

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 605**

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, 28-514, 28-519, 28-620, 28-703, 28-912, 28-1102,  
5 28-1103, 28-1104, 28-1224, 28-1344, 28-1345, 29-2204.01, 29-2266,  
6 29-2281, 29-2308, 29-3523, 71-2228, 71-2229, 83-182.01, 83-183.01,  
7 83-1,100, 83-1,105.01, 83-1,119, 83-1,122, 83-1,135, and  
8 83-1,135.01, Reissue Revised Statutes of Nebraska, and sections  
9 28-105, 28-106, 28-201, 28-309, 28-311, 28-323, 28-504, 28-518,  
10 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-802,  
11 28-813.01, 28-831, 28-932, 28-1005, 28-1009, 28-1463.05, 29-1816,  
12 29-2204, 29-2252.01, 29-2262, 29-4011, 43-412, 47-624, 68-1017, and  
13 68-1017.01, Revised Statutes Cumulative Supplement, 2014; to change  
14 the classification of penalties and punishments as prescribed; to  
15 change sentencing provisions; to create a special legislative  
16 committee; to state intent relating to funding a sentencing data  
17 base; to change provisions and provide requirements relating to  
18 restitution; to change provisions and provide requirements relating  
19 to probation and parole; to authorize access to criminal records as  
20 prescribed; to provide duties for the Department of Correctional  
21 Services; to provide for applicability; to harmonize provisions; to  
22 repeal the original sections; and to outright repeal section 43-413,  
23 Revised Statutes Cumulative Supplement, 2014.

1 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 act. The offense is  
5 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 act. The offense is a:

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

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

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

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

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

1 in any county in which any violation occurred.

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

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

7 9-434 (1) Except when another penalty is specifically provided, any  
8 person, licensee, or permittee, or employee or agent thereof, who  
9 violates any provision of the Nebraska Lottery and Raffle Act, or who  
10 causes, aids, abets, or conspires with another to cause any person,  
11 licensee, or permittee or employee or agent thereof to violate the act,  
12 shall be guilty of a Class I misdemeanor for the first offense and a  
13 Class IV felony for any second or subsequent violation. Any licensee  
14 guilty of violating any provision of the act more than once in a twelve-  
15 month period may have its license canceled or revoked.

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

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

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

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

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

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

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

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

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

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

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

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

30           9-652 (1) Except when another penalty is specifically provided, any  
31 person or licensee, or employee or agent thereof, who knowingly or



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

8 (2) Each of the following violations of the act shall be a Class IV  
9 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 the act in consideration for  
15 obtaining any license, authorization, permission, or privilege to  
16 participate in any gaming operations except as authorized under the act  
17 or any rules and regulations adopted and promulgated pursuant to such  
18 act;

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

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

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

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

31 (a) Class II misdemeanor when the amount gained or intended to be

1 gained through the use of such device, scheme, or technique is less than  
2 five hundred dollars;

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

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

10 (4 3) It shall be the duty of the Attorney General or appropriate  
11 county attorney to prosecute and defend all proceedings initiated in any  
12 court or otherwise under the act.

13 (5 4) The failure to do any act required by or under the Nebraska  
14 County and City Lottery Act shall be deemed an act in part in the  
15 principal office of the department. Any prosecution under such act may be  
16 conducted in any county where the defendant resides or has a place of  
17 business or in any county in which any violation occurred.

18 (6 5) In the enforcement and investigation of any offense committed  
19 under the act, the department may call to its aid any sheriff, deputy  
20 sheriff, or other peace officer in the state.

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

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

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

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

7 28-105 (1) For purposes of the Nebraska Criminal Code and any  
8 statute passed by the Legislature after the date of passage of the code,  
9 felonies are divided into ten ~~nine~~ classes which are distinguished from  
10 one another by the following penalties which are authorized upon  
11 conviction:

12	Class I felony	Death
13	Class IA felony	Life imprisonment
14	Class IB felony	Maximum – life imprisonment
15		Minimum – twenty years imprisonment
16	Class IC felony	Maximum – fifty years imprisonment
17		Mandatory minimum – five years imprisonment
18	Class ID felony	Maximum – fifty years imprisonment
19		Mandatory minimum – three years imprisonment
20	Class II felony	Maximum – fifty years imprisonment
21		Minimum – one year imprisonment
22	<u>Class IIA felony</u>	<u>Maximum – twenty years imprisonment</u>
23		<u>Minimum – one year imprisonment</u>
24	<u>Class III felony</u>	<u>Maximum – four years imprisonment and two years</u>
25		<u>post-release supervision or</u>
26		<u>twenty-five thousand dollars fine, or both</u>
27		<u>Minimum – one year imprisonment</u>
28	<u>Class IIIA felony</u>	<u>Maximum – three years imprisonment</u>
29		<u>and eighteen months</u>
30		<u>post-release supervision or</u>

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

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

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

31            (4) A person convicted of a felony for which a mandatory minimum

1 sentence is prescribed shall not be eligible for probation.

2 Sec. 7. Section 28-106, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 28-106 (1) For purposes of the Nebraska Criminal Code and any  
5 statute passed by the Legislature after the date of passage of the code,  
6 misdemeanors are divided into seven classes which are distinguished from  
7 one another by the following penalties which are authorized upon  
8 conviction:

- 9 Class I misdemeanor..... Maximum – not more than one year  
10 imprisonment, or one thousand dollars  
11 fine, or both  
12 Minimum – none
- 13 Class II misdemeanor..... Maximum – six months imprisonment, or  
14 one thousand dollars fine, or both  
15 Minimum – none
- 16 Class III misdemeanor..... Maximum – three months imprisonment,  
17 or five hundred dollars fine, or both  
18 Minimum – none
- 19 Class IIIA misdemeanor..... Maximum – seven days imprisonment, five  
20 hundred dollars fine, or both  
21 Minimum – none
- 22 Class IV misdemeanor..... Maximum – no imprisonment, five hun-  
23 dred dollars fine  
24 Minimum – one hundred dollars fine
- 25 Class V misdemeanor..... Maximum – no imprisonment, one hun-  
26 dred dollars fine  
27 Minimum – none
- 28 Class W misdemeanor..... Driving under the influence or implied  
29 consent  
30 First conviction

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

18 (2) Sentences of imprisonment in misdemeanor cases shall be served  
19 in the county jail, except that ~~in the following circumstances the court~~  
20 ~~may, in its discretion, order that~~ such sentences may be served in  
21 institutions under the jurisdiction of the Department of Correctional  
22 Services if ÷

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

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

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

1           Sec. 8. Section 28-201, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           28-201 (1) A person shall be guilty of an attempt to commit a crime  
4 if he or she:

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

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

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

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

21           (4) Criminal attempt is:

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

24           **(b) A Class IIA felony when the crime attempted is a Class II**  
25 **felony;**

26           **(c) A Class III felony when the crime attempted is a Class IIA**  
27 **felony;**

28           **(d) A Class IIIA felony when the crime attempted is sexual assault**  
29 **in the second degree under section 28-320, a violation of subdivision (2)**  
30 **(b) of section 28-416, incest under section 28-703, or assault by a**  
31 **confined person with a deadly or dangerous weapon under section 28-932;**

1           (e ~~d~~) A Class IV felony when the crime attempted is a Class III  
2 felony not listed in subdivision (4)(d ~~e~~) of this section;

3           (f ~~e~~) A Class I misdemeanor when the crime attempted is a Class IIIA  
4 or Class IV felony;

5           (g ~~f~~) A Class II misdemeanor when the crime attempted is a Class I  
6 misdemeanor; and

7           (h ~~g~~) A Class III misdemeanor when the crime attempted is a Class II  
8 misdemeanor.

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

11           28-204 (1) A person is guilty of being an accessory to felony if  
12 with intent to interfere with, hinder, delay, or prevent the discovery,  
13 apprehension, prosecution, conviction, or punishment of another for an  
14 offense, he or she:

15           (a) Harbors or conceals the other;

16           (b) Provides or aids in providing a weapon, transportation,  
17 disguise, or other means of effecting escape or avoiding discovery or  
18 apprehension;

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

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

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

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

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



1 constitutes a Class I, IA, IB, IC, or ID felony.

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

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

10 (d) Accessory to felony is a Class I misdemeanor if the actor  
11 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor  
12 knows of the conduct of the other, and the conduct of the other  
13 constitutes a Class IV felony.

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

18 (f) Accessory to felony is a Class I misdemeanor if the actor  
19 violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor  
20 knows of the conduct of the other, and the conduct of the other  
21 constitutes a Class IV felony.

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

24 28-305 (1) A person commits manslaughter if he or she kills another  
25 without malice, ~~either~~ upon a sudden quarrel, or causes the death of  
26 another unintentionally while in the commission of an unlawful act.

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

28 Sec. 11. Section 28-309, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 28-309 (1) A person commits the offense of assault in the second  
31 degree if he or she:

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

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

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

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

11 Sec. 12. Section 28-310.01, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 28-310.01 (1) A person commits the offense of strangulation if the  
14 person knowingly or intentionally impedes the normal breathing or  
15 circulation of the blood of another person by applying pressure on the  
16 throat or neck of the other person.

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

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

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

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

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

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

27 Sec. 13. Section 28-311, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 28-311 (1)(a) No person, by any means and without privilege to do  
30 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,  
31 coax, entice, or lure any child under the age of fourteen years to enter

1 into any vehicle, whether or not the person knows the age of the child.

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

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

12 (a) The person had the express or implied permission of the parent,  
13 guardian, or other legal custodian of the child in undertaking the  
14 activity;

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

26 (c) The person undertook the activity in response to a bona fide  
27 emergency situation or the person undertook the activity in response to a  
28 reasonable belief that it was necessary to preserve the health, safety,  
29 or welfare of the child.

30 (3) Any person who violates this section commits criminal child  
31 enticement and is guilty of a Class IIIA felony. If such person has

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

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

12 28-311.01 (1) A person commits terroristic threats if he or she  
13 threatens to commit any crime of violence:

14 (a) With the intent to terrorize another;

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

17 (c) In reckless disregard of the risk of causing such terror or  
18 evacuation.

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

20 Sec. 15. Section 28-311.04, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 28-311.04 (1) Except as provided in subsection (2) of this section,  
23 any person convicted of violating section 28-311.03 is guilty of a Class  
24 I misdemeanor.

