

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 141

Introduced by DeBoer, 10; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45;
Dorn, 30; Howard, 9; Hunt, 8; Lathrop, 12; McCollister, 20;
Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7;
Wishart, 27.

Read first time January 11, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-310.01, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to strangulation; to prohibit suffocation; to
- 4 change penalties; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-310.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 28-310.01 (1) A person commits the offense of assault by
4 strangulation or suffocation if the person intentionally, knowingly, or
5 recklessly:

6 (a) Impedes intentionally ~~impedes~~ the normal breathing or
7 circulation of the blood of another person by applying pressure on the
8 throat or neck of the other person; ~~or~~

9 (b) Impedes the normal breathing of another person by covering the
10 mouth or nose of the person; or

11 (c) Otherwise impedes the normal breathing of another person.

12 (2) An offense is committed under this section regardless of whether
13 a visible injury resulted.

14 (3) ~~(2)~~ Except as provided in subsection (4) ~~(3)~~ of this section, a
15 violation of this section ~~strangulation~~ is a Class IIIA felony.

16 (4) A violation of this section ~~(3) Strangulation~~ is a Class IIA
17 felony if:

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

20 (b) The person caused serious bodily injury to the other person
21 while committing the offense; ~~or~~

22 (c) The person has been previously convicted of a violation of this
23 section; or ~~strangulation.~~

24 (d) The offense was committed against a pregnant woman.

25 (5) ~~(4)~~ It is an affirmative defense that an act constituting
26 strangulation or suffocation was the result of a legitimate medical
27 procedure.

28 Sec. 2. Original section 28-310.01, Reissue Revised Statutes of
29 Nebraska, is repealed.