum limit and the maximum  
18 limit shall control the calculation of the offender's term.

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

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

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

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

31 (2) If the criminal offense is a Class IV felony, the court shall

1 impose a sentence of probation unless:

2 (a) The defendant is concurrently or consecutively sentenced to  
3 imprisonment for any felony other than another Class IV felony;

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

6 (c) There are substantial and compelling reasons why the defendant  
7 cannot effectively and safely be supervised in the community, including,  
8 but not limited to, the criteria in subsections (2) and (3) of section  
9 29-2260. Unless other reasons are found to be present, that the offender  
10 has not previously succeeded on probation is not, standing alone, a  
11 substantial and compelling reason.

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

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

21 (5)(a) When imposing a determinate sentence upon an offender under  
22 this section, the court shall:

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

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

31 (b) If a period of post-release supervision is required but not

1 imposed by the sentencing court, the term of post-release supervision  
2 shall be the minimum provided by law.

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

7 Sec. 62. (1) When the court is of the opinion that imprisonment may  
8 be 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 shall commit an  
11 offender to the Department of Correctional Services for a period not  
12 exceeding ninety days. The department shall conduct a complete study of  
13 the offender during that time, inquiring into such matters as his or her  
14 previous delinquency or criminal experience, social background,  
15 capabilities, and mental, emotional, and physical health and the  
16 rehabilitative resources or programs which may be available to suit his  
17 or her needs.

18 (2) 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 section 29-2204 or section 61 of this act. The term of  
27 the sentence shall run from the date of original commitment under this  
28 section.

29 (3) In order to encourage the use of this procedure in appropriate  
30 cases, all costs incurred during the period the defendant is held in a  
31 state institution under this section shall be a responsibility of the

1 state and the county shall be liable only for the cost of delivering the  
2 defendant to the institution and the cost of returning him or her to the  
3 appropriate court for sentencing or such other disposition as the court  
4 may then deem appropriate.

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

7       29-2246 For purposes of the Nebraska Probation Administration Act  
8 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context  
9 otherwise requires:

10       (1) Association means the Nebraska District Court Judges  
11 Association;

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

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

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

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

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

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

29       (8) Juvenile intake probation officer means an employee of the  
30 system who is called upon by a law enforcement officer in accordance with  
31 section 43-250 to make a decision regarding the furtherance of a

1 juvenile's detention;

2 (9) Chief probation officer means the probation officer in charge of  
3 a probation district;

4 (10) System means the Nebraska Probation System;

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

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

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

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

22 Sec. 64. Section 29-2252, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 29-2252 The administrator shall:

25 (1) Supervise and administer the office;

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

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

31 (4) Establish minimum qualifications for employment as a probation



1 officer in this state and establish and maintain such additional  
2 qualifications as he or she deems appropriate for appointment to the  
3 system. Qualifications for probation officers shall be established in  
4 accordance with subsection (4) of section 29-2253. An ex-offender  
5 released from a penal complex or a county jail may be appointed to a  
6 position of deputy probation or parole officer. Such ex-offender shall  
7 maintain a record free of arrests, except for minor traffic violations,  
8 for one year immediately preceding his or her appointment;

9 (5) Establish and maintain advanced periodic inservice training  
10 requirements for the system;

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

13 (7) Organize and conduct training programs for probation officers.  
14 Training shall include the proper use of a risk and needs assessment,  
15 risk-based supervision strategies, relationship skills, cognitive  
16 behavioral interventions, community-based resources, criminal risk  
17 factors, and targeting criminal risk factors to reduce recidivism and the  
18 proper use of a matrix of administrative sanctions, custodial sanctions,  
19 and rewards developed pursuant to subdivision (18) of this section. All  
20 probation officers employed on or after the effective date of this act  
21 shall complete the training requirements set forth in this subdivision;

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

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

29 (10) Conduct research for the purpose of evaluating and improving  
30 the effectiveness of the system. Subject to the availability of funding,  
31 the administrator shall contract with an independent contractor or

1 academic institution for evaluation of existing community corrections  
2 facilities and programs operated by the office;

3 (11) Adopt and promulgate such rules and regulations as may be  
4 necessary or proper for the operation of the office or system. The  
5 administrator shall adopt and promulgate rules and regulations for  
6 transitioning individuals on probation across levels of supervision and  
7 discharging them from supervision consistent with evidence-based  
8 practices. The rules and regulations shall ensure supervision resources  
9 are prioritized for individuals who are high risk to reoffend, require  
10 transitioning individuals down levels of supervision intensity based on  
11 assessed risk and months of supervision without a reported major  
12 violation, and establish incentives for earning discharge from  
13 supervision based on compliance;

14 (12) Transmit a report during each even-numbered year to the Supreme  
15 Court on the operation of the office for the preceding two calendar years  
16 which shall include a historical analysis of probation officer workload,  
17 including participation in non-probation-based programs and services. The  
18 report shall be transmitted by the Supreme Court to the Governor and the  
19 Clerk of the Legislature. The report submitted to the Clerk of the  
20 Legislature shall be submitted electronically;

21 (13) Administer the payment by the state of all salaries, travel,  
22 and actual and necessary expenses incident to the conduct and maintenance  
23 of the office;

24 (14) Use the funds provided under section 29-2262.07 to augment  
25 operational or personnel costs associated with the development,  
26 implementation, and evaluation of enhanced probation-based programs and  
27 non-probation-based programs and services in which probation personnel or  
28 probation resources are utilized pursuant to an interlocal agreement  
29 authorized by subdivision (16) of this section and to purchase services  
30 to provide such programs aimed at enhancing adult probationer or non-  
31 probation-based program participant supervision in the community and

1 treatment needs of probationers and non-probation-based program  
2 participants. Enhanced probation-based programs include, but are not  
3 limited to, specialized units of supervision, related equipment purchases  
4 and training, and programs that address a probationer's vocational,  
5 educational, mental health, behavioral, or substance abuse treatment  
6 needs;

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

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

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

18 (18) Develop a matrix of rewards for compliance and positive  
19 behaviors and graduated administrative sanctions and custodial sanctions  
20 for use in responding to and deterring substance abuse violations and  
21 technical violations. As applicable under section 29-2266, custodial  
22 sanctions of up to thirty days in jail shall be designated as the most  
23 severe response to a violation in lieu of revocation and custodial  
24 sanctions of up to three days in jail shall be designated as the second  
25 most severe response;

26 (19) Adopt and promulgate rules and regulations for the creation of  
27 individualized post-release supervision plans, collaboratively with the  
28 Department of Correctional Services and county jails, for probationers  
29 sentenced to post-release supervision; and

30 (20 18) Exercise all powers and perform all duties necessary and  
31 proper to carry out his or her responsibilities.

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

4 Sec. 65. Section 29-2252.01, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 29-2252.01 On December 31 and June 30 of each fiscal year, the  
7 administrator shall provide a report to the budget division of the  
8 Department of Administrative Services, ~~and~~ the Legislative Fiscal  
9 Analyst, and the Supreme Court which shall include, but not be limited  
10 to:

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

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

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

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

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

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

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

27 (8) The total number of juvenile intake screening interviews  
28 conducted and detentions authorized by the office in the previous six  
29 months, using the detention screening instrument described in section  
30 43-260.01; and -

31 (9) The total number of probationers with restitution judgments, the

1 number of restitution payments made to clerks of the court, the average  
2 amount of payments, and the total amount of restitution collected.

3 The report submitted to the Legislative Fiscal Analyst shall be  
4 submitted electronically.

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

7 29-2260 (1) Whenever a person is adjudicated to be as described in  
8 subdivision (1), (2), (3)(b), or (4) of section 43-247, his or her  
9 disposition shall be governed by the Nebraska Juvenile Code.

10 (2) Whenever a court considers sentence for an offender convicted of  
11 either a misdemeanor or a felony for which mandatory or mandatory minimum  
12 imprisonment is not specifically required, the court may withhold  
13 sentence of imprisonment unless, having regard to the nature and  
14 circumstances of the crime and the history, character, and condition of  
15 the offender, the court finds that imprisonment of the offender is  
16 necessary for protection of the public because:

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

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

21 (c) A lesser sentence will depreciate the seriousness of the  
22 offender's crime or promote disrespect for law.

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

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

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

29 (c) The offender acted under strong provocation;

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

1 (e) The victim of the crime induced or facilitated commission of the  
2 crime;

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

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

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

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

11 (j) The offender is likely to respond affirmatively to probationary  
12 treatment; and

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

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

18 (5) For all sentences of imprisonment for Class III, IIIA, or IV  
19 felonies, other than those imposed consecutively or concurrently with a  
20 sentence to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA  
21 felony, the court shall impose a determinate sentence within the  
22 applicable range in section 28-105, including a period of post-release  
23 supervision.

24 Sec. 67. Section 29-2262, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 29-2262 (1) When a court sentences an offender to probation, it  
27 shall attach such reasonable conditions as it deems necessary or likely  
28 to insure that the offender will lead a law-abiding life. No offender  
29 shall be sentenced to probation if he or she is deemed to be a habitual  
30 criminal pursuant to section 29-2221.

31 (2) The court may, as a condition of a sentence of probation,

1 require the offender:

2 (a) To refrain from unlawful conduct;

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

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

9 (d) To devote himself or herself to a specific employment or  
10 occupation;

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

13 (f) To pursue a prescribed secular course of study or vocational  
14 training;

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

17 (h) To refrain from frequenting unlawful or disreputable places or  
18 consorting with disreputable persons;

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

22 (j) To remain within the jurisdiction of the court and to notify the  
23 court or the probation officer of any change in his or her address or his  
24 or her employment and to agree to waive extradition if found in another  
25 jurisdiction;

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

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

29 (m) To pay for tests to determine the presence of drugs or alcohol,  
30 psychological evaluations, offender assessment screens, and  
31 rehabilitative services required in the identification, evaluation, and

1 treatment of offenders if such offender has the financial ability to pay  
2 for such services;

3 (n) To perform community service as outlined in sections 29-2277 to  
4 29-2279 under the direction of his or her probation officer;

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

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

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

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

14 (s) To make restitution as described in sections 29-2280 and  
15 29-2281; or

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

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

21 (4) In all cases in which the offender is guilty of a crime covered  
22 by the DNA Identification Information Act, a condition of probation shall  
23 be the collecting of a DNA sample pursuant to the act and the paying of  
24 all costs associated with the collection of the DNA sample prior to  
25 release from probation.

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

28 29-2263 (1) Except as provided in subsection (2) of this section,  
29 when ~~when~~ a court has sentenced an offender to probation, the court shall  
30 specify the term of such probation which shall be not more than five  
31 years upon conviction of a felony or second offense misdemeanor and two



1 years upon conviction of a first offense misdemeanor. The court, on  
2 application of a probation officer or of the probationer ~~offender~~ or on  
3 its own motion, may discharge a probationer ~~an offender~~ at any time.

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

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

16 (4 3) Upon completion of the term of probation, or the earlier  
17 discharge of the probationer ~~offender~~, the probationer ~~offender~~ shall be  
18 relieved of any obligations imposed by the order of the court and shall  
19 have satisfied the sentence for his or her crime.

20 (5 4) Whenever a probationer disappears or leaves the jurisdiction  
21 of the court without permission, the time during which he or she keeps  
22 his or her whereabouts hidden or remains away from the jurisdiction of  
23 the court shall be added to the original term of probation.

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

26 29-2266 (1) For purposes of this section:

27 (a) Administrative sanction means additional probation requirements  
28 imposed upon a probationer by his or her probation officer, with the full  
29 knowledge and consent of the probationer, designed to hold the  
30 probationer accountable for ~~substance abuse or noncriminal~~ violations of  
31 conditions of probation, including:

- 1 (i) Counseling or reprimand by his or her probation officer;
- 2 (ii) Increased supervision contact requirements;
- 3 (iii) Increased substance abuse testing;
- 4 (iv) Referral for substance abuse or mental health evaluation or
- 5 other specialized assessment, counseling, or treatment;
- 6 (v) Imposition of a designated curfew for a period not to exceed
- 7 thirty days;
- 8 (vi) Community service for a specified number of hours pursuant to
- 9 sections 29-2277 to 29-2279;
- 10 (vii) Travel restrictions to stay within his or her county of
- 11 residence or employment unless otherwise permitted by the supervising
- 12 probation officer; and
- 13 (viii) Restructuring court-imposed financial obligations to mitigate
- 14 their effect on the probationer;
- 15 (b) Noncriminal violation means a probationer's activities or
- 16 behaviors which create the opportunity for re-offending or diminish the
- 17 effectiveness of probation supervision resulting in a violation of an
- 18 original condition of probation, including:
- 19 (i) Moving traffic violations;
- 20 (ii) Failure to report to his or her probation officer;
- 21 (iii) Leaving the jurisdiction of the court or leaving the state
- 22 without the permission of the court or his or her probation officer;
- 23 (iv) Failure to work regularly or attend training or school;
- 24 (v) Failure to notify his or her probation officer of change of
- 25 address or employment;
- 26 (vi) Frequenting places where controlled substances are illegally
- 27 sold, used, distributed, or administered;
- 28 (vii) Failure to perform community service as directed; and
- 29 (viii) Failure to pay fines, court costs, restitution, or any fees
- 30 imposed pursuant to section 29-2262.06 as directed; and
- 31 (c) Substance abuse violation means a probationer'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 probation, including:

- 4 (i) Positive breath test for the consumption of alcohol if the  
5 offender 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.