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

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

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

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

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

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

8 Sec. 16. Section 28-320, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 28-320 (1) Any person who subjects another person to sexual contact  
11 (a) without consent of the victim, or (b) who knew or should have known  
12 that the victim was physically or mentally incapable of resisting or  
13 appraising the nature of his or her conduct is guilty of sexual assault  
14 in either the second degree or third degree.

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

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

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

23 28-322.02 Any person who subjects an inmate or parolee to sexual  
24 penetration is guilty of sexual abuse of an inmate or parolee in the  
25 first degree. Sexual abuse of an inmate or parolee in the first degree is  
26 a Class IIA ~~III~~ felony.

27 Sec. 18. Section 28-322.03, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 28-322.03 Any person who subjects an inmate or parolee to sexual  
30 contact is guilty of sexual abuse of an inmate or parolee in the second  
31 degree. Sexual abuse of an inmate or parolee in the second degree is a

1 Class IIIA ~~IV~~ felony.

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

4 28-322.04 (1) For purposes of this section:

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

11 (b) Protected individual means an individual in the care or custody  
12 of the department.

13 (2) A person commits the offense of sexual abuse of a protected  
14 individual if the person subjects a protected individual to sexual  
15 penetration or sexual contact as those terms are defined in section  
16 28-318. It is not a defense to a charge under this section that the  
17 protected individual consented to such sexual penetration or sexual  
18 contact.

19 (3) Any person who subjects a protected individual to sexual  
20 penetration is guilty of sexual abuse of a protected individual in the  
21 first degree. Sexual abuse of a protected individual in the first degree  
22 is a Class IIA ~~III~~ felony.

23 (4) Any person who subjects a protected individual to sexual contact  
24 is guilty of sexual abuse of a protected individual in the second degree.  
25 Sexual abuse of a protected individual in the second degree is a Class  
26 IIIA ~~IV~~ felony.

27 Sec. 20. Section 28-323, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 28-323 (1) A person commits the offense of domestic assault in the  
30 third degree if he or she:

31 (a) Intentionally and knowingly causes bodily injury to his or her

1 intimate partner;

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

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

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

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

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

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

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

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

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

30 Sec. 21. Section 28-393, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

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

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

9           Sec. 22. Section 28-397, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

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

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

17           Sec. 23. Section 28-504, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19           28-504 (1) A person commits arson in the third degree if he or she  
20 intentionally sets fire to, burns, causes to be burned, or by the use of  
21 any explosive, damages or destroys, or causes to be damaged or destroyed,  
22 any property of another person without such other person's consent. Such  
23 property shall not be contained within a building and shall not be a  
24 building or occupied structure.

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

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

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



1           Sec. 24. Section 28-514, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           28-514 A person who comes into control of property of another that  
4 he or she knows to have been lost, mislaid, or delivered under a mistake  
5 as to the nature or amount of the property or the identity of the  
6 recipient commits theft if, with intent to deprive the owner thereof, he  
7 or she fails to take reasonable measures to restore the property to a  
8 person entitled to have it. Any person violating the provisions of this  
9 section shall, upon conviction thereof, be punished by the penalty  
10 prescribed in the next lower classification below the value of the item  
11 lost, mislaid, or delivered under a mistake pursuant to section 28-518.  
12 Any person convicted pursuant to this section when the value of the  
13 property is five ~~two~~ hundred dollars or less shall be guilty of a Class  
14 III misdemeanor for the first conviction, a Class II misdemeanor for the  
15 second conviction, and a Class I misdemeanor for the third or subsequent  
16 conviction.

17           Sec. 25. Section 28-518, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19           28-518 (1) Theft constitutes a Class III felony when the value of  
20 the thing involved is five ~~over one~~ thousand or more ~~five~~ hundred  
21 dollars.

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

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

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

30           (5) For any second or subsequent conviction under subsection (3) of  
31 this section, any person so offending shall be guilty of a Class IV

1 felony.

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

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

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

13 Sec. 26. Section 28-519, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-519 (1) A person commits criminal mischief if he or she:

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

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

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

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

26 (3) Criminal mischief is a Class I misdemeanor if the actor  
27 intentionally or maliciously causes pecuniary loss of one thousand five  
28 hundred dollars or more but less than five ~~one thousand five hundred~~  
29 dollars.

30 (4) Criminal mischief is a Class II misdemeanor if the actor  
31 intentionally or maliciously causes pecuniary loss of five ~~two~~ hundred

1 dollars or more but less than one thousand five hundred dollars.

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

6 Sec. 27. Section 28-603, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 28-603 (1) Whoever, with intent to deceive or harm, falsely makes,  
9 completes, endorses, alters, or utters any written instrument which is or  
10 purports to be, or which is calculated to become or to represent if  
11 completed, a written instrument which does or may evidence, create,  
12 transfer, terminate, or otherwise affect a legal right, interest,  
13 obligation, or status, commits forgery in the second degree.

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

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

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

28 (5) Forgery in the second degree is a Class II misdemeanor 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 less than five hundred dollars.

1           (6 5) For the purpose of determining the class of penalty for  
2   forgery in the second degree, the face values, or purported face values,  
3   or the amounts of any proceeds wrongfully procured or intended to be  
4   procured by the use of more than one such instrument, may be aggregated  
5   in the indictment or information if such instruments were part of the  
6   same scheme or course of conduct which took place within a sixty-day  
7   period and within one county. Such values or amounts shall not be  
8   aggregated into more than one offense.

9           Sec. 28. Section 28-604, Revised Statutes Cumulative Supplement,  
10   2014, is amended to read:

11           28-604 (1) Whoever, with knowledge that it is forged and with intent  
12   to deceive or harm, possesses any forged instrument covered by section  
13   28-602 or 28-603 commits criminal possession of a forged instrument.

14           (2) Criminal possession of a forged instrument prohibited by section  
15   28-602 is a Class IV felony.

16           (3) Criminal possession of a forged instrument prohibited by section  
17   28-603, the amount or value of which is five ~~one~~ thousand dollars or  
18   more, is a Class IV felony.

19           (4) Criminal possession of a forged instrument prohibited by section  
20   28-603, the amount or value of which is one thousand five ~~more than three~~  
21   hundred dollars or more but less than five ~~one~~ thousand dollars, is a  
22   Class I misdemeanor.

23           (5) Criminal possession of a forged instrument prohibited by section  
24   28-603, the amount or value of which is five ~~three~~ hundred dollars or  
25   more but less than one thousand five hundred dollars, is a Class II  
26   misdemeanor.

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

30           (7 6) For the purpose of determining the class of penalty for  
31   criminal possession of a forged instrument prohibited by section 28-603,

1 the amounts or values of more than one such forged instrument may be  
2 aggregated in the indictment or information if such forged instruments  
3 were part of the same scheme or course of conduct which took place within  
4 a sixty-day period and within one county. Such amounts or values shall  
5 not be aggregated into more than one offense.

6 Sec. 29. Section 28-611, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 28-611 (1) Whoever obtains property, services, or present value of  
9 any kind by issuing or passing a check, draft, assignment of funds, or  
10 similar signed order for the payment of money, knowing that he or she  
11 does not have sufficient funds in or credit with the drawee for the  
12 payment of the check, draft, assignment of funds, or order in full upon  
13 presentation, commits the offense of issuing a bad check. Issuing a bad  
14 check is:

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

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

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

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

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

30 (3) For any second or subsequent offense under subdivision (1)(c) or  
31 (1)(d) of this section, any person so offending shall be guilty of a

1 Class IV felony.

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

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

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

1 county office to which such a check, draft, assignment of funds, or order  
2 is issued in the course of the official duties of the office.

3 (7) Any person convicted of violating this section may, in addition  
4 to a fine or imprisonment, be ordered to make restitution to the party  
5 injured for the value of the check, draft, assignment of funds, or order  
6 and to pay ten dollars to the injured party and any reasonable handling  
7 fee imposed on the injured party by a financial institution. If the  
8 court, in addition to sentencing any person to imprisonment under this  
9 section, also enters an order of restitution, the time permitted to make  
10 such restitution shall not be concurrent with the sentence of  
11 imprisonment.

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

17 Sec. 30. Section 28-611.01, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 28-611.01 (1) Whoever issues or passes a check, draft, assignment of  
20 funds, or similar signed order for the payment of money, knowing that he  
21 or she has no account with the drawee at the time the check, draft,  
22 assignment of funds, or order is issued, commits the offense of issuing a  
23 no-account check. Issuing a no-account check is:

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

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

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

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

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

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

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

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

14 Sec. 31. Section 28-620, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 28-620 (1) A person commits the offense of unauthorized use of a  
17 financial transaction device if such person uses such device in an  
18 automated banking device, to imprint a sales form, or in any other  
19 manner:

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

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

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

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

28 (2) For purposes of this section, notice shall mean either notice  
29 given in person or notice given in writing to the account holder, by  
30 registered or certified mail, return receipt requested, duly stamped and  
31 addressed to such account holder at his or her last address known to the



1 issuer. Such notice shall be evidenced by a returned receipt signed by  
2 the account holder which shall be prima facie evidence that the notice  
3 was received.

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

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

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

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

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

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

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

30 Sec. 32. Section 28-631, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

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

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

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

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

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

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

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

28          (g) Knowingly and with intent to defraud or deceive issues fake or  
29 counterfeit insurance policies, certificates of insurance, insurance  
30 identification cards, or insurance binders;

31          (h) Knowingly and with intent to defraud or deceive possesses fake

1 or counterfeit insurance policies, certificates of insurance, insurance  
2 identification cards, or insurance binders;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (6) For purposes of this section:

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

31 (b) Statement includes, but is not limited to, any notice,

1 statement, proof of loss, bill of lading, receipt for payment, invoice,  
2 account, estimate of property damages, bill for services, diagnosis,  
3 prescription, hospital or medical records, X-rays, test result, or other  
4 evidence of loss, injury, or expense, whether oral, written, or computer-  
5 generated.

6 Sec. 33. Section 28-638, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 28-638 (1) A person commits the crime of criminal impersonation if  
9 he or she:

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

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

16 (c) Knowingly provides false personal identifying information or a  
17 false personal identification document to a court or a law enforcement  
18 officer; or

19 (d) Knowingly provides false personal identifying information or a  
20 false personal identification document to an employer for the purpose of  
21 obtaining employment.

