

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 797

Introduced by McDonnell, 5.

Read first time January 04, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
- 2 28-503 and 28-504, Reissue Revised Statutes of Nebraska; to change
- 3 penalty provisions for second and third degree arson; and to repeal
- 4 the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-503, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-503 (1) A person commits arson in the second degree if he or she
4 intentionally damages a building or property contained within a building
5 by starting a fire or causing an explosion or if a fire is started or an
6 explosion is caused in the perpetration of any robbery, burglary, or
7 felony criminal mischief.

8 (2) The following affirmative defenses may be introduced into
9 evidence upon prosecution for a violation of this section:

10 (a) No person other than the accused has a security or proprietary
11 interest in the damaged building, or, if other persons have such
12 interests, all of them consented to his or her conduct; or

13 (b) The accused's sole intent was to destroy or damage the building
14 for a lawful and proper purpose.

15 (3) Arson in the second degree is a Class IIA ~~III~~ felony.

16 Sec. 2. Section 28-504, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 28-504 (1) A person commits arson in the third degree if he or she
19 intentionally sets fire to, burns, causes to be burned, or by the use of
20 any explosive, damages or destroys, or causes to be damaged or destroyed,
21 any property of another person without such other person's consent. Such
22 property shall not be contained within a building and shall not be a
23 building or occupied structure.

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

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

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

31 Sec. 3. Original sections 28-503 and 28-504, Reissue Revised

1 Statutes of Nebraska, are repealed.