10 (2) Whenever a probation officer has reasonable cause to believe  
11 that a probationer sentenced for a misdemeanor has committed or is about  
12 to commit a substance abuse violation or noncriminal violation while on  
13 probation, but that the probationer will not attempt to leave the  
14 jurisdiction and will not place lives or property in danger, the  
15 probation officer shall either:

16 (a) Impose one or more administrative sanctions with the approval of  
17 his or her chief probation officer or such chief's designee. The decision  
18 to impose administrative sanctions in lieu of formal revocation  
19 proceedings rests with the probation officer and his or her chief  
20 probation officer or such chief's designee and shall be based upon the  
21 probationer's risk level, the severity of the violation, and the  
22 probationer's response to the violation. If administrative sanctions are  
23 to be imposed, the probationer shall acknowledge in writing the nature of  
24 the violation and agree upon the administrative sanction. The probationer  
25 has the right to decline to acknowledge the violation; and if he or she  
26 declines to acknowledge the violation, the probation officer shall take  
27 action pursuant to subdivision (2)(b) of this section. A copy of the  
28 report shall be submitted to the county attorney of the county where  
29 probation was imposed; or

30 (b) Submit a written report to the sentencing court, with a copy to  
31 the county attorney of the county where probation was imposed, outlining

1 the nature of the probation violation and request that formal revocation  
2 proceedings be instituted against the probationer.

3 (3) Whenever a probation officer has reasonable cause to believe  
4 that a probationer sentenced for a misdemeanor has violated or is about  
5 to violate a condition of probation other than a substance abuse  
6 violation or noncriminal violation and that the probationer will not  
7 attempt to leave the jurisdiction and will not place lives or property in  
8 danger, the probation officer shall submit a written report to the  
9 sentencing court, with a copy to the county attorney of the county where  
10 probation was imposed, outlining the nature of the probation violation.

11 (4) Whenever a probation officer has a reasonable cause to believe  
12 that a probationer sentenced for a misdemeanor has violated or is about  
13 to violate a condition of his or her probation and that the probationer  
14 will attempt to leave the jurisdiction or will place lives or property in  
15 danger, the probation officer shall arrest the probationer without a  
16 warrant and may call on any peace officer for assistance. Whenever a  
17 probationer is arrested, with or without a warrant, he or she shall be  
18 detained in a jail or other detention facility.

19 (5) Immediately after arrest and detention pursuant to subsection  
20 (4) of this section, the probation officer shall notify the county  
21 attorney of the county where probation was imposed and submit a written  
22 report of the reason for such arrest and of any violation of probation.  
23 After prompt consideration of such written report, the county attorney  
24 shall:

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

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

28 (6) Whenever a county attorney receives a report from a probation  
29 officer that a probationer sentenced for a misdemeanor has violated a  
30 condition of probation, the county attorney may file a motion or  
31 information to revoke probation.

1       (7) Whenever a probation officer has reasonable cause to believe  
2 that a probationer sentenced for a felony has committed or is about to  
3 commit a violation while on probation, the probation officer shall  
4 consider:

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

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

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

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

14       (a) One or more administrative sanctions;

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

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

22       (9) If administrative sanctions are to be imposed by the probation  
23 officer pursuant to subsection (8) of this section, the probationer must  
24 acknowledge in writing the nature of the violation and agree upon the  
25 sanction. Prior to acknowledging the violation and agreeing upon the  
26 sanction, the probationer must be presented with a violation report and  
27 advised of the right to a hearing before the court on the alleged  
28 violation. The probationer has the right to decline to acknowledge the  
29 violation and request a court hearing. If the probationer declines to  
30 acknowledge the violation, the probation officer shall submit a written  
31 report to the sentencing court, with a copy to the county attorney of the

1 county where probation was imposed, describing the alleged violation or  
2 violations and requesting that administrative sanctions or a custodial  
3 sanction of up to thirty days in jail be imposed.

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

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

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

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

22 (12 7) The administrator shall adopt and promulgate rules and  
23 regulations to carry out this section.

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

26 29-2268 (1) If the court finds that the probationer, other than a  
27 probationer serving a term of post-release supervision, did violate a  
28 condition of his or her probation, it may revoke the probation and impose  
29 on the offender such new sentence as might have been imposed originally  
30 for the crime of which he or she was convicted.

31 (2) If the court finds that a probationer serving a term of post-

1 release supervision did violate a condition of his or her post-release  
2 supervision, it may revoke the post-release supervision and impose on the  
3 offender a term of imprisonment up to the remaining period of post-  
4 release supervision. The term shall be served in an institution under the  
5 jurisdiction of the Department of Correctional Services or in county jail  
6 subject to subsection (2) of section 28-105.

7 (3 2) If the court finds that the probationer did violate a  
8 condition of his or her probation, but is of the opinion that revocation  
9 ~~of probation~~ is not appropriate, the court may order that:

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

11 (b) Probation supervision and reporting be intensified;

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

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

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

19 29-2281 To determine the amount of restitution, the court may hold a  
20 hearing at the time of sentencing. The amount of restitution shall be  
21 based on the actual damages sustained by the victim and shall be  
22 supported by evidence which shall become a part of the court record. The  
23 court shall consider the defendant's earning ability, employment status,  
24 financial resources, and family or other legal obligations and shall  
25 balance such considerations against the obligation to the victim. In  
26 considering the earning ability of a defendant who is sentenced to  
27 imprisonment, the court may receive evidence of money anticipated to be  
28 earned by the defendant during incarceration. A person may not be granted  
29 or denied probation or parole either solely or primarily due to his or  
30 her financial resources or ability or inability to pay restitution. The  
31 court may order that restitution be made immediately, in specified

1 installments, or within a specified period of time not to exceed five  
2 years after the date of judgment or defendant's final release date from  
3 imprisonment, whichever is later. Restitution payments shall be made  
4 through the clerk of the court ordering restitution. The clerk shall  
5 maintain a record of all receipts and disbursements.

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

8 29-2308 (1) In all criminal cases that now are or may hereafter be  
9 pending in the Court of Appeals or Supreme Court, the appellate court may  
10 reduce the sentence rendered by the district court against the accused  
11 when in its opinion the sentence is excessive, and it shall be the duty  
12 of the appellate court to render such sentence against the accused as in  
13 its opinion may be warranted by the evidence. No judgment shall be set  
14 aside, new trial granted, or judgment rendered in any criminal case on  
15 the grounds of misdirection of the jury or the improper admission or  
16 rejection of evidence or for error as to any matter of pleading or  
17 procedure if the appellate court, after an examination of the entire  
18 cause, considers that no substantial miscarriage of justice has actually  
19 occurred.

20 (2) In all criminal cases based on offenses subject to determinate  
21 sentencing under subsection (2) of section 61 of this act, the appellate  
22 court may determine that a sentence is excessive because the district  
23 court did not provide substantial and compelling reasons for imposing a  
24 sentence other than probation.

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

27 29-3523 (1) That part of criminal history record information  
28 consisting of a notation of an arrest, described in subsection (3 2) of  
29 this section, shall not be disseminated to persons other than criminal  
30 justice agencies after the expiration of the periods described in  
31 subsection (3 2) of this section except as provided in subsection (2) of



1 this section and except when the subject of the record:

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

4 (b) Is currently an announced candidate for or holder of public  
5 office;

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

8 (d) Is kept unidentified, and the record is used for purposes of  
9 surveying or summarizing individual or collective law enforcement agency  
10 activity or practices, or the dissemination is requested consisting only  
11 of release of criminal history record information showing (i) dates of  
12 arrests, (ii) reasons for arrests, and (iii) the nature of the  
13 dispositions including, but not limited to, reasons for not prosecuting  
14 the case or cases.

15 (2) That part of criminal history record information consisting of a  
16 notation of an arrest, described in subsection (3) of this section, may  
17 be disseminated to individuals and agencies for the express purpose of  
18 research, evaluative, or statistical activities pursuant to an agreement  
19 with a criminal justice agency that specifically authorizes access to the  
20 information, limits the use of the information to research, evaluative,  
21 or statistical activities, and ensures the confidentiality and security  
22 of the information.

23 (3 2) Except as provided in subsections subsection (1) and (2) of  
24 this section, the notation of arrest shall be removed from the public  
25 record as follows:

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

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

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

6 (4 ~~3~~) Any person arrested due to the error of a law enforcement  
7 agency may file a petition with the district court for an order to  
8 expunge the criminal history record information related to such error.  
9 The petition shall be filed in the district court of the county in which  
10 the petitioner was arrested. The county attorney shall be named as the  
11 respondent and shall be served with a copy of the petition. The court may  
12 grant the petition and issue an order to expunge such information if the  
13 petitioner shows by clear and convincing evidence that the arrest was due  
14 to error by the arresting law enforcement agency.

15 Sec. 74. Section 29-4011, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 29-4011 (1) Any person required to register under the Sex Offender  
18 Registration Act who violates the act is guilty of a Class ~~IIIA~~ IV  
19 felony.

20 (2) Any person required to register under the act who violates the  
21 act and who has previously been convicted of a violation of the act is  
22 guilty of a Class ~~IIA~~ ~~III~~ IV felony and shall be sentenced to a mandatory  
23 minimum term of at least one year in prison unless the violation which  
24 caused the person to be placed on the registry was a misdemeanor, in  
25 which case the violation of the act shall be a Class ~~IIIA~~ IV felony.

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

31 Sec. 75. Section 43-412, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 43-412 (1) Every juvenile committed to the Office of Juvenile  
3 Services pursuant to the Nebraska Juvenile Code ~~or pursuant to subsection~~  
4 ~~(3) of section 29-2204~~ shall remain committed until he or she attains the  
5 age of nineteen or is legally discharged.

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

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

16 Sec. 76. Section 28-1501, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 ~~28-1501~~ (1) The Legislature finds that while serious crime in the  
19 State of Nebraska has not increased in the past five years, the prison  
20 population continues to increase as does the amount spent on correctional  
21 issues. The Legislature further finds that a need exists to closely  
22 examine the criminal justice system of the State of Nebraska in order to  
23 increase public safety while concurrently reducing correctional spending  
24 and reinvesting in strategies that decrease crime and strengthen Nebraska  
25 communities.

26 (2) It is the intent of the Legislature that the The State of  
27 Nebraska ~~shall~~ work cooperatively with the Council of State Governments  
28 Justice Center to study and identify innovative solutions and evidence-  
29 based practices to develop a data-driven approach to reduce correctional  
30 spending and reinvest savings in strategies that can decrease recidivism  
31 and increase public safety and for ~~The Nebraska Justice Reinvestment~~

1 ~~Working Group is created under the authority of the executive,~~  
2 ~~legislative, and judicial branches of Nebraska state government to work~~  
3 ~~with the Council of State Governments Justice Center in this process.~~

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

7 (4) The special legislative committee shall be comprised of five  
8 members of the Legislature selected by the Executive Board of the  
9 Legislative Council, including the chairperson of the Judiciary Committee  
10 of the Legislature who shall serve as chairperson of the special  
11 legislative committee.

12 (5) The Committee on Justice Reinvestment Oversight shall monitor  
13 and guide analysis and policy development in all aspects of the criminal  
14 justice system in Nebraska within the scope of the justice reinvestment  
15 initiative, including tracking implementation of evidence-based  
16 strategies as established in this legislative bill, and reviewing  
17 policies to improve public safety, reduce recidivism, and reduce spending  
18 on corrections in Nebraska. With assistance from the Council of State  
19 Governments Justice Center, the committee shall monitor performance and  
20 measure outcomes by collecting data from counties and relevant state  
21 agencies for analysis and reporting.