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

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

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

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

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

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

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

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

27 Sec. 34. Section 28-639, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 28-639 (1) A person commits the crime of identity theft if he or she  
30 knowingly takes, purchases, manufactures, records, possesses, or uses any  
31 personal identifying information or entity identifying information of

1 another person or entity without the consent of that other person or  
2 entity or creates personal identifying information for a fictional person  
3 or entity, with the intent to obtain or use the other person's or  
4 entity's identity for any unlawful purpose or to cause loss to a person  
5 or entity whether or not the person or entity actually suffers any  
6 economic loss as a result of the offense, or with the intent to obtain or  
7 continue employment or with the intent to gain a pecuniary benefit for  
8 himself, herself, or another.

9 (2) Identity theft is not:

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

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

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

17 (d) The investigative activities of law enforcement.

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

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

1 this subdivision is a Class IV felony.

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

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

12 Sec. 35. Section 28-703, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 28-703 (1) Any person who shall knowingly intermarry or engage in  
15 sexual penetration with any person who falls within the degrees of  
16 consanguinity set forth in section 28-702 or any person who engages in  
17 sexual penetration with his or her ~~minor~~ stepchild who is under nineteen  
18 years of age commits incest.

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

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

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

25 Sec. 36. Section 28-802, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 28-802 (1) A person commits pandering if such person:

28 (a) Entices another person to become a prostitute; or

29 (b) Procures or harbors therein an inmate for a house of  
30 prostitution or for any place where prostitution is practiced or allowed;

31 or



1 (c) Inveigles, entices, persuades, encourages, or procures any  
2 person to come into or leave this state for the purpose of prostitution  
3 or debauchery; or

4 (d) Receives or gives or agrees to receive or give any money or  
5 other thing of value for procuring or attempting to procure any person to  
6 become a prostitute or commit an act of prostitution or come into this  
7 state or leave this state for the purpose of prostitution or debauchery.

8 (2) Pandering is a Class IV felony for a first offense, unless the  
9 person being enticed, procured, harbored, or otherwise persuaded to  
10 become a prostitute is under the age of eighteen years, in which case  
11 pandering is a Class IIA ~~III~~ felony for a first offense. Pandering is a  
12 Class III felony for a second or subsequent offense.

13 Sec. 37. Section 28-813.01, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15 28-813.01 (1) It shall be unlawful for a person to knowingly possess  
16 any visual depiction of sexually explicit conduct, as defined in section  
17 28-1463.02, which has a child, as defined in such section, as one of its  
18 participants or portrayed observers.

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

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

25 (c) Any person who violates this section and has previously been  
26 convicted of a violation of this section or section 28-308, 28-309,  
27 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
28 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of section  
29 28-320 shall be guilty of a Class IC felony for each offense.

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

1 (a) The visual depiction portrays no person other than the  
2 defendant; or

3 (b)(i) The defendant was less than nineteen years of age; (ii) the  
4 visual depiction of sexually explicit conduct portrays a child who is  
5 fifteen years of age or older; (iii) the visual depiction was knowingly  
6 and voluntarily generated by the child depicted therein; (iv) the visual  
7 depiction was knowingly and voluntarily provided by the child depicted in  
8 the visual depiction; (v) the visual depiction contains only one child;  
9 (vi) the defendant has not provided or made available the visual  
10 depiction to another person except the child depicted who originally sent  
11 the visual depiction to the defendant; and (vii) the defendant did not  
12 coerce the child in the visual depiction to either create or send the  
13 visual depiction.

14 Sec. 38. Section 28-831, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 28-831 (1) No person shall knowingly engage in labor trafficking or  
17 sex trafficking.

18 (2) If an actor knowingly engages in labor trafficking or sex  
19 trafficking by:

20 (a) Inflicting or threatening to inflict serious personal injury, as  
21 defined by section 28-318, on another person, the actor is guilty of a  
22 Class IIA ~~III~~ felony;

23 (b) Physically restraining or threatening to physically restrain the  
24 other person, the actor is guilty of a Class IIA ~~III~~ felony;

25 (c) Abusing or threatening to abuse the legal process against  
26 another person to cause arrest or deportation for violation of federal  
27 immigration law, the actor is guilty of a Class IIIA ~~IV~~ felony;

28 (d) Controlling or threatening to control another person's access to  
29 a controlled substance listed in Schedule I, II or III of section 28-405,  
30 the actor is guilty of a Class IIIA ~~IV~~ felony;

31 (e) Exploiting another person's substantial functional impairment as

1 defined in section 28-368 or substantial mental impairment as defined in  
2 section 28-369, the actor is guilty of a Class IIIA ~~IV~~ felony;

3 (f) Knowingly destroying, concealing, removing, confiscating, or  
4 possessing any actual or purported passport or other immigration  
5 document, or any other actual or purported government identification  
6 document, of the other person, the actor is guilty of a Class IIIA ~~IV~~  
7 felony; or

8 (g) Causing or threatening to cause financial harm to another  
9 person, including debt bondage, the actor is guilty of a Class I  
10 misdemeanor.

11 (3) No person shall engage in labor trafficking of a minor or sex  
12 trafficking of a minor. An actor who engages in labor trafficking of a  
13 minor or sex trafficking of a minor shall be punished as follows:

14 (a) In cases in which the actor uses overt force or the threat of  
15 force against the trafficking victim, the actor is guilty of a Class II  
16 felony;

17 (b) In cases in which the trafficking victim has not attained the  
18 age of fifteen years, the actor is guilty of a Class II felony; or

19 (c) In cases involving a trafficking victim between the ages of  
20 fifteen and eighteen years, and the actor does not use overt force or  
21 threat of force against the trafficking victim, the actor is guilty of a  
22 Class IIA ~~III~~ felony.

23 (4) Any person who benefits, financially or by receiving anything of  
24 value, from participation in a venture which has, as part of the venture,  
25 an act that is in violation of this section, is guilty of a Class IIIA ~~IV~~  
26 felony.

27 Sec. 39. Section 28-912, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 28-912 (1) A person commits escape if he or she unlawfully removes  
30 himself or herself from official detention or fails to return to official  
31 detention following temporary leave granted for a specific purpose or

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

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

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

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

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

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

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

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

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

28 (b e) A public servant concerned in detention of persons convicted  
29 of crime purposely facilitates or permits an escape from a detention  
30 facility or from transportation thereto.

31 (6) Escape is a Class IIA felony when the actor employs force,

1 threat, deadly weapon, or other dangerous instrumentality to effect the  
2 escape.

3       Sec. 40. Section 28-932, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5       28-932 (1) Any person (a)(i) who is legally confined in a jail or an  
6 adult correctional or penal institution, (ii) who is otherwise in legal  
7 custody of the Department of Correctional Services, or (iii) who is  
8 committed as a dangerous sex offender under the Sex Offender Commitment  
9 Act and (b) who intentionally, knowingly, or recklessly causes bodily  
10 injury to another person shall be guilty of a Class IIIA felony, except  
11 that if a deadly or dangerous weapon is used to commit such assault he or  
12 she shall be guilty of a Class IIA ~~III~~ felony.

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

19       Sec. 41. Section 28-1005, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21       28-1005 (1) No person shall knowingly:

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

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

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

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

29       (2) Any person violating subsection (1) of this section shall be  
30 guilty of a Class IIIA ~~IV~~ felony and shall also be subject to section  
31 28-1019.

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

7           Sec. 42. Section 28-1009, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9           28-1009 (1) A person who intentionally, knowingly, or recklessly  
10 abandons or cruelly neglects an animal is guilty of a Class I misdemeanor  
11 unless the abandonment or cruel neglect results in serious injury or  
12 illness or death of the animal, in which case it is a Class IV felony.

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

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

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

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

31           Sec. 43. Section 28-1102, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-1102 (1) A person commits the offense of promoting gambling in  
3 the first degree if he or she knowingly advances or profits from unlawful  
4 gambling activity by:

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

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

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

17 Sec. 44. Section 28-1103, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-1103 (1) A person commits the offense of promoting gambling in  
20 the second degree if he or she knowingly advances or profits from any  
21 unlawful gambling activity by:

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

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

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

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

1           Sec. 45. Section 28-1104, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           28-1104 (1) A person commits the offense of promoting gambling in  
4 the third degree if he or she knowingly participates in unlawful gambling  
5 as a player by betting less than five ~~three~~ hundred dollars in any one  
6 day.

7           (2) Promoting gambling in the third degree is a Class IV  
8 misdemeanor.

9           Sec. 46. Section 28-1224, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

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

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

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

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

20           Sec. 47. Section 28-1344, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

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



1 ~~conduct shall be guilty of a Class III felony.~~

2 (2) The offense constitutes a Class III felony when the value of the  
3 computer, computer system, computer software, or computer network  
4 involved is five thousand dollars or more.

5 (3) The offense constitutes a Class IV felony when the value of the  
6 computer, computer system, computer software, or computer network  
7 involved is one thousand five hundred dollars or more, but less than five  
8 thousand dollars.

9 (4) The offense constitutes a Class I misdemeanor when the value of  
10 the computer, computer system, computer software, or computer network  
11 involved is five hundred dollars or more, but less than one thousand five  
12 hundred dollars.

13 (5) The offense constitutes a Class II misdemeanor when the value of  
14 the thing involved is less than five hundred dollars.

15 Sec. 48. Section 28-1345, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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

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

1 computer, computer system, computer software, or computer network  
2 involved is five thousand dollars or more.

3 (3) The offense constitutes a Class IV felony when the value of the  
4 computer, computer system, computer software, or computer network  
5 involved is one thousand five hundred dollars or more, but less than five  
6 thousand dollars.

7 (4) The offense constitutes a Class I misdemeanor when the value of  
8 the computer, computer system, computer software, or computer network  
9 involved is five hundred dollars or more, but less than one thousand five  
10 hundred dollars.

11 (5) The offense constitutes a Class II misdemeanor when the value of  
12 the computer, computer system, computer software, or computer network  
13 involved is less than five hundred dollars.

14 Sec. 49. Section 28-1463.05, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 28-1463.05 (1) It shall be unlawful for a person to knowingly  
17 possess with intent to rent, sell, deliver, distribute, trade, or provide  
18 to any person any visual depiction of sexually explicit conduct which has  
19 a child as one of its participants or portrayed observers.

