

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 119**

Introduced by Schumacher, 22.

Read first time January 09, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-105, Revised Statutes Cumulative Supplement, 2014; to change
- 3 where certain sentences of imprisonment may be served; to provide an
- 4 operative date; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-105, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 28-105 (1) For purposes of the Nebraska Criminal Code and any  
4 statute passed by the Legislature after the date of passage of the code,  
5 felonies are divided into nine classes which are distinguished from one  
6 another by the following penalties which are authorized upon conviction:

7 Class I felony Death

8 Class IA felony Life imprisonment

9 Class IB felony Maximum – life imprisonment

10 Minimum – twenty years imprisonment

11 Class IC felony Maximum – fifty years imprisonment

12 Mandatory minimum – five years imprisonment

13 Class ID felony Maximum – fifty years imprisonment

14 Mandatory minimum – three years imprisonment

15 Class II felony Maximum – fifty years imprisonment

16 Minimum – one year imprisonment

17 Class III felony Maximum – twenty years imprisonment, or

18 twenty-five thousand dollars fine, or both

19 Minimum – one year imprisonment

20 Class IIIA felony Maximum – five years imprisonment, or

21 ten thousand dollars fine, or both

22 Minimum – none

23 Class IV felony Maximum – five years imprisonment, or

24 ten thousand dollars fine, or both

25 Minimum – none

26 (2)(a) All sentences of imprisonment for Class IA, IB, IC, ID, II,  
27 and III felonies and sentences of more than one year or more for Class  
28 IIIA and IV felonies, and any lesser sentences to be served concurrently  
29 or consecutively with such sentences, shall be served in institutions  
30 under the jurisdiction of the Department of Correctional Services.

1 Sentences of one year or less ~~may than one year shall~~ be served in the  
2 county jail except as otherwise provided in this subsection.

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

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

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

15 Sec. 2. This act becomes operative on October 1, 2015.

16 Sec. 3. Original section 28-105, Revised Statutes Cumulative  
17 Supplement, 2014, is repealed.