22 (6) The committee shall prepare and submit an annual report of its  
23 activities and findings and may make recommendations to improve any  
24 aspect of the criminal justice system. The committee shall deliver the  
25 report to the Governor, the Clerk of the Legislature, and the Chief  
26 Justice by September 1 of each year. The report to the clerk shall be  
27 delivered electronically.

28 ~~(3) The Governor, the Executive Board of the Legislative Council,~~  
29 ~~and the Chief Justice of the Supreme Court are authorized to take any~~  
30 ~~necessary actions to engage the Council of State Governments Justice~~  
31 ~~Center in this process and to ensure that the report required by~~

1 subsection (6) of this section is delivered. Upon delivery of the report,  
2 the working group shall be dissolved and discharged of any further  
3 duties.

4 (4) The working group shall be comprised of four members selected by  
5 the Governor, four members selected by the Speaker of the Legislature,  
6 four members selected by the Chief Justice of the Supreme Court, and four  
7 representatives of local governments selected jointly by the Governor,  
8 the Speaker of the Legislature, and the Chief Justice. The Governor,  
9 Speaker of the Legislature, and Chief Justice shall serve as co-  
10 chairpersons of the working group.

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

13 (a) Courts, specialty courts, and sentencing trends;

14 (b) Development of a process to determine the impact of pending  
15 legislation on the criminal justice system;

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

17 (d) Reported crimes and arrests;

18 (e) Alternatives to incarceration;

19 (f) Effectiveness of all available offender programs, including  
20 prison programs and community-based programs;

21 (g) Reentry programming and transition;

22 (h) Prison programming;

23 (i) Community services;

24 (j) Probation and parole services;

25 (k) Prison admissions and length of stay; and

26 (l) Recidivism rates of offenders released from prison, jail,  
27 parole, probation, and other community-based programs.

28 (6) The Council of State Governments Justice Center shall make a  
29 final report that includes a summary of the issues studied as required by  
30 subsection (5) of this section, potential legislative solutions for the  
31 problems associated with prison overcrowding, and an estimate of the cost

1 ~~savings for all policies recommended by the center. The Council of State~~  
2 ~~Governments Justice Center shall electronically deliver the report to the~~  
3 ~~Governor, the Clerk of the Legislature, and the Chief Justice of the~~  
4 ~~Supreme Court by September 1, 2015.~~

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

7 60-6,197.03 Any person convicted of a violation of section 60-6,196  
8 or 60-6,197 shall be punished as follows:

9 (1) Except as provided in subdivision (2) of this section, if such  
10 person has not had a prior conviction, such person shall be guilty of a  
11 Class W misdemeanor, and the court shall, as part of the judgment of  
12 conviction, order that the operator's license of such person be revoked  
13 for a period of six months from the date ordered by the court. The  
14 revocation order shall require that the person apply for an ignition  
15 interlock permit pursuant to section 60-6,211.05 for the revocation  
16 period and have an ignition interlock device installed on any motor  
17 vehicle he or she operates during the revocation period. Such revocation  
18 shall be administered upon sentencing, upon final judgment of any appeal  
19 or review, or upon the date that any probation is revoked.

20 If the court places such person on probation or suspends the  
21 sentence for any reason, the court shall, as one of the conditions of  
22 probation or sentence suspension, order that the operator's license of  
23 such person be revoked for a period of sixty days from the date ordered  
24 by the court. The court shall order that during the period of revocation  
25 the person apply for an ignition interlock permit pursuant to section  
26 60-6,211.05. Such order of probation or sentence suspension shall also  
27 include, as one of its conditions, the payment of a five-hundred-dollar  
28 fine;

29 (2) If such person has not had a prior conviction and, as part of  
30 the current violation, had a concentration of fifteen-hundredths of one  
31 gram or more by weight of alcohol per one hundred milliliters of his or

1 her blood or fifteen-hundredths of one gram or more by weight of alcohol  
2 per two hundred ten liters of his or her breath, such person shall be  
3 guilty of a Class W misdemeanor, and the court shall, as part of the  
4 judgment of conviction, revoke the operator's license of such person for  
5 a period of one year from the date ordered by the court. The revocation  
6 order shall require that the person apply for an ignition interlock  
7 permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the  
8 revocation period and have an ignition interlock device installed on any  
9 motor vehicle he or she operates during the revocation period. Such  
10 revocation shall be administered upon sentencing, upon final judgment of  
11 any appeal or review, or upon the date that any probation is revoked.

12 If the court places such person on probation or suspends the  
13 sentence for any reason, the court shall, as one of the conditions of  
14 probation or sentence suspension, order that the operator's license of  
15 such person be revoked for a period of one year from the date ordered by  
16 the court. The revocation order shall require that the person apply for  
17 an ignition interlock permit pursuant to subdivision (1)(b) of section  
18 60-6,197.01 for the revocation period and have an ignition interlock  
19 device installed on any motor vehicle he or she operates during the  
20 revocation period. Such revocation shall be administered upon sentencing,  
21 upon final judgment of any appeal or review, or upon the date that any  
22 probation is revoked. Such order of probation or sentence suspension  
23 shall also include, as conditions, the payment of a five-hundred-dollar  
24 fine and either confinement in the city or county jail for two days or  
25 the imposition of not less than one hundred twenty hours of community  
26 service;

27 (3) Except as provided in subdivision (5) of this section, if such  
28 person has had one prior conviction, such person shall be guilty of a  
29 Class W misdemeanor, and the court shall, as part of the judgment of  
30 conviction, order that the operator's license of such person be revoked  
31 for a period of eighteen months from the date ordered by the court. The

1 revocation order shall require that the person not drive for a period of  
2 forty-five days and that the person apply for an ignition interlock  
3 permit and have an ignition interlock device installed on any motor  
4 vehicle he or she owns or operates for at least one year. The court shall  
5 also issue an order pursuant to subdivision (1)(b) of section  
6 60-6,197.01. If the person has an ignition interlock device installed as  
7 required under this subdivision, the person shall not be eligible for  
8 reinstatement of his or her operator's license until he or she has had  
9 the ignition interlock device installed for the period ordered by the  
10 court. The revocation shall be administered upon sentencing, upon final  
11 judgment of any appeal or review, or upon the date that any probation is  
12 revoked.

13 If the court places such person on probation or suspends the  
14 sentence for any reason, the court shall, as one of the conditions of  
15 probation or sentence suspension, order that the operator's license of  
16 such person be revoked for a period of eighteen months from the date  
17 ordered by the court. The revocation order shall require that the person  
18 not drive for a period of forty-five days and that the person apply for  
19 an ignition interlock permit and installation of an ignition interlock  
20 device for not less than a one-year period pursuant to section  
21 60-6,211.05. The court shall also issue an order pursuant to subdivision  
22 (1)(b) of section 60-6,197.01. If the person has an ignition interlock  
23 device installed as required under this subdivision, the person shall not  
24 be eligible for reinstatement of his or her operator's license until he  
25 or she has had the ignition interlock device installed for the period  
26 ordered by the court. The order of probation or sentence suspension shall  
27 also include, as conditions, the payment of a five-hundred-dollar fine  
28 and either confinement in the city or county jail for ten days or the  
29 imposition of not less than two hundred forty hours of community service;

30 (4) Except as provided in subdivision (6) of this section, if such  
31 person has had two prior convictions, such person shall be guilty of a



1 Class W misdemeanor, and the court shall, as part of the judgment of  
2 conviction, order that the operator's license of such person be revoked  
3 for a period of fifteen years from the date ordered by the court and  
4 shall issue an order pursuant to section 60-6,197.01. Such orders shall  
5 be 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 at least two years but not more  
11 than fifteen years from the date ordered by the court. The revocation  
12 order shall require that the person not drive for a period of forty-five  
13 days, after which the court may order that during the period of  
14 revocation the person apply for an ignition interlock permit and  
15 installation of an ignition interlock device issued pursuant to section  
16 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of  
17 section 60-6,197.01. Such order of probation or sentence suspension shall  
18 also include, as conditions, the payment of a one-thousand-dollar fine  
19 and confinement in the city or county jail for thirty days;

20 (5) If such person has had one prior conviction and, as part of the  
21 current violation, had a concentration of fifteen-hundredths of one gram  
22 or more by weight of alcohol per one hundred milliliters of his or her  
23 blood or fifteen-hundredths of one gram or more by weight of alcohol per  
24 two hundred ten liters of his or her breath or refused to submit to a  
25 test as required under section 60-6,197, such person shall be guilty of a  
26 Class I misdemeanor, and the court shall, as part of the judgment of  
27 conviction, order payment of a one-thousand-dollar fine and revoke the  
28 operator's license of such person for a period of at least eighteen  
29 months but not more than fifteen years from the date ordered by the court  
30 and shall issue an order pursuant to section 60-6,197.01. Such revocation  
31 and order shall be administered upon sentencing, upon final judgment of

1 any appeal or review, or upon the date that any probation is revoked. The  
2 court shall also sentence such person to serve at least ninety days'  
3 imprisonment in the city or county jail or an adult correctional  
4 facility.

5 If the court places such person on probation or suspends the  
6 sentence for any reason, the court shall, as one of the conditions of  
7 probation or sentence suspension, order that the operator's license of  
8 such person be revoked for a period of at least eighteen months but not  
9 more than fifteen years 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 during the period of revocation the person apply  
12 for an ignition interlock permit and installation of an ignition  
13 interlock device for not less than a one-year period issued pursuant to  
14 section 60-6,211.05. The court shall also issue an order pursuant to  
15 subdivision (1)(b) of section 60-6,197.01. If the person has an ignition  
16 interlock device installed as required under this subdivision, the person  
17 shall not be eligible for reinstatement of his or her operator's license  
18 until he or she has had the ignition interlock device installed for the  
19 period ordered by the court. The order of probation or sentence  
20 suspension shall also include, as conditions, the payment of a one-  
21 thousand-dollar fine and confinement in the city or county jail for  
22 thirty days;

23 (6) If such person has had two prior convictions and, as part of the  
24 current violation, had a concentration of fifteen-hundredths of one gram  
25 or more by weight of alcohol per one hundred milliliters of his or her  
26 blood or fifteen-hundredths of one gram or more by weight of alcohol per  
27 two hundred ten liters of his or her breath or refused to submit to a  
28 test as required under section 60-6,197, such person shall be guilty of a  
29 Class IIIA felony, and the court shall, as part of the judgment of  
30 conviction, revoke the operator's license of such person for a period of  
31 fifteen years from the date ordered by the court and shall issue an order

1 pursuant to section 60-6,197.01. Such revocation and order shall be  
2 administered upon sentencing, upon final judgment of any appeal or  
3 review, or upon the date that any probation is revoked. The court shall  
4 also sentence such person to serve at least one hundred eighty days'  
5 imprisonment in the city or county jail or an adult correctional  
6 facility.

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 at least five years but not more  
11 than fifteen years from the date ordered by the court. The revocation  
12 order shall require that the person not drive for a period of forty-five  
13 days, after which the court may order that during the period of  
14 revocation the person apply for an ignition interlock permit and  
15 installation of an ignition interlock device issued pursuant to section  
16 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of  
17 section 60-6,197.01. Such order of probation or sentence suspension shall  
18 also include, as conditions, the payment of a one-thousand-dollar fine,  
19 confinement in the city or county jail for sixty days, and, upon release  
20 from such confinement, the use of a continuous alcohol monitoring device  
21 and abstention from alcohol use at all times for no less than sixty days;

22 (7) Except as provided in subdivision (8) of this section, if such  
23 person has had three prior convictions, such person shall be guilty of a  
24 Class IIIA felony, and the court shall, as part of the judgment of  
25 conviction, order that the operator's license of such person be revoked  
26 for a period of fifteen years from the date ordered by the court and  
27 shall issue an order pursuant to section 60-6,197.01. Such orders shall  
28 be administered upon sentencing, upon final judgment of any appeal or  
29 review, or upon the date that any probation is revoked. The court shall  
30 also sentence such person to serve at least one hundred eighty days'  
31 imprisonment in the city or county jail or an adult correctional

1 facility.