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

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

26 (c) Any person who violates this section and has previously been  
27 convicted of a violation of this section or section 28-308, 28-309,  
28 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
29 28-813, 28-833, or 28-1463.03 or subsection (1) or (2) of section 28-320  
30 shall be guilty of a Class IC felony for each offense.

31 Sec. 50. Section 29-1816, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 29-1816 (1)(a) The accused may be arraigned in county court or  
3 district court:

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

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

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

11 (b) Arraignment in county court or district court shall be by  
12 reading to the accused the complaint or information, unless the reading  
13 is waived by the accused when the nature of the charge is made known to  
14 him or her. The accused shall then be asked whether he or she is guilty  
15 or not guilty of the offense charged. If the accused appears in person  
16 and by counsel and goes to trial before a jury regularly impaneled and  
17 sworn, he or she shall be deemed to have waived arraignment and a plea of  
18 not guilty shall be deemed to have been made.

19 (2) At the time of the arraignment, the county court or district  
20 court shall advise the accused, if the accused was younger than eighteen  
21 years of age at the time the alleged offense was committed, that the  
22 accused may move the county court or district court at any time not later  
23 than thirty days after arraignment, unless otherwise permitted by the  
24 court for good cause shown, to waive jurisdiction in such case to the  
25 juvenile court for further proceedings under the Nebraska Juvenile Code.  
26 This subsection does not apply if the case was transferred to county  
27 court or district court from juvenile court.

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

30 (a) The county court or district court shall schedule a hearing on  
31 such motion within fifteen days. The customary rules of evidence shall

1 not be followed at such hearing. The accused shall be represented by an  
2 attorney. The criteria set forth in section 43-276 shall be considered at  
3 such hearing. After considering all the evidence and reasons presented by  
4 both parties, the case shall be transferred to juvenile court unless a  
5 sound basis exists for retaining the case in county court or district  
6 court; and

7 (b) The county court or district court shall set forth findings for  
8 the reason for its decision. If the county court or district court  
9 determines that the accused should be transferred to the juvenile court,  
10 the complete file in the county court or district court shall be  
11 transferred to the juvenile court and the complaint, indictment, or  
12 information may be used in place of a petition therein. The county court  
13 or district court making a transfer shall order the accused to be taken  
14 forthwith to the juvenile court and designate where the juvenile shall be  
15 kept pending determination by the juvenile court. The juvenile court  
16 shall then proceed as provided in the Nebraska Juvenile Code.

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

20 Sec. 51. Section 29-2204, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 29-2204 (1) Except when a term of life imprisonment is required by  
23 law, in imposing an indeterminate sentence upon an offender the court  
24 shall:

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

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

31 ~~(a A)(i) Fix the minimum and maximum limits of the sentence to be~~

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

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

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

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

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

29 (2)(a) If the criminal offense is a Class IV felony and the  
30 defendant is not concurrently sentenced to incarceration for a more  
31 serious felony offense, the court shall impose a sentence of probation

1 absent substantial and compelling reasons why the defendant cannot  
2 effectively and safely be supervised in the community. The reasons must  
3 be stated on the record, and the defendant advised of the right to appeal  
4 the sentence. If a sentence to probation is not imposed, the court shall  
5 impose a sentence provided for a Class IV felony under section 28-105.

6 (b) For all sentences of imprisonment for Class III, IIIA, or IV  
7 felonies, the court shall impose a determinate sentence within the  
8 applicable range in section 28-105, including a period of post-release  
9 supervision. If a period of post-release supervision is required but not  
10 imposed by the sentencing court, the department is authorized to  
11 supervise the person up to the maximum of post-release supervision  
12 provided for the offense class by section 28-105. An offender with a  
13 determinate sentence to a correctional facility or jail under this  
14 subdivision shall be released to supervision by the Office of Probation  
15 Administration when the sentence, including any credits, is served.

16 (3 2)(a) When the court is of the opinion that imprisonment may be  
17 appropriate but desires more detailed information as a basis for  
18 determining the sentence to be imposed than has been provided by the  
19 presentence report required by section 29-2261, the court shall commit an  
20 offender to the Department of Correctional Services for a period not  
21 exceeding ninety days. The department shall conduct a complete study of  
22 the offender during that time, inquiring into such matters as his or her  
23 previous delinquency or criminal experience, social background,  
24 capabilities, and mental, emotional, and physical health and the  
25 rehabilitative resources or programs which may be available to suit his  
26 or her needs. By the expiration of the period of commitment or by the  
27 expiration of such additional time as the court shall grant, not  
28 exceeding a further period of ninety days, the offender shall be returned  
29 to the court for sentencing and the court shall be provided with a  
30 written report of the results of the study, including whatever  
31 recommendations the department believes will be helpful to a proper

1 resolution of the case. After receiving the report and the  
2 recommendations, the court shall proceed to sentence the offender in  
3 accordance with subsection (1) of this section. The term of the sentence  
4 shall run from the date of original commitment under this subsection.

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

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

22 Sec. 52. Section 29-2204.01, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 29-2204.01 In any criminal proceeding in which a sentence of  
25 confinement has been imposed and the particular law under which such  
26 sentence was pronounced is thereafter amended to decrease the maximum  
27 period of confinement which may be imposed, then any person sentenced  
28 under the former law shall be entitled to his discharge from custody when  
29 he or she has served the maximum period of confinement authorized by the  
30 new law, notwithstanding the fact that the court may have ordered a  
31 longer period of confinement under the authority of the former law. This

1 section does not apply to changes in the classification of penalties and  
2 offenses made by this legislative bill.

3 Sec. 53. Section 29-2252.01, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 29-2252.01 On December 31 and June 30 of each fiscal year, the  
6 administrator shall provide a report to the budget division of the  
7 Department of Administrative Services, ~~and~~ the Legislative Fiscal  
8 Analyst, and the Supreme Court which shall include, but not be limited  
9 to:

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

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

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

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

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

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

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

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

30 (9) The total number of probationers with restitution judgments, the  
31 number of restitution payments made to clerks of the court, the average



1 amount of payments, and the total amount of restitution collected.

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

4 Sec. 54. Section 29-2262, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

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

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

13 (a) To refrain from unlawful conduct;

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

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

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

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

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

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

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

30 (i) To possess no firearm or other dangerous weapon if convicted of  
31 a felony, or if convicted of any other offense, to possess no firearm or

1 other dangerous weapon unless granted written permission by the court;

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

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

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

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

14 (n) To perform community service as outlined in sections 29-2277 to  
15 29-2279 under the direction of his or her probation officer;

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

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

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

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

25 (s) To make restitution as described in sections 29-2280 and  
26 29-2281; or

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

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

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

6 Sec. 55. Section 29-2266, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 29-2266 (1) For purposes of this section:

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

- 14 (i) Counseling or reprimand by his or her probation officer;
- 15 (ii) Increased supervision contact requirements;
- 16 (iii) Increased substance abuse testing;
- 17 (iv) Referral for substance abuse or mental health evaluation or  
18 other specialized assessment, counseling, or treatment;
- 19 (v) Imposition of a designated curfew for a period not to exceed  
20 thirty days;
- 21 (vi) Community service for a specified number of hours pursuant to  
22 sections 29-2277 to 29-2279;
- 23 (vii) Travel restrictions to stay within his or her county of  
24 residence or employment unless otherwise permitted by the supervising  
25 probation officer; and

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

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

- 1 (i) Moving traffic violations;
- 2 (ii) Failure to report to his or her probation officer;
- 3 (iii) Leaving the jurisdiction of the court or leaving the state  
4 without the permission of the court or his or her probation officer;
- 5 (iv) Failure to work regularly or attend training or school;
- 6 (v) Failure to notify his or her probation officer of change of  
7 address or employment;
- 8 (vi) Frequenting places where controlled substances are illegally  
9 sold, used, distributed, or administered;
- 10 (vii) Failure to perform community service as directed; and
- 11 (viii) Failure to pay fines, court costs, restitution, or any fees  
12 imposed pursuant to section 29-2262.06 as directed; and
- 13 (c) Substance abuse violation means a probationer's activities or  
14 behaviors associated with the use of chemical substances or related  
15 treatment services resulting in a violation of an original condition of  
16 probation, including:
- 17 (i) Positive breath test for the consumption of alcohol if the  
18 offender is required to refrain from alcohol consumption;
- 19 (ii) Positive urinalysis for the illegal use of drugs;
- 20 (iii) Failure to report for alcohol testing or drug testing; and
- 21 (iv) Failure to appear for or complete substance abuse or mental  
22 health treatment evaluations or inpatient or outpatient treatment.
- 23 (2) Whenever a probation officer has reasonable cause to believe  
24 that a probationer has committed or is about to commit a substance abuse  
25 violation or noncriminal violation while on probation, but that the  
26 probationer will not attempt to leave the jurisdiction and will not place  
27 lives or property in danger, the probation officer shall either:
- 28 (a) Impose one or more administrative sanctions with the approval of  
29 his or her chief probation officer or such chief's designee. ~~The decision~~  
30 ~~to impose administrative sanctions in lieu of formal revocation~~  
31 ~~proceedings rests with the probation officer and his or her chief~~

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

11 (b) Submit a written report to the sentencing court, with a copy to  
12 the county attorney of the county where probation was imposed, outlining  
13 the nature of the probation violation and request that a custodial  
14 sanction of up to three days in jail be imposed ~~formal revocation~~  
15 ~~proceedings be instituted~~ against the probationer. The decision to  
16 request a custodial sanction in lieu of administrative sanctions rests  
17 with the probation officer and his or her chief probation officer or such  
18 chief's designee and shall be based upon the probationer's risk level,  
19 the severity of the violation, the probationer's response to the  
20 violation, and the probationer's responses to prior sanctions.

21 (3) Whenever a probation officer has reasonable cause to believe  
22 that a probationer has violated or is about to violate a condition of  
23 probation other than a substance abuse violation or noncriminal violation  
24 and that the probationer will not attempt to leave the jurisdiction and  
25 will not place lives or property in danger, the probation officer shall  
26 submit a written report to the sentencing court, with a copy to the  
27 county attorney of the county where probation was imposed, outlining the  
28 nature of the probation violation and request that: ~~Whenever a probation~~  
29 ~~officer has reasonable cause to believe that a probationer has violated~~  
30 ~~or is about to violate a condition of probation other than a substance~~  
31 ~~abuse violation or noncriminal violation and that the probationer will~~

1 ~~not attempt to leave the jurisdiction and will not place lives or~~  
2 ~~property in danger, the probation officer shall submit a written report~~  
3 ~~to the sentencing court, with a copy to the county attorney of the county~~  
4 ~~where probation was imposed, outlining the nature of the probation~~  
5 ~~violation.~~

6 (a) A custodial sanction of up to three days be imposed;

7 (b) A custodial sanction of up to thirty days in jail be imposed; or

8 (c) Formal revocation proceedings be instituted against the  
9 probationer.

10 The decision to request a three-day or thirty-day custodial sanction  
11 in lieu of formal revocation proceedings rests with the probation officer  
12 and his or her chief probation officer or such chief's designee and shall  
13 be based upon the probationer's risk level, the severity of the  
14 violation, the probationer's response to the violation, and the  
15 probationer's responses to prior sanctions.

16 (4) Whenever a probation officer has a reasonable cause to believe  
17 that a probationer has violated or is about to violate a condition of his  
18 or her probation and that the probationer will attempt to leave the  
19 jurisdiction or will place lives or property in danger, the probation  
20 officer shall arrest the probationer without a warrant and may call on  
21 any peace officer for assistance. Whenever a probationer is arrested,  
22 with or without a warrant, he or she shall be detained in a jail or other  
23 detention facility. If the probationer acknowledges in writing the nature  
24 of the violation and agrees to a custodial sanction of up to thirty days  
25 in jail, and with the approval of the probation officer's chief probation  
26 officer or such chief's designee, the probationer may be released after a  
27 custodial sanction has been served.

28 (5) Unless a custodial sanction has been agreed to by the  
29 probationer, immediately ~~Immediately~~ after arrest and detention pursuant  
30 to subsection (4) of this section, the probation officer shall notify the  
31 county attorney of the county where probation was imposed and submit a

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

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

5 (b) File with the sentencing court a motion or information to revoke  
6 the probation or sanction the probationer. The decision to request a  
7 custodial sanction in lieu of formal revocation proceedings rests with  
8 the county attorney, in consultation with the probation officer, and  
9 shall be based upon the probationer's risk level, the severity of the  
10 violation, the probationer's response to the violation, and the  
11 probationer's responses to prior sanctions. Custodial sanctions under  
12 this subdivision shall not exceed thirty days in jail.

13 (6) Whenever a county attorney receives a report from a probation  
14 officer that a probationer has violated a condition of probation, the  
15 county attorney may file a motion or information to sanction the  
16 probationer ~~revoke probation.~~

17 (7) Cumulative custodial sanctions under this section shall not  
18 exceed ninety days per probation sentence and shall be credited to the  
19 sentence.

20 (8 7) The administrator shall adopt and promulgate rules and  
21 regulations to carry out this section.

22 Sec. 56. Section 29-2281, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 29-2281 To determine the amount of restitution, the court may hold a  
25 hearing at the time of sentencing. The amount of restitution shall be  
26 based on the actual damages sustained by the victim and shall be  
27 supported by evidence which shall become a part of the court record. The  
28 court shall consider the defendant's earning ability, employment status,  
29 financial resources, and family or other legal obligations and shall  
30 balance such considerations against the obligation to the victim. In  
31 considering the earning ability of a defendant who is sentenced to

1 imprisonment, the court may take evidence of anticipated money earned by  
2 the inmate or deposited or credited to the inmate's individual account  
3 while incarcerated. A person may not be granted or denied probation or  
4 parole either solely or primarily due to his or her financial resources  
5 or ability or inability to pay restitution. The court may order that  
6 restitution be made immediately, in specified installments, or within a  
7 specified period of time not to exceed five years after the date of  
8 judgment or defendant's final release date from imprisonment, whichever  
9 is later. Restitution payments shall be made through the clerk of the  
10 court ordering restitution. The clerk shall maintain a record of all  
11 receipts and disbursements.

12       Sec. 57. Section 29-2308, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

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

26       (2) In all criminal cases based on offenses subject to determinat  
27 sentencing under subsection (2) of section 29-2204 and subsection (2) of  
28 section 83-1,105.01, the appellate court may determine that a sentence is  
29 excessive because the district court provided insufficient, rather than  
30 substantial and compelling, reasons to impose a sentence other than  
31 probation for a Class IV felony.



1           Sec. 58. Section 29-3523, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

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

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

11           (b) Is currently an announced candidate for or holder of public  
12 office;

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

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

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

30           (3 2) Except as provided in subsections ~~subsection~~ (1) and (2) of  
31 this section, the notation of arrest shall be removed from the public

1 record as follows:

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

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

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

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

22 Sec. 59. Section 29-4011, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 29-4011 (1) Any person required to register under the Sex Offender  
25 Registration Act who violates the act is guilty of a Class ~~IIIA~~ IV  
26 felony.

27 (2) Any person required to register under the act who violates the  
28 act and who has previously been convicted of a violation of the act is  
29 guilty of a Class ~~IIA~~ III felony and shall be sentenced to a mandatory  
30 minimum term of at least one year in prison unless the violation which  
31 caused the person to be placed on the registry was a misdemeanor, in

1 which case the violation of the act shall be a Class IIIA ~~IV~~ felony.

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

7 Sec. 60. Section 43-412, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 43-412 (1) Every juvenile committed to the Office of Juvenile  
10 Services pursuant to the Nebraska Juvenile Code ~~or pursuant to subsection~~  
11 ~~(3) of section 29-2204~~ shall remain committed until he or she attains the  
12 age of nineteen or is legally discharged.

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

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

23 Sec. 61. Section 47-624, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 47-624 The division shall:

26 (1) Collaborate with the Office of Probation Administration, the  
27 Office of Parole Administration, and the Department of Correctional  
28 Services to develop and implement a plan to establish statewide operation  
29 and use of a continuum of community correctional facilities and programs;

30 (2) Develop, in consultation with the probation administrator and  
31 the Parole Administrator, standards for the use of community correctional

1 facilities and programs by the Nebraska Probation System and the parole  
2 system;

3 (3) Collaborate with the Office of Probation Administration, the  
4 Office of Parole Administration, and the Department of Correctional  
5 Services on the development of additional reporting centers as set forth  
6 in section 47-624.01;

7 (4) Analyze and promote the consistent use of offender risk  
8 assessment tools;

9 (5) Educate the courts, the Board of Parole, criminal justice system  
10 stakeholders, and the general public about the availability, use, and  
11 benefits of community correctional facilities and programs;

12 (6) Enter into and administer contracts, if necessary, to carry out  
13 the purposes of the Community Corrections Act;

14 (7) In order to ensure adequate funding for substance abuse  
15 treatment programs, consult with the probation administrator and the  
16 Parole Administrator and develop or assist with the development of  
17 programs as provided in subdivision (14) of section 29-2252 and  
18 subdivision (8) of section 83-1,102;

19 (8) Study substance abuse and mental health treatment services in  
20 and related to the criminal justice system, recommend improvements, and  
21 evaluate the implementation of improvements;

22 (9) Research and evaluate existing community correctional  
23 corrections facilities and programs, within the limits of available  
24 funding, or subject to the availability of funding, the Office of  
25 Probation Administration may contract with an independent contractor or  
26 academic institution for each program evaluation to be reported as  
27 provided in subdivision (11) of this section;

28 (10) Develop standardized definitions of outcome measures for  
29 community correctional ~~corrections~~ facilities and programs, including,  
30 but not limited to, recidivism, employment, and substance abuse;

31 (11) Report annually to the Legislature and the Governor on the

1 development and performance of community correctional ~~corrections~~  
2 facilities and programs. The report submitted to the Legislature shall be  
3 submitted electronically. The report shall include the following:

4 (a) A description of community correctional ~~corrections~~ facilities  
5 and programs currently serving offenders in Nebraska, which includes the  
6 following information:

7 (i) The target population and geographic area served by each  
8 facility or program, eligibility requirements, and the total number of  
9 offenders utilizing the facility or program over the past year;

10 (ii) Services provided to offenders at the facility or in the  
11 program;

12 (iii) The costs of operating the facility or program and the cost  
13 per offender; and

14 (iv) The funding sources for the facility or program;

15 (b) The progress made in expanding community correctional  
16 ~~corrections~~ facilities and programs statewide and an analysis of the need  
17 for additional community correctional ~~corrections~~ services;

18 (c) An analysis of the impact community correctional ~~corrections~~  
19 facilities and programs have on the number of offenders incarcerated  
20 within the Department of Correctional Services; and

21 (d) The recidivism rates and outcome data for probationers,  
22 parolees, and problem-solving-court clients participating in community  
23 correctional ~~corrections~~ programs;

24 (12) Grant funds to entities including local governmental agencies,  
25 nonprofit organizations, and behavioral health services which will  
26 support the intent of the act;

27 (13) Manage all offender data acquired by the division in a  
28 confidential manner and develop procedures to ensure that identifiable  
29 information is not released;

30 (14) Establish and administer grants, projects, and programs for the  
31 operation of the division; and

1 (15) Perform such other duties as may be necessary to carry out the  
2 policy of the state established in the act.

3 Sec. 62. (1) The Committee on Justice Reinvestment Oversight is  
4 created as a special legislative committee to maintain continuous  
5 oversight of the Nebraska justice reinvestment initiative and related  
6 issues.

7 (2) 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 committee.

12 (3) 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, reviewing policies to  
17 improve public safety, reduce recidivism, and reduce spending on  
18 corrections in Nebraska, working with the Council of State Governments  
19 Justice Center to collect data from relevant state agencies for analysis  
20 and reporting, and monitoring performance and outcome measures.

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

27 Sec. 63. It is the intent of the Legislature to appropriate thirty  
28 thousand dollars to the Supreme Court for fiscal year 2015-16 to create a  
29 sentencing information data base for collection from and distribution to  
30 judges of the district court of data on the sentences that judges of the  
31 district court are imposing and factors relevant to the sentence imposed,

1 including, but not limited to, characteristics of the offender, such as  
2 age, gender, current charge, prior charges, educational level,  
3 employment, sentences imposed by type, level of service-case management  
4 inventory score and classification, and average time served.