2 If the court places such person on probation or suspends the  
3 sentence for any reason, the court shall, as one of the conditions of  
4 probation or sentence suspension, order that the operator's license of  
5 such person be revoked for a period of fifteen years from the date  
6 ordered by the court. The revocation order shall require that the person  
7 not drive for a period of forty-five days, after which the court may  
8 order that during the period of revocation the person apply for an  
9 ignition interlock permit and installation of an ignition interlock  
10 device issued pursuant to section 60-6,211.05 and shall issue an order  
11 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
12 probation or sentence suspension shall also include, as conditions, the  
13 payment of a two-thousand-dollar fine, confinement in the city or county  
14 jail for ninety days, and, upon release from such confinement, the use of  
15 a continuous alcohol monitoring device and abstention from alcohol use at  
16 all times for no less than ninety days;

17 (8) If such person has had three prior convictions and, as part of  
18 the current violation, had a concentration of fifteen-hundredths of one  
19 gram or more by weight of alcohol per one hundred milliliters of his or  
20 her blood or fifteen-hundredths of one gram or more by weight of alcohol  
21 per two hundred ten liters of his or her breath or refused to submit to a  
22 test as required under section 60-6,197, such person shall be guilty of a  
23 Class IIA ~~III~~ felony, and the court shall, as part of the judgment of  
24 conviction, revoke the operator's license of such person for a period of  
25 fifteen years from the date ordered by the court and shall issue an order  
26 pursuant to section 60-6,197.01. Such revocation and order shall be  
27 administered upon sentencing, upon final judgment of any appeal or  
28 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 fifteen years from the date  
2 ordered by the court. The revocation order shall require that the person  
3 not drive for a period of forty-five days, after which the court may  
4 order that during the period of revocation the person apply for an  
5 ignition interlock permit and installation of an ignition interlock  
6 device issued pursuant to section 60-6,211.05 and shall issue an order  
7 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
8 probation or sentence suspension shall also include, as conditions, the  
9 payment of a two-thousand-dollar fine, confinement in the city or county  
10 jail for one hundred twenty days, and, upon release from such  
11 confinement, the use of a continuous alcohol monitoring device and  
12 abstention from alcohol use at all times for no less than one hundred  
13 twenty days;

14 (9) Except as provided in subdivision (10) of this section, if such  
15 person has had four or more prior convictions, such person shall be  
16 guilty of a Class ~~IIA~~ ~~III~~ felony with a minimum sentence of two years'  
17 imprisonment, and the court shall, as part of the judgment of conviction,  
18 order that the operator's license of such person be revoked for a period  
19 of fifteen years from the date ordered by the court and shall issue an  
20 order pursuant to section 60-6,197.01. Such orders shall be administered  
21 upon sentencing, upon final judgment of any appeal or review, or upon the  
22 date that any probation is revoked.

23 If the court places such person on probation or suspends the  
24 sentence for any reason, the court shall, as one of the conditions of  
25 probation or sentence suspension, order that the operator's license of  
26 such person be revoked for a period of fifteen years from the date  
27 ordered by the court. The revocation order shall require that the person  
28 not drive for a period of forty-five days, after which the court may  
29 order that during the period of revocation the person apply for an  
30 ignition interlock permit and installation of an ignition interlock  
31 device issued pursuant to section 60-6,211.05 and shall issue an order

1 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
2 probation or sentence suspension shall also include, as conditions, the  
3 payment of a two-thousand-dollar fine, confinement in the city or county  
4 jail for one hundred eighty days, and, upon release from such  
5 confinement, the use of a continuous alcohol monitoring device and  
6 abstention from alcohol use at all times for no less than one hundred  
7 eighty days; and

8 (10) If such person has had four or more prior convictions and, as  
9 part of the current violation, had a concentration of fifteen-hundredths  
10 of one gram or more by weight of alcohol per one hundred milliliters of  
11 his or her blood or fifteen-hundredths of one gram or more by weight of  
12 alcohol per two hundred ten liters of his or her breath or refused to  
13 submit to a test as required under section 60-6,197, such person shall be  
14 guilty of a Class II felony with a minimum sentence of two years'  
15 imprisonment and the court shall, as part of the judgment of conviction,  
16 revoke the operator's license of such person for a period of fifteen  
17 years from the date ordered by the court and shall issue an order  
18 pursuant to section 60-6,197.01. Such revocation and order shall be  
19 administered upon sentencing, upon final judgment of any appeal or  
20 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 fifteen years from the date  
25 ordered by the court. The revocation order shall require that the person  
26 not drive for a period of forty-five days, after which the court may  
27 order that during the period of revocation the person apply for an  
28 ignition interlock permit and installation of an ignition interlock  
29 device issued pursuant to section 60-6,211.05 and shall issue an order  
30 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
31 probation or sentence suspension shall also include, as conditions, the

1 payment of a two-thousand-dollar fine, confinement in the city or county  
2 jail for one hundred eighty days, and, upon release from such  
3 confinement, the use of a continuous alcohol monitoring device and  
4 abstention from alcohol use at all times for no less than one hundred  
5 eighty days.

6 Sec. 78. Section 60-6,197.06, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

8 60-6,197.06 (1) Unless otherwise provided by law pursuant to an  
9 ignition interlock permit, any person operating a motor vehicle on the  
10 highways or streets of this state while his or her operator's license has  
11 been revoked pursuant to section 28-306, section 60-698, subdivision (4),  
12 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section  
13 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196  
14 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions  
15 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and  
16 the court shall, as part of the judgment of conviction, revoke the  
17 operator's license of such person for a period of fifteen years from the  
18 date ordered by the court and shall issue an order pursuant to section  
19 60-6,197.01. Such revocation and order shall be administered upon  
20 sentencing, upon final judgment of any appeal or review, or upon the date  
21 that any probation is revoked.

22 (2) If such person has had a conviction under this section or under  
23 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,  
24 as such subsections existed prior to July 16, 2004, prior to the date of  
25 the current conviction under this section, such person shall be guilty of  
26 a Class IIA ~~III~~ felony, and the court shall, as part of the judgment of  
27 conviction, revoke the operator's license of such person for a period of  
28 fifteen years from the date ordered by the court and shall issue an order  
29 pursuant to section 60-6,197.01. Such revocation and order shall be  
30 administered upon sentencing, upon final judgment of any appeal or  
31 review, or upon the date that any probation is revoked.

1           Sec. 79. Section 68-1017, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           68-1017 (1) Any person, including vendors and providers of medical  
4 assistance and social services, who, by means of a willfully false  
5 statement or representation, or by impersonation or other device, obtains  
6 or attempts to obtain, or aids or abets any person to obtain or to  
7 attempt to obtain (a) an assistance certificate of award to which he or  
8 she is not entitled, (b) any commodity, any foodstuff, any food  
9 instrument, any Supplemental Nutrition Assistance Program benefit or  
10 electronic benefit card, or any payment to which such individual is not  
11 entitled or a larger payment than that to which he or she is entitled,  
12 (c) any payment made on behalf of a recipient of medical assistance or  
13 social services, or (d) any other benefit administered by the Department  
14 of Health and Human Services, or who violates any statutory provision  
15 relating to assistance to the aged, blind, or disabled, aid to dependent  
16 children, social services, or medical assistance, commits an offense.

17           (2) Any person who commits an offense under subsection (1) of this  
18 section shall upon conviction be punished as follows: (a) If the  
19 aggregate value of all funds or other benefits obtained or attempted to  
20 be obtained is less than five hundred dollars, the person so convicted  
21 shall be guilty of a Class IV ~~III~~ misdemeanor; (b) if the aggregate value  
22 of all funds or other benefits obtained or attempted to be obtained is  
23 five hundred dollars or more but less than one thousand five hundred  
24 dollars, the person so convicted shall be guilty of a Class III  
25 misdemeanor; or (c) if the aggregate value of all funds and other  
26 benefits obtained or attempted to be obtained is one thousand five  
27 hundred dollars or more, the person so convicted shall be guilty of a  
28 Class IV felony.

29           Sec. 80. Section 68-1017.01, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31           68-1017.01 (1) A person commits an offense if he or she knowingly



1 uses, alters, or transfers any Supplemental Nutrition Assistance Program  
2 benefits or electronic benefit cards or any authorizations to participate  
3 in the Supplemental Nutrition Assistance Program in any manner not  
4 authorized by law. An offense under this subsection shall be a Class IV  
5 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance  
6 Program benefits, electronic benefit cards, or authorizations is less  
7 than five hundred dollars, shall be a Class III misdemeanor if the value  
8 is five hundred dollars or more but less than one thousand five hundred  
9 dollars, and shall be a Class IV felony if the value is one thousand five  
10 hundred dollars or more.

11 (2) A person commits an offense if he or she knowingly (a) possesses  
12 any Supplemental Nutrition Assistance Program benefits or electronic  
13 benefit cards or any authorizations to participate in the Supplemental  
14 Nutrition Assistance Program when such individual is not authorized by  
15 law to possess them, (b) redeems Supplemental Nutrition Assistance  
16 Program benefits or electronic benefit cards when he or she is not  
17 authorized by law to redeem them, or (c) redeems Supplemental Nutrition  
18 Assistance Program benefits or electronic benefit cards for purposes not  
19 authorized by law. An offense under this subsection shall be a Class IV  
20 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance  
21 Program benefits, electronic benefit cards, or authorizations is less  
22 than five hundred dollars, shall be a Class III misdemeanor if the value  
23 is five hundred dollars or more but less than one thousand five hundred  
24 dollars, and shall be a Class IV felony if the value is one thousand five  
25 hundred dollars or more.

26 (3) A person commits an offense if he or she knowingly possesses  
27 blank authorizations to participate in the Supplemental Nutrition  
28 Assistance Program when such possession is not authorized by law. An  
29 offense under this subsection shall be a Class IV felony.

30 (4) When any Supplemental Nutrition Assistance Program benefits or  
31 electronic benefit cards or any authorizations to participate in the

1 Supplemental Nutrition Assistance Program of various values are obtained  
2 in violation of this section pursuant to one scheme or a continuing  
3 course of conduct, whether from the same or several sources, such conduct  
4 may be considered as one offense, and the values aggregated in  
5 determining the grade of the offense.

6 Sec. 81. Section 71-2228, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 71-2228 Any person who by means of a willfully false statement or  
9 representation, by impersonation, or by other device obtains or attempts  
10 to obtain or aids or abets any person to obtain or to attempt to obtain  
11 (1) a food instrument to which he, she, or it is not entitled, (2) any  
12 supplemental foods to which such person is not entitled, or (3) any other  
13 benefit administered by the Department of Health and Human Services under  
14 sections 71-2226 and 71-2227 commits an offense and shall, upon  
15 conviction, be punished as follows: (a) If the aggregate value of all  
16 funds and ~~or~~ other benefits obtained or attempted to be obtained is less  
17 than five hundred dollars, the person so convicted shall be guilty of a  
18 Class IV ~~III~~ misdemeanor; (b) if the aggregate value of all funds and  
19 other benefits obtained or attempted to be obtained is five hundred  
20 dollars or more but less than one thousand five hundred dollars, the  
21 person so convicted shall be guilty of a Class III misdemeanor; or (c) ~~b~~  
22 if the aggregate value of all funds and other benefits obtained or  
23 attempted to be obtained is one thousand five hundred dollars or more,  
24 the person so convicted shall be guilty of a Class IV felony.

25 Sec. 82. Section 71-2229, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-2229 (1) A person commits an offense if he, she, or it knowingly  
28 and unlawfully uses, alters, or transfers a food instrument or  
29 supplemental food. An offense under this subsection shall be a Class IV  
30 ~~III~~ misdemeanor if the value of the food instrument or benefit is less  
31 than five hundred dollars, shall be a Class III misdemeanor if the value

1 of the food instrument or benefit is five hundred dollars or more but  
2 less than one thousand five hundred dollars, and shall be a Class IV  
3 felony if the value of the food instrument or benefit is one thousand  
4 five hundred dollars or more.

5 (2) A person commits an offense if he, she, or it (a) knowingly and  
6 unlawfully possesses a food instrument or supplemental food, (b)  
7 knowingly and unlawfully redeems a food instrument, (c) knowingly  
8 falsifies or misapplies a food instrument, or (d) fraudulently obtains a  
9 food instrument. An offense under this subsection shall be a Class IV ~~III~~  
10 misdemeanor if the value of the food instrument or benefit is less than  
11 five hundred dollars, shall be a Class III misdemeanor if the value of  
12 the food instrument or benefit is five hundred dollars or more but less  
13 than one thousand five hundred dollars, and shall be a Class IV felony if  
14 the value of the food instrument or benefit is one thousand five hundred  
15 dollars or more.

16 (3) A person commits an offense if he, she, or it knowingly and  
17 unlawfully possesses a blank authorization to participate in the WIC  
18 program or CSF program. An offense under this subsection shall be a Class  
19 IV felony.

20 (4) When food instruments or supplemental foods are obtained in  
21 violation of this section pursuant to one scheme or a continuing course  
22 of conduct, whether from the same or several sources, such conduct may be  
23 considered as one offense and the values aggregated in determining the  
24 grade of the offense.