5       Sec. 64. Section 68-1017, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

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

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

1 Class IV felony.

2 Sec. 65. Section 68-1017.01, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 68-1017.01 (1) A person commits an offense if he or she knowingly  
5 uses, alters, or transfers any Supplemental Nutrition Assistance Program  
6 benefits or electronic benefit cards or any authorizations to participate  
7 in the Supplemental Nutrition Assistance Program in any manner not  
8 authorized by law. An offense under this subsection shall be a Class IV  
9 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance  
10 Program benefits, electronic benefit cards, or authorizations is less  
11 than five hundred dollars, shall be a Class III misdemeanor if the value  
12 is five hundred dollars or more but less than one thousand five hundred  
13 dollars, and shall be a Class IV felony if the value is one thousand five  
14 hundred dollars or more.

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

30 (3) A person commits an offense if he or she knowingly possesses  
31 blank authorizations to participate in the Supplemental Nutrition



1 Assistance Program when such possession is not authorized by law. An  
2 offense under this subsection shall be a Class IV felony.

3 (4) When any Supplemental Nutrition Assistance Program benefits or  
4 electronic benefit cards or any authorizations to participate in the  
5 Supplemental Nutrition Assistance Program of various values are obtained  
6 in violation of this section pursuant to one scheme or a continuing  
7 course of conduct, whether from the same or several sources, such conduct  
8 may be considered as one offense, and the values aggregated in  
9 determining the grade of the offense.

10 Sec. 66. Section 71-2228, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

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

29 Sec. 67. Section 71-2229, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 71-2229 (1) A person commits an offense if he, she, or it knowingly

1 and unlawfully uses, alters, or transfers a food instrument or  
2 supplemental food. An offense under this subsection shall be a Class IV  
3 ~~III~~ misdemeanor if the value of the food instrument or benefit is less  
4 than five hundred dollars, shall be a Class III misdemeanor if the value  
5 of the food instrument or benefit is five hundred dollars or more but  
6 less than one thousand five hundred dollars, and shall be a Class IV  
7 felony if the value of the food instrument or benefit is one thousand  
8 five hundred dollars or more.

9 (2) A person commits an offense if he, she, or it (a) knowingly and  
10 unlawfully possesses a food instrument or supplemental food, (b)  
11 knowingly and unlawfully redeems a food instrument, (c) knowingly  
12 falsifies or misapplies a food instrument, or (d) fraudulently obtains a  
13 food instrument. An offense under this subsection shall be a Class IV ~~III~~  
14 misdemeanor if the value of the food instrument or benefit is less than  
15 five hundred dollars, shall be a Class III misdemeanor if the value of  
16 the food instrument or benefit is five hundred dollars or more but less  
17 than one thousand five hundred dollars, and shall be a Class IV felony if  
18 the value of the food instrument or benefit is one thousand five hundred  
19 dollars or more.

20 (3) A person commits an offense if he, she, or it knowingly and  
21 unlawfully possesses a blank authorization to participate in the WIC  
22 program or CSF program. An offense under this subsection shall be a Class  
23 IV felony.

24 (4) When food instruments or supplemental foods are obtained in  
25 violation of this section pursuant to one scheme or a continuing course  
26 of conduct, whether from the same or several sources, such conduct may be  
27 considered as one offense and the values aggregated in determining the  
28 grade of the offense.

29 Sec. 68. Section 83-182.01, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 83-182.01 (1) Structured programming shall be planned for all adult

1 persons committed to the department. The structured programming shall  
2 include any of the following: Work programs, vocational training,  
3 behavior management and modification, money management, and substance  
4 abuse awareness, counseling, or treatment. Programs and treatment  
5 services shall address:

6 (a) Behavioral impairments, severe emotional disturbances, and other  
7 mental health or psychiatric disorders;

8 (b) Drug and alcohol use and addiction;

9 (c) Health and medical needs;

10 (d) Education and related services;

11 (e) Counseling services for persons committed to the department who  
12 have been physically or sexually abused;

13 (f) Work ethic and structured work programs;~~and~~

14 (g) The development and enhancement of job acquisition skills and  
15 job performance skills; and -

16 (h) Cognitive restructuring.

17 (2) The goal of such structured programming is to provide the skills  
18 necessary for the person committed to the department to successfully  
19 return to his or her home or community or to a suitable alternative  
20 community upon his or her release from the adult correctional facility.

21 (3) If a person committed to the department refuses to participate  
22 in the structured programming described in subsection (1) of this  
23 section, he or she shall be subject to disciplinary action.

24 (4) Any person committed to the department who is qualified by  
25 reason of education, training, or experience to teach academic or  
26 vocational classes may be given the opportunity to teach such classes to  
27 committed offenders as part of the structured programming described in  
28 this section.

29 (5) The department shall evaluate the quality of programs funded by  
30 the department. The evaluation shall focus on whether program  
31 participation reduces recidivism. Subject to the availability of funding,

1 the department may contract with an independent contractor or academic  
2 institution for each program evaluation. Each program evaluation shall be  
3 standardized and shall use a validated program assessment tool. Each  
4 program evaluation shall include a site visit, interviews with key staff,  
5 interviews with offenders, group observation, if applicable, and review  
6 of materials used for the program. The information shall be compiled and  
7 a composite score developed indicating adherence to concepts that are  
8 linked with program effectiveness, such as program procedures, staff  
9 qualifications, and fidelity to the program model of delivering offender  
10 assessment and treatment. Each program evaluation shall also include  
11 feedback to the department concerning program strengths, weaknesses, and  
12 recommendations for better adherence to evidence-based programming.

13       Sec. 69. Section 83-183.01, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       83-183.01 (1) A person committed to the department, who is earning  
16 at least minimum wage and is employed pursuant to sections 81-1827 and  
17 83-183, shall have his or her wages set aside by the chief executive  
18 officer of the facility in a separate wage fund. The director shall adopt  
19 and promulgate rules and regulations which will protect the inmate's  
20 rights to due process, provide for hearing as necessary before the Crime  
21 Victim's Reparations Committee, and govern the disposition of a confined  
22 person's gross monthly wage minus required payroll deductions and payment  
23 of necessary work-related incidental expenses for the following purposes:

24       (a 1) For the support of families and dependent relatives of the  
25 respective inmates;

26       (b 2) For the discharge of any legal obligations, including  
27 judgments for restitution as required by subsection (2) of this section;

28       (c 3) To pay all or a part of the cost of their board, room,  
29 clothing, medical, dental, and other correctional services;

30       (d 4) To provide for funds payable to the person committed to the  
31 department upon his or her release;

1           (e 5) For the actual value of state property intentionally or  
2 willfully and wantonly destroyed by such person during his or her  
3 commitment;

4           (f 6) For reasonable costs incurred in returning such person to the  
5 facility to which he or she is committed in the event of escape; and

6           (g 7) For deposit in the Victim's Compensation Fund.

7           (2) Restitution payment deductions shall be made monthly from wage  
8 funds with a balance of twenty dollars or more and annually from wage  
9 funds with a balance of less than twenty dollars, with a deduction of  
10 twenty percent of the total of all money earned, new deposits, and  
11 credits to the inmate's wage fund. Deductions intended for restitution  
12 shall be transferred to the clerk of the court in which the restitution  
13 order was entered for payment to the person named in the restitution  
14 order. This section applies to funds in the wage fund of any inmate  
15 confined in a correctional facility on or after the effective date of  
16 this act.

17           (3) The department shall report annually to the Legislature on the  
18 collection of restitution from wage funds. The report shall include the  
19 total number of inmates with restitution judgments, the total number of  
20 inmates with wage funds, the total number of inmates with both, the  
21 number of payments made to either victims or clerks of the court, the  
22 average amount of payments, and the total amount of restitution  
23 collected. The report shall be submitted electronically.

24           Sec. 70. Section 83-1,100, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           83-1,100 There is hereby created within the department the Office of  
27 Parole Administration. The office shall consist of the Parole  
28 Administrator, the field parole service, and all other office staff. The  
29 office shall be responsible for the following:

30           (1) The administration of parole services in the community;

31           (2) The maintenance of all records and files associated with the

1 Board of Parole;

2 (3) The daily supervision and training of staff members of the  
3 office, including training regarding evidence-based practices in  
4 supervision pursuant to section 72 of this act; and

5 (4) The assessment, evaluation, and supervision of individuals who  
6 are subject to parole supervision, including lifetime community  
7 supervision pursuant to section 83-174.03.

8 Nothing in this section shall be construed to prohibit the office  
9 from maintaining daily records and files associated with the Board of  
10 Pardons.

11 Sec. 71. Section 83-1,105.01, Reissue Revised Statutes of Nebraska,  
12 is amended to read:

13 83-1,105.01 (1) Except when a term of life imprisonment is required  
14 by law, in imposing an indeterminate sentence upon an offender the court  
15 shall:

16 (a 1) Fix the minimum and maximum limits of the sentence to be  
17 served within the limits provided by law for any class of felony other  
18 than a Class IV felony, except that when a maximum limit of life is  
19 imposed by the court for a Class IB felony, the minimum limit may be any  
20 term of years not less than the statutory mandatory minimum. If the  
21 criminal offense is a Class IV felony, the court shall fix the minimum  
22 and maximum limits of the sentence, but the minimum limit fixed by the  
23 court shall not be less than the minimum provided by law nor more than  
24 one-third of the maximum term and the maximum limit shall not be greater  
25 than the maximum provided by law; or

26 (b 2) Impose a definite term of years, in which event the maximum  
27 term of the sentence shall be the term imposed by the court and the  
28 minimum term shall be the minimum sentence provided by law. ~~;~~

29 (2)(a) If the criminal offense is a Class IV felony and the  
30 defendant is not concurrently sentenced to incarceration for a more  
31 serious felony offense, the court shall impose a sentence of probation

1 absent substantial and compelling reasons why the defendant cannot  
2 effectively and safely be supervised in the community. The reasons must  
3 be stated on the record, and the defendant advised of the right to appeal  
4 the sentence. If a sentence to probation is not imposed, the court shall  
5 impose a sentence provided for a Class IV felony under section 28-105.