25 Sec. 83. Section 81-1185, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 81-1185 For purposes of the State Government Recycling Management  
28 Act, state government recyclable material means ~~shall mean~~ any product or  
29 material that has reached the end of its useful life, is obsolete, or is  
30 no longer needed by state government and for which there are readily  
31 available markets to take the material. State government recyclable

1 material includes, ~~but is not limited to,~~ paper, paperboard, aluminum and  
2 other metals, yard waste, glass, tires, oil, and plastics. State  
3 government recyclable material does not include cans or other containers  
4 recycled under section 83-915.01.

5 Sec. 84. Section 81-1415, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 81-1415 As used in sections 81-1415 to 81-1426 and section 87 of  
8 this act, unless the context otherwise requires: Commission means shall  
9 ~~mean~~ the Nebraska Commission on Law Enforcement and Criminal Justice.

10 Sec. 85. Section 81-1416, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 81-1416 There is hereby created the Nebraska Commission on Law  
13 Enforcement and Criminal Justice. The commission shall educate the  
14 community at large to the problems encountered by law enforcement  
15 authorities, promote respect for law and encourage community involvement  
16 in the administration of criminal justice. The commission shall be an  
17 agency of the state, and the exercise by the commission of the powers  
18 conferred by the provisions of sections 81-1415 to 81-1426 and section 87  
19 of this act shall be deemed to be an essential governmental function of  
20 the state.

21 Sec. 86. Section 81-1423, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 81-1423 The commission shall have authority to:

24 (1) Adopt and promulgate rules and regulations for its organization  
25 and internal management and rules and regulations governing the exercise  
26 of its powers and the fulfillment of its purposes under sections 81-1415  
27 to 81-1426 and section 87 of this act;

28 (2) Delegate to one or more of its members such powers and duties as  
29 it may deem proper;

30 (3) Coordinate and jointly pursue its activities with the Governor's  
31 Policy Research Office;

1 (4) Appoint and abolish such advisory committees as may be necessary  
2 for the performance of its functions and delegate appropriate powers and  
3 duties to them;

4 (5) Plan improvements in the administration of criminal justice and  
5 promote their implementation;

6 (6) Make or encourage studies of any aspect of the administration of  
7 criminal justice;

8 (7) Conduct research and stimulate research by public and private  
9 agencies which shall be designed to improve the administration of  
10 criminal justice;

11 (8) Coordinate activities relating to the administration of criminal  
12 justice among agencies of state and local government;

13 (9) Cooperate with the federal and other state authorities  
14 concerning the administration of criminal justice;

15 (10) Accept and administer loans, grants, and donations from the  
16 United States, its agencies, the State of Nebraska, its agencies, and  
17 other sources, public and private, for carrying out any of its functions,  
18 except that no communications equipment shall be acquired and no approval  
19 for acquisition of communications equipment shall be granted without  
20 receiving the written approval of the Director of Communications of the  
21 office of Chief Information Officer;

22 (11) Enter into contracts, leases, and agreements necessary,  
23 convenient, or desirable for carrying out its purposes and the powers  
24 granted under sections 81-1415 to 81-1426 and section 87 of this act with  
25 agencies of state or local government, corporations, or persons;

26 (12) Acquire, hold, and dispose of personal property in the exercise  
27 of its powers;

28 (13) Conduct random annual audits of criminal justice agencies to  
29 verify the accuracy and completeness of criminal history record  
30 information maintained by such agencies and to determine compliance with  
31 laws and regulations dealing with the dissemination, security, and

1 privacy of criminal history information;

2 (14) Do all things necessary to carry out its purposes and for the  
3 exercise of the powers granted in sections 81-1415 to 81-1426 and section  
4 87 of this act, except that no activities or transfers or expenditures of  
5 funds available to the commission shall be inconsistent with legislative  
6 policy as reflected in substantive legislation, legislative intent  
7 legislation, or appropriations legislation;

8 (15) Exercise budgetary and administrative control over the Crime  
9 Victim's Reparations Committee and the Jail Standards Board; and

10 (16) Do all things necessary to carry out sections 81-1843 to  
11 81-1851.

12 Sec. 87. (1) There is created a separate and distinct budgetary  
13 program within the commission to be known as the County Justice  
14 Reinvestment Grant Program. Funding shall be used to provide grants to  
15 counties to help offset jail costs. It is the intent of the Legislature  
16 to appropriate five hundred thousand dollars to the County Justice  
17 Reinvestment Grant Program.

18 (2) The annual General Fund appropriation to the County Justice  
19 Reinvestment Grant Program shall be apportioned to the counties as grants  
20 in accordance with a formula established in rules and regulations adopted  
21 and promulgated by the commission. The formula shall be based on the  
22 total number per county of individuals incarcerated in jails and the  
23 total capacity of jails.

24 (3) Funds provided to counties under the County Justice Reinvestment  
25 Grant Program shall be used exclusively to assist counties in the event  
26 that their average daily jail population increases after the effective  
27 date of this act. In distributing funds provided under the County Justice  
28 Reinvestment Grant Program, counties shall demonstrate to the commission  
29 that their average daily jail population increased, using data to  
30 pinpoint the contributing factors, as a result of the implementation of  
31 this legislative bill. The commission shall grant funds to counties which

1 have an increase in population compared to the average daily jail  
2 population of the preceding three fiscal years. In calculating the  
3 average daily jail population, counties shall only include post-  
4 adjudication inmates who are serving sentences or inmates serving  
5 custodial sanctions due to probation violations. Counties may apply for  
6 grants one year after the effective date of this act.

7 (4) No funds appropriated or distributed under the County Justice  
8 Reinvestment Grant Program shall be used for the construction of secure  
9 detention facilities, secure treatment facilities, secure confinement  
10 facilities, or county jails. Grants received under this section shall not  
11 be used for capital construction or the lease or acquisition of  
12 facilities. Any funds appropriated to the County Justice Reinvestment  
13 Grant Program to be distributed to counties under this section shall be  
14 retained by the commission to be distributed in the form of grants in the  
15 following fiscal year.

16 (5) In distributing funds provided under the County Justice  
17 Reinvestment Grant Program, recipients shall prioritize use of the funds  
18 for programs, services, and approaches that reduce jail populations and  
19 costs.

20 (6) Any county receiving grants under the County Justice  
21 Reinvestment Grant Program shall submit annual information electronically  
22 to the commission as required by rules and regulations adopted and  
23 promulgated by the commission. The information shall include, but not be  
24 limited to, the objective sought for the grant and estimated savings and  
25 reduction in jail inmates.

26 (7) The commission shall report annually to the Governor and the  
27 Legislature on the distribution and use of funds for grants appropriated  
28 under the County Justice Reinvestment Grant Program. The report shall  
29 include, but not be limited to, the information listed under subsection  
30 (6) of this section. The report submitted to the Legislature shall be  
31 submitted electronically.

1           (8) The commission shall adopt and promulgate rules and regulations  
2 to implement this section.

3           Sec. 88. Section 81-1802, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           81-1802 A Crime Victim's Reparations Committee is hereby created.  
6 The committee shall consist of five members of the commission and three  
7 ~~two~~ public members to be appointed by the Governor subject to approval by  
8 the Legislature. One public member shall represent charitable  
9 organizations, ~~and~~ one public member shall represent businesses, and one  
10 public member, who has training and relevant work experience with victims  
11 and survivors of crime, shall represent crime victims. The members of the  
12 committee shall select a chairperson who is a member of the commission.

13           Sec. 89. Section 81-1803, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           81-1803 Members of the committee shall serve for terms of four  
16 years, ~~except that of the public members first appointed one shall be~~  
17 ~~appointed for a term of two years and one for a term of four years.~~

18           Sec. 90. Section 81-1813, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           81-1813 ~~The committee may, subject to the approval of the commission~~  
21 shall ~~adopt and promulgate rules and regulations prescribing the~~  
22 ~~procedures to be followed in the filing of applications and proceedings~~  
23 ~~under the Nebraska Crime Victim's Reparations Act and any other matters~~  
24 ~~the~~ commission ~~committee~~ considers appropriate, including special  
25 circumstances, such as when expenses of job retraining or similar  
26 employment-related rehabilitative services are involved, under which an  
27 award from the Victim's Compensation Fund may exceed twenty-five ~~ten~~  
28 thousand dollars. If the rules and regulations authorize awards in excess  
29 of twenty-five thousand dollars for special circumstances, the amount of  
30 an award in excess of twenty-five thousand dollars shall only be used for  
31 such special circumstances. The committee shall make available all forms



1 and educational materials necessary to promote the existence of the  
2 programs to persons throughout the state.

3 Sec. 91. Section 81-1823, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 81-1823 Except as provided in section 81-1813, no compensation shall  
6 be awarded under the Nebraska Crime Victim's Reparations Act from the  
7 Victim's Compensation Fund in an amount in excess of twenty-five ~~ten~~  
8 thousand dollars for each applicant per incident ~~unless expenses for job~~  
9 ~~retraining or similar employment-related rehabilitative services for the~~  
10 ~~victim are deemed necessary. In such case, amounts in excess of ten~~  
11 ~~thousand dollars shall be used only for such purposes.~~ Each award shall  
12 be paid in installments unless the hearing officer or committee decides  
13 otherwise.

14 Sec. 92. Section 81-1848, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-1848 (1) Victims as defined in section 29-119 shall have the  
17 following rights:

18 (a) To examine information which is a matter of public record and  
19 collected by criminal justice agencies on individuals consisting of  
20 identifiable descriptions and notations of issuance of arrest warrants,  
21 arrests, detentions, indictments, charges by information, and other  
22 formal criminal charges. Such information shall include any disposition  
23 arising from such arrests, charges, sentencing, correctional supervision,  
24 and release, but shall not include intelligence or investigative  
25 information;

26 (b) To receive from the county attorney advance reasonable notice of  
27 any scheduled court proceedings and notice of any changes in that  
28 schedule;

29 (c) To be present throughout the entire trial of the defendant,  
30 unless the victim is to be called as a witness or the court finds  
31 sequestration of the victim necessary for a fair trial. If the victim is

1 to be called as a witness, the court may order the victim to be  
2 sequestered;

3 (d) To be notified by the county attorney by any means reasonably  
4 calculated to give prompt actual notice of the following:

5 (i) The crimes for which the defendant is charged, the defendant's  
6 bond, and the time and place of any scheduled court proceedings;

7 (ii) The final disposition of the case;

8 (iii) The crimes for which the defendant was convicted;

9 (iv) The victim's right to make a written or oral impact statement  
10 to be used in the probation officer's preparation of a presentence  
11 investigation report concerning the defendant;

12 (v) The address and telephone number of the probation office which  
13 is to prepare the presentence investigation report;

14 (vi) That a presentence investigation report and any statement by  
15 the victim included in such report will be made available to the  
16 defendant unless exempted from disclosure by order of the court; and

17 (vii) The victim's right to submit a written impact statement at the  
18 sentencing proceeding or to read his or her impact statement submitted  
19 pursuant to subdivision (1)(d)(iv) of this section at the sentencing  
20 proceeding;

21 (e) To be notified by the county attorney by any means reasonably  
22 calculated to give prompt actual notice of the time and place of any  
23 subsequent judicial proceedings if the defendant was acquitted on grounds  
24 of insanity;

25 (f) To be notified as provided in section 81-1850, to testify before  
26 the Board of Parole or submit a written statement for consideration by  
27 the board, and to be notified of the decision of and any action taken by  
28 the board; ~~and~~

29 (g) To submit a written statement for consideration at any  
30 conditional release proceedings, Board of Parole proceedings, pardon  
31 proceedings, or commutation proceedings. Conditional release proceeding

1 means a proceeding convened pursuant to a Department of Correctional  
2 Services' decision to grant a furlough from incarceration for twenty-four  
3 hours or longer or a release into community-based programs, including  
4 educational release and work release; and -

5 (h) To have any personal identifying information, other than the  
6 victim's name, not be disclosed on pleadings and documents filed in  
7 criminal actions that may be available to the public. The Supreme Court  
8 shall adopt and promulgate rules to implement this subdivision.

9 (2) Victims and witnesses of crimes shall have the following rights:

10 (a) To be informed on all writs of subpoena or notices to appear  
11 that they are entitled to apply for and may receive a witness fee;

12 (b) To be notified that a court proceeding to which they have been  
13 subpoenaed will not go on as scheduled in order to save the person an  
14 unnecessary trip to court;

15 (c) To receive protection from harm and threats of harm arising out  
16 of their cooperation with law enforcement and prosecution efforts and to  
17 be provided with information as to the level of protection available;

18 (d) To be informed of financial assistance and other social services  
19 available as a result of being a witness or a victim of a crime,  
20 including information on how to apply for the assistance and services;

21 (e) To be informed of the procedure to be followed in order to apply  
22 for and receive any witness fee to which they are entitled;

23 (f) To be provided, whenever possible, a secure waiting area during  
24 court proceedings that does not require them to be in close proximity to  
25 defendants and families and friends of defendants;

26 (g) To have any stolen or other personal property expeditiously  
27 returned by law enforcement agencies when no longer needed as evidence.  
28 If feasible, all such property, except weapons, currency, contraband,  
29 property subject to evidentiary analysis, and property the ownership of  
30 which is disputed, shall be returned to the person within ten days after  
31 being taken;

1 (h) To be provided with appropriate employer intercession services  
2 to insure that employers of victims and witnesses will cooperate with the  
3 criminal justice process in order to minimize an employee's loss of pay  
4 and other benefits resulting from court appearances;

5 (i) To be entitled to a speedy disposition of the case in which they  
6 are involved as a victim or witness in order to minimize the length of  
7 time they must endure the stress of their responsibilities in connection  
8 with the matter;

9 (j) To be informed by the county attorney of the final disposition  
10 of a felony case in which they were involved and to be notified pursuant  
11 to section 81-1850 whenever the defendant in such case is released from  
12 custody; and

13 (k) To have the family members of all homicide victims afforded all  
14 of the rights under this subsection ~~(2) of this section~~ and services  
15 analogous to those provided under section 81-1847.

16 Sec. 93. Section 83-182.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 83-182.01 (1) Structured programming shall be planned for all adult  
19 persons committed to the department. The structured programming shall  
20 include any of the following: Work programs, vocational training,  
21 behavior management and modification, money management, and substance  
22 abuse awareness, counseling, or treatment. Programs and treatment  
23 services shall address:

24 (a) Behavioral impairments, severe emotional disturbances, and other  
25 mental health or psychiatric disorders;

26 (b) Drug and alcohol use and addiction;

27 (c) Health and medical needs;

28 (d) Education and related services;

29 (e) Counseling services for persons committed to the department who  
30 have been physically or sexually abused;

31 (f) Work ethic and structured work programs; ~~and~~

1 (g) The development and enhancement of job acquisition skills and  
2 job performance skills; and -

3 (h) Cognitive behavioral intervention.

4 Structured programming may also include classes and activities  
5 organized by inmate self-betterment clubs, cultural clubs, and other  
6 inmate-led or volunteer-led groups.

7 (2) The goal of such structured programming is to provide the skills  
8 necessary for the person committed to the department to successfully  
9 return to his or her home or community or to a suitable alternative  
10 community upon his or her release from the adult correctional facility.  
11 The Legislature recognizes that many inmate self-betterment clubs and  
12 cultural clubs help achieve this goal by providing constructive  
13 opportunities for personal growth.

14 (3) If a person committed to the department refuses to participate  
15 in the structured programming described in subsection (1) of this  
16 section, he or she shall be subject to disciplinary action, except that a  
17 person committed to the department who refuses to participate in  
18 structured programming consisting of classes and activities organized by  
19 inmate self-betterment clubs, cultural clubs, or other inmate-led or  
20 volunteer-led groups shall not be subject to disciplinary action.

21 (4) Any person committed to the department who is qualified by  
22 reason of education, training, or experience to teach academic or  
23 vocational classes may be given the opportunity to teach such classes to  
24 committed offenders as part of the structured programming described in  
25 this section.

26 (5) The department shall evaluate the quality of programs funded by  
27 the department. The evaluation shall focus on whether program  
28 participation reduces recidivism. Subject to the availability of funding,  
29 the department may contract with an independent contractor or academic  
30 institution for each program evaluation. Each program evaluation shall be  
31 standardized and shall include a site visit, interviews with key staff,

1 interviews with offenders, group observation, if applicable, and review  
2 of materials used for the program. The evaluation shall include adherence  
3 to concepts that are linked with program effectiveness, such as program  
4 procedures, staff qualifications, and fidelity to the program model of  
5 delivering offender assessment and treatment. Each program evaluation  
6 shall also include feedback to the department concerning program  
7 strengths and weaknesses and recommendations for better adherence to  
8 evidence-based programming.

9       Sec. 94. Section 83-183, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       83-183 (1) To establish good habits of work and responsibility, to  
12 foster vocational training, and to reduce the cost of operating the  
13 facilities, persons committed to the department shall be employed, eight  
14 hours per day, so far as possible in constructive and diversified  
15 activities in the production of goods, services, and foodstuffs to  
16 maintain the facilities, for state use, and for other purposes authorized  
17 by law. To accomplish these purposes, the director may establish and  
18 maintain industries and farms in appropriate facilities and may enter  
19 into arrangements with any other board or agency of the state, any  
20 natural resources district, or any other political subdivision, except  
21 that any arrangements entered into with school districts, educational  
22 service units, community colleges, state colleges, or universities shall  
23 include supervision provided by the department, for the employment of  
24 persons committed to the department for state or governmental purposes.  
25 Nothing in this subsection shall be construed to effect a reduction in  
26 the number of work release positions.

27       (2) The director shall make rules and regulations governing the  
28 hours, the conditions of labor, and the rates of compensation of persons  
29 committed to the department. In determining the rates of compensation,  
30 such regulations may take into consideration the quantity and quality of  
31 the work performed by such person, whether or not such work was performed

1 during regular working hours, the skill required for its performance, and  
2 the economic value of similar work outside of correctional facilities.

3 (3) Except as provided in section 83-183.01, wage payments to a  
4 person committed to the department shall be set aside by the chief  
5 executive officer of the facility in a separate fund. The fund shall  
6 enable such person committed to the department to contribute to the  
7 support of his or her dependents, if any, to make necessary purchases  
8 from the commissary, ~~and~~ to set aside sums to be paid to him or her at  
9 the time of his or her release from the facility, and to pay restitution  
10 if restitution is required.

11 (4) The director shall adopt and promulgate rules and regulations  
12 which will protect the committed offender's rights to due process and  
13 govern the collection of restitution as provided in section 97 of this  
14 act.

15 (5 4) The director may authorize the chief executive officer to  
16 invest the earnings of a person committed to the department. Any accrued  
17 interest thereon shall be credited to such person's fund.

18 (6 5) The director may authorize the chief executive officer to  
19 reimburse the state from the wage fund of a person committed to the  
20 department for:

21 (a) The actual value of property belonging to the state or any other  
22 person intentionally or recklessly destroyed by such person committed to  
23 the department during his or her commitment;

24 (b) The actual value of the damage or loss incurred as a result of  
25 unauthorized use of property belonging to the state or any other person  
26 by such person committed to the department;

27 (c) The actual cost to the state for injuries or other damages  
28 caused by intentional acts of such person committed to the department;  
29 and

30 (d) The reasonable costs incurred in returning such person committed  
31 to the department to the facility to which he or she is committed in the

1 event of his or her escape.

2 (7 6) No person committed to the department shall be required to  
3 engage in excessive labor, and no such person shall be required to  
4 perform any work for which he or she is declared unfit by a physician  
5 designated by the director. No person who performs labor or work pursuant  
6 to this section shall be required to wear manacles, shackles, or other  
7 restraints.

8 (8 7) The director may authorize that a portion of the earnings of a  
9 person committed to the department be retained by that person for  
10 personal use.

11 Sec. 95. Section 83-183.01, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 83-183.01 A person committed to the department, who is earning at  
14 least minimum wage and is employed pursuant to sections 81-1827 and  
15 83-183, shall have his or her wages set aside by the chief executive  
16 officer of the facility in a separate wage fund. The director shall adopt  
17 and promulgate rules and regulations which will protect the inmate's  
18 rights to due process, provide for hearing as necessary before the Crime  
19 Victim's Reparations Committee, and govern the disposition of a confined  
20 person's gross monthly wage minus required payroll deductions and payment  
21 of necessary work-related incidental expenses for the following purposes:

22 (1) For the support of families and dependent relatives of the  
23 respective inmates;

24 (2) For the discharge of any legal obligations, including judgments  
25 for restitution as provided in section 97 of this act;

26 (3) To pay all or a part of the cost of their board, room, clothing,  
27 medical, dental, and other correctional services;

28 (4) To provide for funds payable to the person committed to the  
29 department upon his or her release;

30 (5) For the actual value of state property intentionally or  
31 willfully and wantonly destroyed by such person during his or her



1 commitment;

2 (6) For reasonable costs incurred in returning such person to the  
3 facility to which he or she is committed in the event of escape; and

4 (7) For deposit in the Victim's Compensation Fund.

5 Sec. 96. Section 83-184, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 83-184 (1) When the conduct, behavior, mental attitude, and  
8 conditions indicate that a person committed to the department and the  
9 general society of the state will be benefited, and there is reason to  
10 believe that the best interests of the people of the state and the person  
11 committed to the department will be served thereby, in that order, and  
12 upon the recommendation of the board in the case of each committed  
13 offender, the director may authorize such person, under prescribed  
14 conditions, to:

15 (a) Visit a specifically designated place or places and return to  
16 the same or another facility. An extension of limits may be granted to  
17 permit a visit to a dying relative, attendance at the funeral of a  
18 relative, the obtaining of medical services, the contacting of  
19 prospective employers, or for any other reason consistent with the public  
20 interest; or

21 (b) Work at paid employment or participate in a training program in  
22 the community on a voluntary basis whenever:

23 (i) Such paid employment will not result in the displacement of  
24 employed workers, or be applied in skills, crafts, or trades in which  
25 there is a surplus of available gainful labor in the locality, or impair  
26 existing contracts for services; and

27 (ii) The rates of pay and other conditions of employment will not be  
28 less than those paid or provided for work of similar nature in the  
29 locality in which the work is to be performed.

30 (2) The wages earned by a person authorized to work at paid  
31 employment in the community under the provisions of this section shall be

1 credited by the chief executive officer of the facility to such person's  
2 wage fund. The director shall authorize the chief executive officer to  
3 withhold up to five percent of such person's net wages. The funds  
4 withheld pursuant to this subsection shall be remitted to the State  
5 Treasurer for credit as provided in subsection (2) of section 33-157.

6 (3) A person authorized to work at paid employment in the community  
7 under the provisions of this section may be required to pay, and the  
8 director is authorized to collect, such costs incident to the person's  
9 confinement as the director deems appropriate and reasonable. Collections  
10 shall be deposited in the state treasury as miscellaneous receipts.

11 (4) A person authorized to work at paid employment in the community  
12 under the provisions of this section may be required to pay restitution.  
13 The director shall adopt and promulgate rules and regulations which will  
14 protect the committed offender's rights to due process and govern the  
15 collection of restitution as provided in section 97 of this act.

16 (5 4) The willful failure of a person to remain within the extended  
17 limits of his or her confinement or to return within the time prescribed  
18 to a facility designated by the director may be deemed an escape from  
19 custody punishable as provided in section 28-912.

20 (6 5) No person employed in the community under the provisions of  
21 this section or otherwise released shall, while working in such  
22 employment in the community or going to or from such employment or during  
23 the time of such release, be deemed to be an agent, employee, or servant  
24 of the state.

25 Sec. 97. (1) The department, in consultation with the State Court  
26 Administrator, shall adopt and promulgate rules and regulations to  
27 provide an effective process for the transfer of funds for the purpose of  
28 satisfying restitution orders.

29 (2) A sentencing order requiring an inmate to pay restitution shall  
30 be treated as a court order authorizing the department to withhold and  
31 transfer funds for the purpose of satisfying a restitution order.

1       (3) This section applies to funds in the wage fund of any inmate  
2 confined in a correctional facility on or after the effective date of  
3 this act.

4       (4) The department shall report annually to the Legislature on the  
5 collection of restitution from wage funds. The report shall include the  
6 total number of inmates with restitution judgments, the total number of  
7 inmates with wage funds, the total number of inmates with both, the  
8 number of payments made to either victims or clerks of the court, the  
9 average amount of payments, and the total amount of restitution  
10 collected. The report shall be submitted electronically.

11       Sec. 98. Section 83-1,100, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13       83-1,100 There is hereby created within the department the Office of  
14 Parole Administration. The office shall consist of the Parole  
15 Administrator, the field parole service, and all other office staff. The  
16 office shall be responsible for the following:

17       (1) The administration of parole services in the community;

18       (2) The maintenance of all records and files associated with the  
19 Board of Parole;

20       (3) The daily supervision and training of staff members of the  
21 office, including training regarding evidence-based practices in  
22 supervision pursuant to section 99 of this act; and

23       (4) The assessment, evaluation, and supervision of individuals who  
24 are subject to parole supervision, including lifetime community  
25 supervision pursuant to section 83-174.03.