6 (b) For all sentences of imprisonment for Class III, IIIA, or IV  
7 felonies, the court shall impose a determinate sentence within the  
8 applicable range in section 28-105, including a period of post-release  
9 supervision. If a period of post-release supervision is required but not  
10 imposed by the sentencing court, the department is authorized to  
11 supervise the person up to the maximum of post-release supervision  
12 provided for the offense class by section 28-105. An offender with a  
13 determinate sentence to a correctional facility or jail under this  
14 subdivision shall be released to supervision by the Office of Probation  
15 Administration when the sentence, including any credits, is served.

16 (3)(a) When the court is of the opinion that imprisonment may be  
17 appropriate but desires more detailed information as a basis for  
18 determining the sentence to be imposed than has been provided by the  
19 presentence report required by section 29-2261, the court shall commit an  
20 offender to the Department of Correctional Services for a period not  
21 exceeding ninety days. The department shall conduct a complete study of  
22 the offender during that time, inquiring into such matters as his or her  
23 previous delinquency or criminal experience, social background,  
24 capabilities, and mental, emotional, and physical health and the  
25 rehabilitative resources or programs which may be available to suit his  
26 or her needs. By the expiration of the period of commitment or by the  
27 expiration of such additional time as the court shall grant, not  
28 exceeding a further period of ninety days, the offender shall be returned  
29 to the court for sentencing and the court shall be provided with a  
30 written report of the results of the study, including whatever  
31 recommendations the department believes will be helpful to a proper

1 resolution of the case. After receiving the report and the  
2 recommendations, the court shall proceed to sentence the offender in  
3 accordance with any applicable provision of law. The term of the sentence  
4 shall run from the date of original commitment under this subdivision.

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

12 (4) Except when a term of life is required by law, whenever the  
13 defendant was under eighteen years of age at the time he or she committed  
14 the crime for which he or she was convicted, the court may, in its  
15 discretion, instead of imposing the penalty provided for the crime, make  
16 such disposition of the defendant as the court deems proper under the  
17 Nebraska Juvenile Code.

18 Sec. 72. (1) For purposes of this section:

19 (a) Levels of supervision means the determination of the following  
20 for each person on parole:

21 (i) Supervision contact requirements, including the frequency,  
22 location, methods, and nature of contact with the parole officer;

23 (ii) Substance abuse testing requirements and frequency;

24 (iii) Contact restrictions;

25 (iv) Curfew restrictions;

26 (v) Access to available programs and treatment, with priority given  
27 to moderate-risk and high-risk parolees; and

28 (vi) Severity of graduated responses to violations of supervision  
29 conditions; and

30 (b) Risk and needs assessment means an actuarial tool that has been  
31 validated in Nebraska to determine the likelihood of the parolee engaging



1 in future criminal behavior.

2 (2) The Office of Parole Administration shall establish an evidence-  
3 based process that utilizes a risk and needs assessment to measure  
4 criminal risk factors and specific individual needs.

5 (3) The risk and needs assessment shall be performed at the  
6 commencement of the parole term and every six months thereafter by office  
7 staff trained and certified, if certification is available, in the use of  
8 the risk and needs assessment.

9 (4) The office shall test the validity of the risk and needs  
10 assessment at least every five years.

11 (5) Based on the results of the risk and needs assessment, the  
12 office shall determine levels of supervision to target parolee criminal  
13 risk and need factors by focusing sanction, program, and treatment  
14 resources on moderate-risk and high-risk parolees.

15 (6) The office shall provide training to its parole officers on  
16 risk-based supervision strategies, motivational interviewing, cognitive  
17 restructuring, community-based resources, criminal risk factors,  
18 targeting criminal risk factors to reduce recidivism, and proper use of a  
19 matrix of administrative sanctions, custodial sanctions, and rewards  
20 developed pursuant to section 83-1,119. All parole officers employed on  
21 the effective date of this act shall complete the training requirements  
22 set forth in this subsection on or before July 1, 2016. Each parole  
23 officer hired on or after the effective date of this section shall  
24 complete the training requirements set forth in this subsection within  
25 one year after his or her hire date.

26 (7) The office shall provide training for chief parole officers to  
27 become trainers so as to ensure long-term and self-sufficient training  
28 capacity in the state.

29 Sec. 73. (1) This section applies to offenders sentenced to the  
30 custody of the department for a Class I, IA, IB, IC, ID, II, or IIA  
31 felony.

1       (2) The board, in consultation with the department, shall adopt and  
2 promulgate rules and regulations to achieve a reduction in the number of  
3 inmates under the custody of the department who serve their entire  
4 sentence in a correctional facility and are released without supervision.  
5 In order to provide for safe and effective reentry, the rules and  
6 regulations shall provide for a minimum of nine months of supervision and  
7 place priority on providing supervision lengths that enable meaningful  
8 transition periods during which administrative sanctions and community-  
9 based programming and treatment may be delivered for purposes of reducing  
10 recidivism. The rules and regulations shall also provide for the  
11 preparation of an individualized release or reentry plan to prepare  
12 individuals under the department's custody for post-release supervision  
13 and for supervision to be conducted by the Office of Parole  
14 Administration.

15       (3) By February 1, 2016, and by February 1 of each year thereafter,  
16 the board and the department shall submit a report to the Legislature and  
17 the Governor that describes the percentage of offenders sentenced to the  
18 custody of the department and to whom this section applies, who complete  
19 their entire sentence, and who are released with no supervision. The  
20 report shall document characteristics of the individuals released without  
21 supervision, including the highest felony class of conviction, offense  
22 type of conviction, most recent risk assessment, status of the  
23 individualized release or reentry plan, and reasons for the release  
24 without supervision. The report also shall provide recommendations from  
25 the department and board for changes to policy and practice to meet the  
26 goal of achieving a reduction in the number of inmates under the custody  
27 of the department who serve their entire sentence in a correctional  
28 facility and then are released without supervision. The report to the  
29 Legislature shall be submitted electronically.

30       Sec. 74. For purposes of sections 74 to 76 of this act:

31       (1) Administrative supervision means the least intensive level of

1 adult probation supervision;

2 (2) Community-based intervention supervision means the most  
3 intensive level of adult probation supervision that is not specialized  
4 substance abuse supervision;

5 (3) Community-based resource supervision means medium through low  
6 intensity levels of adult probation supervision;

7 (4) Risk and needs assessment means an actuarial tool that has been  
8 validated in Nebraska to determine the likelihood of the probationer or  
9 parolee engaging in future criminal behavior;

10 (5) Serious violation means a violation of the conditions of  
11 supervision other than a noncriminal violation or a substance abuse  
12 violation as defined in section 29-2266; and

13 (6) Specialized substance abuse supervision means an intensive  
14 supervision and treatment program for probationers and parolees with  
15 substance abuse treatment needs.

16 Sec. 75. (1) The Office of Probation Administration shall establish  
17 an evidence-based assessment process that utilizes a risk and needs  
18 assessment to measure criminal risk factors and specific individual needs  
19 at the commencement of a probation term and every six months thereafter.

20 (2) The risk and needs assessment shall be performed by office staff  
21 trained and certified, if certification is available, in the use of the  
22 risk and needs assessment.

23 (3) The office shall test the validity of the risk and needs  
24 assessment at least every five years.

25 (4) The office shall establish:

26 (a) Levels of supervision to include specialized substance abuse  
27 supervision, community-based intervention supervision, community-based  
28 resource supervision, and administrative supervision;

29 (b) Evidence-based criteria for placement and continuation on  
30 community-based intervention supervision, community-based resource  
31 supervision, and administrative supervision, with the most intensive

1 supervision reserved for probationers who are assessed as being at the  
2 highest risk for reoffending; and

3 (c) Criteria for placement of probationers and parolees on  
4 specialized substance abuse supervision, which shall include assessed  
5 risk of reoffending and substance abuse treatment needs, and may exclude  
6 misdemeanor probationers, but the offense for which a probationer was  
7 convicted shall not otherwise be a criterion for placement on specialized  
8 substance abuse supervision.

9 Sec. 76. (1) Except as provided in subsection (3) of this section,  
10 misdemeanor probationers shall be:

11 (a) Transitioned from community-based intervention supervision to  
12 community-based resource supervision after twelve months; and

13 (b) Discharged after six months of community-based resource  
14 supervision if no restitution is owed, and if restitution is owed, the  
15 probationer shall be transitioned from community-based resource  
16 supervision to administrative supervision until restitution is paid or  
17 for the duration of the probation term, whichever is sooner.

18 (2) Except as provided in subsection (3) of this section, felony  
19 probationers shall be:

20 (a) Transitioned from community-based intervention supervision to  
21 community-based resource supervision after eighteen months; and

22 (b) Discharged after twelve months of community-based resource  
23 supervision if no restitution is owed, and if restitution is owed, the  
24 probationer shall be transitioned from community-based resource  
25 supervision to administrative supervision until restitution is paid or  
26 for the duration of the probation term, whichever is sooner.

27 (3) A probation officer, with the approval of his or her chief  
28 probation officer or such chief probation officer's designee, may change  
29 the transition or discharge of a probationer prescribed by subsection (1)  
30 or (2) of this section if:

31 (a) The probationer received a sanction for a serious violation of

1 the conditions of his or her probation within the preceding three hundred  
2 sixty-five days;

3 (b) A written report has been submitted to the sentencing court  
4 outlining a probation violation and a request that formal revocation  
5 proceedings be instituted is pending; or

6 (c) Formal revocation proceedings are pending.

7 (4)(a) Misdemeanor probationers subject to subsection (3) of this  
8 section shall be transitioned from community-based intervention  
9 supervision after a total of eighteen months and discharged after six  
10 months of community-based resource supervision unless the transition or  
11 discharge is changed again pursuant to subsection (3) of this section or  
12 restitution is owed.

13 (b) Felony probationers subject to subsection (3) of this section  
14 shall be transitioned from community-based intervention supervision after  
15 a total of thirty-six months and discharged after twelve months of  
16 community-based resource supervision unless the transition or discharge  
17 is changed again pursuant to subsection (3) of this section or  
18 restitution is owed.

19 (5) Nothing in this section shall prevent the Office of Probation  
20 Administration from transitioning a probationer to a lower supervision  
21 level earlier than the applicable time identified in this section.

22 (6) The office may apply this section to probationers on probation  
23 on the effective date of this act, but the section shall not be construed  
24 to create an entitlement for those probationers to be transitioned.