26       Nothing in this section shall be construed to prohibit the office  
27 from maintaining daily records and files associated with the Board of  
28 Pardons.

29       Sec. 99. (1) For purposes of this section:

30       (a) Levels of supervision means the determination of the following  
31 for each person on parole:

- 1        (i) Supervision contact requirements, including the frequency,  
2 location, methods, and nature of contact with the parole officer;  
3        (ii) Substance abuse testing requirements and frequency;  
4        (iii) Contact restrictions;  
5        (iv) Curfew restrictions;  
6        (v) Access to available programs and treatment, with priority given  
7 to moderate-risk and high-risk parolees; and  
8        (vi) Severity of graduated responses to violations of supervision  
9 conditions; and

10       (b) Risk and needs assessment means an actuarial tool that has been  
11 validated in Nebraska to determine the likelihood of the parolee engaging  
12 in future criminal behavior.

13       (2) The Office of Parole Administration shall establish an evidence-  
14 based process that utilizes a risk and needs assessment to measure  
15 criminal risk factors and specific individual needs.

16       (3) The risk and needs assessment shall be performed at the  
17 commencement of the parole term and every six months thereafter by office  
18 staff trained and certified in the use of the risk and needs assessment.

19       (4) The office shall test the validity of the risk and needs  
20 assessment at least every five years.

21       (5) Based on the results of the risk and needs assessment, the  
22 office shall determine levels of supervision to target parolee criminal  
23 risk and need factors by focusing sanction, program, and treatment  
24 resources on moderate-risk and high-risk parolees.

25       (6) The office shall provide training to its parole officers on use  
26 of a risk and needs assessment, risk-based supervision strategies,  
27 relationship skills, cognitive behavioral interventions, community-based  
28 resources, criminal risk factors, targeting criminal risk factors to  
29 reduce recidivism, and proper use of a matrix of administrative  
30 sanctions, custodial sanctions, and rewards developed pursuant to section  
31 83-1,119. All parole officers employed on the effective date of this act

1 shall complete the training requirements set forth in this subsection on  
2 or before July 1, 2016. Each parole officer hired on or after the  
3 effective date of this act shall complete the training requirements set  
4 forth in this subsection within one year after his or her hire date.

5 (7) The office shall provide training for chief parole officers to  
6 become trainers so as to ensure long-term and self-sufficient training  
7 capacity in the state.

8 Sec. 100. (1) The board, in consultation with the department, shall  
9 adopt and promulgate rules and regulations to reduce the number of  
10 inmates under the custody of the department who serve their entire  
11 sentence in a correctional facility and are released without supervision.  
12 The rules and regulations shall establish clear guidelines and procedures  
13 to ensure that each parolee is subject to a minimum of nine months of  
14 supervision and shall place priority on providing supervision lengths  
15 that enable meaningful transition periods for all offenders. The rules  
16 and regulations shall ensure that each inmate eligible for parole is  
17 assessed for risk of reoffending using a validated risk and needs  
18 assessment provided by the department and shall incorporate into the  
19 release decision an inmate's assessed risk of reoffending, past criminal  
20 history, program completion, institutional conduct, and other individual  
21 characteristics related to the likelihood of reoffending into parole  
22 release decisions.

23 (2) By February 1, 2016, and by February 1 of each year thereafter,  
24 the board and the department shall submit a report to the Legislature,  
25 the Supreme Court, and the Governor that describes the percentage of  
26 offenders sentenced to the custody of the department who complete their  
27 entire sentence and are released with no supervision. The report shall  
28 document characteristics of the individuals released without supervision,  
29 including the highest felony class of conviction, offense type of  
30 conviction, most recent risk assessment, status of the individualized  
31 release or reentry plan, and reasons for the release without supervision.

1 The report also shall provide recommendations from the department and  
2 board for changes to policy and practice to meet the goal of achieving a  
3 reduction in the number of inmates under the custody of the department  
4 who serve their entire sentence in a correctional facility and are  
5 released without supervision. The report to the Legislature shall be  
6 submitted electronically.

7       Sec. 101. Section 83-1,107, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       83-1,107 (1)(a) Within sixty days after initial classification and  
10 assignment of any offender committed to the department, all available  
11 information regarding such committed offender shall be reviewed and a  
12 committed offender department-approved personalized program plan document  
13 shall be drawn up. The document shall specifically describe the  
14 department-approved personalized program plan and the specific goals the  
15 department expects the committed offender to achieve. The document shall  
16 also contain a realistic schedule for completion of the department-  
17 approved personalized program plan. The department-approved personalized  
18 program plan shall be fully explained to the committed offender. The  
19 department shall provide programs to allow compliance by the committed  
20 offender with the department-approved personalized program plan.

21       Programming may include, but is not limited to:

22       (i) Academic and vocational education, including teaching such  
23 classes by qualified offenders;

24       (ii) Substance abuse treatment;

25       (iii) Mental health and psychiatric treatment, including criminal  
26 personality programming;

27       (iv) Constructive, meaningful work programs; and

28       (v) Any other program deemed necessary and appropriate by the  
29 department.

30       (b) A modification in the department-approved personalized program  
31 plan may be made to account for the increased or decreased abilities of

1 the committed offender or the availability of any program. Any  
2 modification shall be made only after notice is given to the committed  
3 offender. The department may not impose disciplinary action upon any  
4 committed offender solely because of the committed offender's failure to  
5 comply with the department-approved personalized program plan, but such  
6 failure may be considered by the board in its deliberations on whether or  
7 not to grant parole to a committed offender.

8 (2)(a) The department shall reduce the term of a committed offender  
9 by six months for each year of the offender's term and pro rata for any  
10 part thereof which is less than a year.

11 (b) In addition to reductions granted in subdivision (2)(a) of this  
12 section, the department shall reduce the term of a committed offender by  
13 three days on the first day of each month following a twelve-month period  
14 of incarceration within the department during which the offender has not  
15 been found guilty of (i) a Class I or Class II offense or (ii) more than  
16 three Class III offenses under the department's disciplinary code.  
17 Reductions earned under this subdivision shall not be subject to forfeit  
18 or withholding by the department.

19 (c) The total reductions under this subsection shall be credited  
20 from the date of sentence, which shall include any term of confinement  
21 prior to sentence and commitment as provided pursuant to section  
22 83-1,106, and shall be deducted from the maximum term, to determine the  
23 date when discharge from the custody of the state becomes mandatory.

24 (3) While the offender is in the custody of the department,  
25 reductions of terms granted pursuant to subdivision (2)(a) of this  
26 section may be forfeited, withheld, and restored by the chief executive  
27 officer of the facility with the approval of the director after the  
28 offender has been notified regarding the charges of misconduct.

29 (4) The department shall ensure that a release or reentry plan is  
30 complete or near completion when the offender has served at least eighty  
31 percent of his or her sentence. For purposes of this subsection, release

1 or reentry plan means a comprehensive and individualized strategic plan  
2 to ensure an individual's safe and effective transition or reentry into  
3 the community to which he or she resides with the primary goal of  
4 reducing recidivism. At a minimum, the release or reentry plan shall  
5 include, but not be limited to, consideration of the individual's housing  
6 needs, medical or mental health care needs, and transportation and job  
7 needs and shall address an individual's barriers to successful release or  
8 reentry in order to prevent recidivism. The release or reentry plan does  
9 not include an individual's programming needs included in the  
10 individual's personalized program plan for use inside the prison.

11 (5) The department shall make treatment programming available to  
12 committed offenders as provided in section 83-1,110.01 and shall include  
13 continuing participation in such programming as part of each offender's  
14 parolee personalized program plan.

15 (6)(a) Within thirty days after any committed offender has been  
16 paroled, all available information regarding such parolee shall be  
17 reviewed and a parolee personalized program plan document shall be drawn  
18 up and approved by the Office of Parole Administration. The document  
19 shall specifically describe the approved personalized program plan and  
20 the specific goals the office expects the parolee to achieve. The  
21 document shall also contain a realistic schedule for completion of the  
22 approved personalized program plan. The approved personalized program  
23 plan shall be fully explained to the parolee. During the term of parole,  
24 the parolee shall comply with the approved personalized program plan and  
25 the office shall provide programs to allow compliance by the parolee with  
26 the approved personalized program plan.

27 Programming may include, but is not limited to:

28 (i) Academic and vocational education;

29 (ii) Substance abuse treatment;

30 (iii) Mental health and psychiatric treatment, including criminal  
31 personality programming;



- 1 (iv) Constructive, meaningful work programs;  
2 (v) Community service programs; and  
3 (vi) Any other program deemed necessary and appropriate by the  
4 office.

5 (b) A modification in the approved personalized program plan may be  
6 made to account for the increased or decreased abilities of the parolee  
7 or the availability of any program. Any modification shall be made only  
8 after notice is given to the parolee. Intentional failure to comply with  
9 the approved personalized program plan by any parolee as scheduled for  
10 any year, or pro rata part thereof, shall cause disciplinary action to be  
11 taken by the office resulting in the forfeiture of up to a maximum of  
12 three months' good time for the scheduled year.

13 (7) While the offender is in the custody of the board, reductions of  
14 terms granted pursuant to subdivision (2)(a) of this section may be  
15 forfeited, withheld, and restored by the administrator with the approval  
16 of the director after the offender has been notified regarding the  
17 charges of misconduct or breach of the conditions of parole. In addition,  
18 the board may recommend such forfeitures of good time to the director.

19 (8) Good time or other reductions of sentence granted under the  
20 provisions of any law prior to July 1, 1996, may be forfeited, withheld,  
21 or restored in accordance with the terms of the Nebraska Treatment and  
22 Corrections Act.

23 (9) Pursuant to rules and regulations adopted by the probation  
24 administrator and the director, an individualized post-release  
25 supervision plan shall be collaboratively prepared by the Office of  
26 Probation Administration and the department and provided to the court to  
27 prepare individuals under custody of the department for post-release  
28 supervision. All records created during the period of incarceration shall  
29 be shared with the Office of Probation Administration and considered in  
30 preparation of the post-release supervision plan.

31 Sec. 102. Section 83-1,119, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 83-1,119 (1) For purposes of this section:

3 (a) Administrative sanction means additional parole requirements  
4 imposed upon a parolee by his or her parole officer, with the full  
5 knowledge and consent of the parolee, designed to hold the parolee  
6 accountable for substance abuse or technical violations of conditions of  
7 parole, including, but not limited to:

8 (i) Counseling or reprimand by the adult parole administration of  
9 the department;

10 (ii) Increased supervision contact requirements;

11 (iii) Increased substance abuse testing;

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

14 (v) Imposition of a designated curfew for a period to be determined  
15 by the adult parole administration; and

16 (vi) Travel restrictions to stay within his or her county of  
17 residence or employment unless otherwise permitted by the adult parole  
18 administration;

19 (b) Contract facility means a county jail that contracts with the  
20 department to house parolees or other offenders under the jurisdiction of  
21 the department;

22 (c) Substance abuse violation means a parolee's activities or  
23 behaviors associated with the use of chemical substances or related  
24 treatment services resulting in a violation of an original condition of  
25 parole, including:

26 (i) Positive breath test for the consumption of alcohol if the  
27 parolee is required to refrain from alcohol consumption;

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

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

30 (iv) Failure to appear for or complete substance abuse or mental  
31 health treatment evaluations or inpatient or outpatient treatment; and

1 (d e) Technical violation means a parolee's activities or behaviors  
2 which create the opportunity for re-offending or diminish the  
3 effectiveness of parole supervision resulting in a violation of an  
4 original condition of parole, including, but not limited to:

5 (i) Moving traffic violations;

6 (ii) Failure to report to his or her parole officer;

7 (iii) Leaving the state without the permission of the Board of  
8 Parole;

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

10 (v) Failure to notify his or her parole officer of change of address  
11 or employment;

12 (vi) Frequenting places where controlled substances are illegally  
13 sold, used, distributed, or administered; and

14 (vii) Failure to pay fines, court costs, restitution, or any fees  
15 imposed pursuant to section 83-1,107.01 as directed.

16 (2) The Office of Parole Administration shall develop a matrix of  
17 rewards for compliance and positive behaviors and graduated  
18 administrative sanctions and custodial sanctions for use in responding to  
19 and deterring substance abuse violations and technical violations. A  
20 custodial sanction of thirty days in a correctional facility or a  
21 contract facility shall be designated as the most severe response to a  
22 violation in lieu of revocation.