25 Sec. 77. Section 83-1,119, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 83-1,119 (1) For purposes of this section:

28 (a) Administrative sanction means additional parole requirements  
29 imposed upon a parolee by his or her parole officer, with the full  
30 knowledge and consent of the parolee, designed to hold the parolee  
31 accountable for substance abuse or technical violations of conditions of

1 parole, including, but not limited to:

2 (i) Counseling or reprimand by the adult parole administration of  
3 the department;

4 (ii) Increased supervision contact requirements;

5 (iii) Increased substance abuse testing;

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

8 (v) Imposition of a designated curfew for a period to be determined  
9 by the adult parole administration; and

10 (vi) Travel restrictions to stay within his or her county of  
11 residence or employment unless otherwise permitted by the adult parole  
12 administration;

13 (b) Contract facility means a county jail that contracts with the  
14 Department of Correctional Services to house parolees or other offenders  
15 under the jurisdiction of the department;

16 (c) Substance abuse violation means a parolee's activities or  
17 behaviors associated with the use of chemical substances or related  
18 treatment services resulting in a violation of an original condition of  
19 parole, including:

20 (i) Positive breath test for the consumption of alcohol if the  
21 parolee is required to refrain from alcohol consumption;

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

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

24 (iv) Failure to appear for or complete substance abuse or mental  
25 health treatment evaluations or inpatient or outpatient treatment; and

26 (d) Technical violation means a parolee's activities or behaviors  
27 which create the opportunity for re-offending or diminish the  
28 effectiveness of parole supervision resulting in a violation of an  
29 original condition of parole, including, but not limited to:

30 (i) Moving traffic violations;

31 (ii) Failure to report to his or her parole officer;

1 (iii) Leaving the state without the permission of the Board of  
2 Parole;

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

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

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

8 (vii) Failure to pay fines, court costs, restitution, or any fees  
9 imposed pursuant to section 83-1,107.01 as directed.

10 (2) The Office of Parole Administration shall develop a matrix of  
11 rewards for compliance and positive behaviors and graduated  
12 administrative sanctions and custodial sanctions for use in responding to  
13 and deterring substance abuse violations and technical violations. A  
14 custodial sanction of thirty days in a correctional facility or a  
15 contract facility shall be designated as the most severe response to a  
16 violation in lieu of revocation.

17 (3 2) Whenever a parole officer has reasonable cause to believe that  
18 a parolee has committed or is about to commit a substance abuse violation  
19 or technical violation while on parole, but that the parolee will not  
20 attempt to leave the jurisdiction and will not place lives or property in  
21 danger, the parole officer shall either:

22 (a) Impose one or more administrative sanctions based upon the  
23 parolee's risk level, the severity of the violation, and the parolee's  
24 response to the violation. If administrative sanctions are to be imposed,  
25 the parolee shall acknowledge in writing the nature of the violation and  
26 agree upon the administrative sanction. The parolee has the right to  
27 decline to acknowledge the violation. If he or she declines to  
28 acknowledge the violation, the parole officer shall take action pursuant  
29 to subdivision (3 2)(b) of this section. A copy of the report shall be  
30 submitted to the Board of Parole; or

31 (b) Submit a written report to the Board of Parole, outlining the

1 nature of the parole violation, and request the imposition of a custodial  
2 sanction of thirty days in a correctional facility or a contract  
3 facility. On the basis of the report and such further investigation as  
4 the board may deem appropriate, the board shall determine whether and how  
5 the parolee violated the conditions of parole and may: that formal  
6 revocation proceedings be instituted against the parolee.

7 (i) Dismiss the charge of violation; or

8 (ii) If the board finds a violation justifying a custodial sanction,  
9 issue a warrant if necessary and impose a custodial sanction of thirty  
10 days in a correctional facility or a contract facility.

11 (4 3) Whenever a parole officer has reasonable cause to believe that  
12 a parolee has violated or is about to violate a condition of parole by a  
13 violation other than a substance abuse violation or a technical violation  
14 and the parole officer has reasonable cause to believe that the parolee  
15 will not attempt to leave the jurisdiction and will not place lives or  
16 property in danger, the parole officer shall submit a written report to  
17 the Board of Parole which may, on the basis of such report and such  
18 further investigation as it may deem appropriate:

19 (a) Dismiss the charge of violation;

20 (b) Determine whether the parolee violated the conditions of his or  
21 her parole;

22 (c) Impose a custodial sanction of thirty days in a correctional  
23 facility or a contract facility;

24 (d e) Revoke his or her parole in accordance with the Nebraska  
25 Treatment and Corrections Act; or

26 (e d) Issue a warrant for the arrest of the parolee.

27 (5 4) Whenever a parole officer has reasonable cause to believe that  
28 a parolee has violated or is about to violate a condition of parole and  
29 that the parolee will attempt to leave the jurisdiction or will place  
30 lives or property in danger, the parole officer shall arrest the parolee  
31 without a warrant and call on any peace officer to assist him or her in



1 doing so.

2 (6 5) Whenever a parolee is arrested with or without a warrant, he  
3 or she shall be detained in a local jail or other detention facility.  
4 Immediately after such arrest and detention, the parole officer shall  
5 notify the Board of Parole and submit a written report of the reason for  
6 such arrest. A complete investigation shall be made by the parole  
7 administration and submitted to the board. After prompt consideration of  
8 such written report, the board shall order the parolee's release from  
9 detention or continued confinement to await a final decision on  
10 imposition of a custodial sanction or the revocation of parole.

11 (7 6) The Board of Parole shall adopt and promulgate rules and  
12 regulations necessary to carry out this section.

13 Sec. 78. Section 83-1,122, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 83-1,122 (1) If the board finds that the parolee has engaged in  
16 criminal conduct, ~~used drugs or alcohol, or refused to submit to a drug~~  
17 ~~or alcohol test while on parole,~~ the board may order revocation of the  
18 parolee's parole.

19 (2) If the board finds that the parolee did violate a condition of  
20 parole but is of the opinion that revocation of parole is not  
21 appropriate, the board may order that:

22 (a) The parolee receive a reprimand and warning;

23 (b) Parole supervision and reporting be intensified;

24 (c) Good time granted pursuant to section 83-1,108 be forfeited or  
25 withheld; ~~or~~

26 (d) The parolee serve a custodial sanction of thirty days in a  
27 correctional facility or a contract facility as defined in section  
28 83-1,119; or

29 (e 4) The parolee be required to conform to one or more additional  
30 conditions of parole which may be imposed in accordance with the Nebraska  
31 Treatment and Corrections Act.

1       (3) Cumulative custodial sanctions of thirty days in a correctional  
2 facility or a contract facility under this section and section 83-1,119  
3 shall not exceed sixty days. If a parolee has previously received two  
4 thirty-day custodial sanctions before the current violation, the board  
5 shall either order revocation of the parolee's parole or one or more of  
6 the other sanctions described in subsection (2) of this section.

7       (4) Time spent in custodial sanctions under this section and section  
8 83-1,119 shall be credited to the parolee's sentence.

9       Sec. 79. Section 83-1,135, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       83-1,135 Sections 83-170 to 83-1,135.02 and sections 72 to 76 of  
12 this act 83-1,135 shall be known and may be cited as the Nebraska  
13 Treatment and Corrections Act.

14       Sec. 80. Section 83-1,135.02, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16       83-1,135.02 (1) It is the intent of the Legislature that the  
17 changes made to the Nebraska Treatment and Corrections Act by Laws 2003,  
18 LB 46, with respect to parole eligibility apply to all committed  
19 offenders under sentence and not on parole on May 24, 2003, and to all  
20 persons sentenced on and after such date.

21       (2) It is the intent of the Legislature that the changes made to  
22 sections 29-2266, 29-2281, 83-182.01, 83-183.01, 83-1,119, and 83-1,122  
23 by this legislative bill and sections 72 to 76 of this act apply to all  
24 committed offenders under sentence, on parole, or on probation on the  
25 effective date of this act and to all persons sentenced on and after such  
26 date.

27       Sec. 81. The changes made to the sections listed in this section by  
28 this legislative bill shall not apply to any offense committed prior to  
29 the effective date of this act. Any such offense shall be construed and  
30 punished according to the provisions of law existing at the time the  
31 offense was committed. For purposes of this section, an offense shall be

1 deemed to have been committed prior to the effective date of this act if  
2 any element of the offense occurred prior to such date. The following  
3 sections are subject to this provision: Sections 9-262, 9-352, 9-434,  
4 9-652, 23-135.01, 28-105, 28-106, 28-201, 28-204, 28-305, 28-309,  
5 28-310.01, 28-311, 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03,  
6 28-322.04, 28-323, 28-393, 28-397, 28-504, 28-514, 28-518, 28-519,  
7 28-603, 28-604, 28-611, 28-611.01, 28-620, 28-631, 28-638, 28-639,  
8 28-703, 28-802, 28-813.01, 28-831, 28-912, 28-932, 28-1005, 28-1009,  
9 28-1102, 28-1103, 28-1104, 28-1224, 28-1344, 28-1345, 28-1463.05,  
10 29-1816, 29-2204, 29-2308, 29-4011, 68-1017, 68-1017.01, 71-2228,  
11 71-2229, and 83-1,105.01.

12       Sec. 82. Original sections 9-262, 9-352, 9-434, 9-652, 23-135.01,  
13 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02,  
14 28-322.03, 28-322.04, 28-393, 28-397, 28-514, 28-519, 28-620, 28-703,  
15 28-912, 28-1102, 28-1103, 28-1104, 28-1224, 28-1344, 28-1345, 29-2204.01,  
16 29-2266, 29-2281, 29-2308, 29-3523, 71-2228, 71-2229, 83-182.01,  
17 83-183.01, 83-1,100, 83-1,105.01, 83-1,119, 83-1,122, 83-1,135, and  
18 83-1,135.02, Reissue Revised Statutes of Nebraska, and sections 28-105,  
19 28-106, 28-201, 28-309, 28-311, 28-323, 28-504, 28-518, 28-603, 28-604,  
20 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-802, 28-813.01, 28-831,  
21 28-932, 28-1005, 28-1009, 28-1463.05, 29-1816, 29-2204, 29-2252.01,  
22 29-2262, 29-4011, 43-412, 47-624, 68-1017, and 68-1017.01, Revised  
23 Statutes Cumulative Supplement, 2014, are repealed.

24       Sec. 83. The following section is outright repealed: Section  
25 43-413, Revised Statutes Cumulative Supplement, 2014.