23 (3 2) Whenever a parole officer has reasonable cause to believe that  
24 a parolee has committed or is about to commit a substance abuse violation  
25 or technical violation while on parole, but that the parolee will not  
26 attempt to leave the jurisdiction and will not place lives or property in  
27 danger, the parole officer shall either:

28 (a) Impose one or more administrative sanctions based upon the  
29 parolee's risk level, the severity of the violation, and the parolee's  
30 response to the violation. If administrative sanctions are to be imposed,  
31 the parolee shall acknowledge in writing the nature of the violation and

1 agree upon the administrative sanction. The parolee has the right to  
2 decline to acknowledge the violation. If he or she declines to  
3 acknowledge the violation, the parole officer shall take action pursuant  
4 to subdivision (3 2)(b) of this section. A copy of the report shall be  
5 submitted to the Board of Parole; or

6 (b) Submit a written report to the Board of Parole, outlining the  
7 nature of the parole violation, and request the imposition of a custodial  
8 sanction of thirty days in a correctional facility or a contract  
9 facility. On the basis of the report and such further investigation as  
10 the board may deem appropriate, the board shall determine whether and how  
11 the parolee violated the conditions of parole and may: that formal  
12 revocation proceedings be instituted against the parolee.

13 (i) Dismiss the charge of violation; or

14 (ii) If the board finds a violation justifying a custodial sanction,  
15 issue a warrant if necessary and impose a custodial sanction of thirty  
16 days in a correctional facility or a contract facility.

17 (4 3) Whenever a parole officer has reasonable cause to believe that  
18 a parolee has violated or is about to violate a condition of parole by a  
19 violation other than a substance abuse violation or a technical violation  
20 and the parole officer has reasonable cause to believe that the parolee  
21 will not attempt to leave the jurisdiction and will not place lives or  
22 property in danger, the parole officer shall submit a written report to  
23 the Board of Parole which may, on the basis of such report and such  
24 further investigation as it may deem appropriate:

25 (a) Dismiss the charge of violation;

26 (b) Determine whether the parolee violated the conditions of his or  
27 her parole;

28 (c) Impose a custodial sanction of thirty days in a correctional  
29 facility or a contract facility;

30 (d e) Revoke his or her parole in accordance with the Nebraska  
31 Treatment and Corrections Act; or

1 (e d) Issue a warrant for the arrest of the parolee.

2 (5 4) Whenever a parole officer has reasonable cause to believe that  
3 a parolee has violated or is about to violate a condition of parole and  
4 that the parolee will attempt to leave the jurisdiction or will place  
5 lives or property in danger, the parole officer shall arrest the parolee  
6 without a warrant and call on any peace officer to assist him or her in  
7 doing so.

8 (6 5) Whenever a parolee is arrested with or without a warrant, he  
9 or she shall be detained in a local jail or other detention facility.  
10 Immediately after such arrest and detention, the parole officer shall  
11 notify the Board of Parole and submit a written report of the reason for  
12 such arrest. A complete investigation shall be made by the parole  
13 administration and submitted to the board. After prompt consideration of  
14 such written report, the board shall order the parolee's release from  
15 detention or continued confinement to await a final decision on  
16 imposition of a custodial sanction or the revocation of parole.

17 (7 6) The Board of Parole shall adopt and promulgate rules and  
18 regulations necessary to carry out this section.

19 Sec. 103. Section 83-1,122, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 83-1,122 (1) If the board finds that the parolee has engaged in  
22 criminal conduct, ~~used drugs or alcohol, or refused to submit to a drug~~  
23 ~~or alcohol test while on parole,~~ the board may order revocation of the  
24 parolee's parole.

25 (2) If the board finds that the parolee did violate a condition of  
26 parole but is of the opinion that revocation of parole is not  
27 appropriate, the board may order that:

28 (a) The parolee receive a reprimand and warning;

29 (b) Parole supervision and reporting be intensified;

30 (c) Good time granted pursuant to section 83-1,108 be forfeited or  
31 withheld; ~~or~~

1        (d) The parolee serve a custodial sanction of thirty days in a  
2 correctional facility or a contract facility as defined in section  
3 83-1,119; or

4        (e) The parolee be required to conform to one or more additional  
5 conditions of parole which may be imposed in accordance with the Nebraska  
6 Treatment and Corrections Act.

7        (3) Cumulative custodial sanctions of thirty days in a correctional  
8 facility or a contract facility under this section and section 83-1,119  
9 shall not exceed sixty days. If a parolee has previously received two  
10 thirty-day custodial sanctions before the current violation, the board  
11 shall either order revocation of the parolee's parole or one or more of  
12 the other sanctions described in subsection (2) of this section.

13        (4) Time spent in custodial sanctions under this section and section  
14 83-1,119 shall be credited to the parolee's sentence.

15        Sec. 104. The board shall not have jurisdiction over persons who  
16 are committed to the department in accordance with section 61 of this act  
17 unless the defendant is also sentenced for an offense in accordance with  
18 section 29-2204.

19        Sec. 105. Section 83-1,135, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21        83-1,135 Sections 83-170 to 83-1,135.02 and sections 97, 99, 100,  
22 and 104 of this act 83-1,135 shall be known and may be cited as the  
23 Nebraska Treatment and Corrections Act.

24        Sec. 106. Section 83-1,135.02, Reissue Revised Statutes of Nebraska,  
25 is amended to read:

26        83-1,135.02 (1) It is the intent of the Legislature that the  
27 changes made to the Nebraska Treatment and Corrections Act by Laws 2003,  
28 LB 46, with respect to parole eligibility apply to all committed  
29 offenders under sentence and not on parole on May 24, 2003, and to all  
30 persons sentenced on and after such date.

31        (2) It is the intent of the Legislature that the changes made to

1 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,  
2 83-1,119, and 83-1,122 by this legislative bill and sections 97, 99, and  
3 100 of this act apply to all committed offenders under sentence, on  
4 parole, or on probation on the effective date of this act and to all  
5 persons sentenced on and after such date.

6       Sec. 107. Section 83-915.01, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

8       83-915.01 The Inmate Welfare and Club Accounts Fund is created. The  
9 fund shall consist of revenue from soft drinks sold to inmates in the  
10 custody of the Department of Correctional Services, including proceeds  
11 from recycling cans or other containers containing such soft drinks,  
12 profit from departmental canteens, interest earned by the fund, interest  
13 on inmate trust funds pursuant to section 83-915, or other revenue at the  
14 department's discretion. The fund shall be used to provide recreational  
15 activities and equipment for inmates at all of the department's  
16 correctional facilities. The fund shall be administered by the Director  
17 of Correctional Services or his or her designee. Any money in the fund  
18 available for investment shall be invested by the state investment  
19 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
20 State Funds Investment Act.

21       Sec. 108. (1) It is the intent of the Legislature to ensure that  
22 human services agencies, correctional facilities, and detention  
23 facilities recognize that:

24       (a) Federal law generally does not authorize federal financial  
25 participation for medicaid when a person is an inmate of a public  
26 institution as defined in federal law but that federal financial  
27 participation is available after an inmate is released from  
28 incarceration; and

29       (b) The fact that an applicant is currently an inmate does not, in  
30 and of itself, preclude the Department of Health and Human Services from  
31 processing an application submitted to it by, or on behalf of, the

1 inmate.

2 (2)(a) Medical assistance under the medical assistance program shall  
3 be suspended, rather than canceled or terminated, for a person who is an  
4 inmate of a public institution if:

5 (i) The Department of Health and Human Services is notified of the  
6 person's entry into the public institution;

7 (ii) On the date of entry, the person was enrolled in the medical  
8 assistance program; and

9 (iii) The person is eligible for the medical assistance program  
10 except for institutional status.

11 (b) A suspension under subdivision (2)(a) of this section shall end  
12 on the date the person is no longer an inmate of a public institution.

13 (c) Upon release from incarceration, such person shall continue to  
14 be eligible for receipt of medical assistance until such time as the  
15 person is otherwise determined to no longer be eligible for the medical  
16 assistance program.

17 (3)(a) The Department of Correctional Services shall notify the  
18 Department of Health and Human Services:

19 (i) Within twenty days after receiving information that a person  
20 receiving medical assistance under the medical assistance program is or  
21 will be an inmate of a public institution; and

22 (ii) Within forty-five days prior to the release of a person who  
23 qualified for suspension under subdivision (2)(a) of this section.

24 (b) Local correctional facilities, juvenile detention facilities,  
25 and other temporary detention centers shall notify the Department of  
26 Health and Human Services within ten days after receiving information  
27 that a person receiving medical assistance under the medical assistance  
28 program is or will be an inmate of a public institution.

29 (4) Nothing in this section shall create a state-funded benefit or  
30 program.

31 (5) For purposes of this section, medical assistance program means



1 the medical assistance program under the Medical Assistance Act and the  
2 State Children's Health Insurance Program.

3 (6) This section shall be implemented only if, and to the extent,  
4 allowed by federal law. This section shall be implemented only to the  
5 extent that any necessary federal approval of state plan amendments or  
6 other federal approvals are obtained. The Department of Health and Human  
7 Services shall seek such approval if required.

8 (7) Local correctional facilities, the Nebraska Commission on Law  
9 Enforcement and Criminal Justice, and the Office of Probation  
10 Administration shall cooperate with the Department of Health and Human  
11 Services and the Department of Correctional Services for purposes of  
12 facilitating information sharing to achieve the purposes of this section.

13 (8)(a) The Department of Correctional Services shall adopt and  
14 promulgate rules and regulations, in consultation with the Department of  
15 Health and Human Services and local correctional facilities, to carry out  
16 this section.

17 (b) The Department of Health and Human Services shall adopt and  
18 promulgate rules and regulations, in consultation with the Department of  
19 Correctional Services and local correctional facilities, to carry out  
20 this section.

21 Sec. 109. The changes made to the sections listed in this section  
22 by this legislative bill shall not apply to any offense committed prior  
23 to the effective date of this act. Any such offense shall be construed  
24 and punished according to the provisions of law existing at the time the  
25 offense was committed. For purposes of this section, an offense shall be  
26 deemed to have been committed prior to the effective date of this act if  
27 any element of the offense occurred prior to such date. The following  
28 sections are subject to this provision: Sections 9-262, 9-352, 9-434,  
29 9-652, 23-135.01, 28-105, 28-106, 28-201, 28-204, 28-305, 28-306, 28-309,  
30 28-310.01, 28-311, 28-311.01, 28-311.04, 28-311.08, 28-320, 28-322.02,  
31 28-322.03, 28-322.04, 28-323, 28-393, 28-394, 28-397, 28-416, 28-504,

1 28-507, 28-514, 28-518, 28-519, 28-603, 28-604, 28-611, 28-611.01,  
2 28-620, 28-621, 28-622, 28-627, 28-631, 28-638, 28-639, 28-703, 28-707,  
3 28-813.01, 28-912, 28-932, 28-1005, 28-1009, 28-1102, 28-1103, 28-1104,  
4 28-1212.03, 28-1222, 28-1224, 28-1344, 28-1345, 28-1463.05, 29-1816,  
5 29-2204, 29-2260, 29-2308, 29-4011, 60-6,197.03, 60-6,197.06, 68-1017,  
6 68-1017.01, 71-2228, and 71-2229.

7       Sec. 110. If any section in this act or any part of any section is  
8 declared invalid or unconstitutional, the declaration shall not affect  
9 the validity or constitutionality of the remaining portions.

10       Sec. 111. Original sections 9-262, 9-352, 9-434, 9-652, 23-135.01,  
11 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02,  
12 28-322.03, 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519, 28-620,  
13 28-621, 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104,  
14 28-1222, 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2263, 29-2266,  
15 29-2268, 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229,  
16 81-1185, 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823,  
17 81-1848, 83-182.01, 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107,  
18 83-1,119, 83-1,122, 83-1,135, 83-1,135.02, and 83-915.01, Reissue Revised  
19 Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-306,  
20 28-309, 28-311, 28-311.08, 28-323, 28-394, 28-416, 28-504, 28-518,  
21 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-707,  
22 28-813.01, 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05, 28-1501,  
23 29-1816, 29-2204, 29-2252, 29-2252.01, 29-2262, 29-4011, 43-412,  
24 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes Cumulative  
25 Supplement, 2014, are repealed.

26       Sec. 112. The following sections are outright repealed: Sections  
27 29-2204.01 and 83-1,105.01, Reissue Revised Statutes of Nebraska, and  
28 section 43-413, Revised Statutes Cumulative Supplement, 2014.