

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 143**

Introduced by Hughes, 44.

Read first time January 11, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit
- 3 throwing or dropping dangerous instruments on motor vehicles; to
- 4 define terms; to harmonize provisions; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section  
4 2 of this act shall be known and may be cited as the Nebraska Criminal  
5 Code.

6 Sec. 2. (1) No person shall knowingly or intentionally throw,  
7 propel, or drop a stone, brick, or other dangerous instrument at a motor  
8 vehicle moving upon a highway. It is a violation of this section  
9 regardless of whether the stone, brick, or other dangerous instrument  
10 strikes such motor vehicle.

11 (2) A person who violates this section is guilty of a crime as  
12 follows:

13 (a) For a first violation:

14 (i) If the violation causes property damage, the violator shall be  
15 guilty of a Class I misdemeanor;

16 (ii) If the violation causes bodily injury to any other person, the  
17 violator shall be guilty of a Class IV felony;

18 (iii) If the violation causes serious bodily injury to any other  
19 person, the violator shall be guilty of a Class IIA felony with a maximum  
20 sentence of no more than ten years' imprisonment;

21 (iv) If the violation causes the death of any other person, the  
22 violator shall be guilty of a Class IIA felony with a maximum sentence of  
23 no more than fifteen years' imprisonment; or

24 (v) For a violation not otherwise described in this subdivision (2)  
25 (a), the person shall be guilty of a Class III misdemeanor; and

26 (b) For a second or subsequent violation:

27 (i) If the violation causes property damage, the violator shall be  
28 guilty of a Class IV felony;

29 (ii) If the violation causes bodily injury to any other person, the  
30 violator shall be guilty of a Class IIIA felony;

31 (iii) If the violation causes serious bodily injury to any other

1 person, the violator shall be guilty of a Class IIA felony with a maximum  
2 sentence of no more than fifteen years' imprisonment;

3 (iv) If the violation causes the death of any other person, the  
4 violator shall be guilty of a Class IIA felony; or

5 (v) For a violation not otherwise described in this subdivision (2)  
6 (b), the person shall be guilty of a Class I misdemeanor.

7 (3) For purposes of this section:

8 (a) Dangerous instrument means any object which, because of its  
9 nature and the manner and intention of its use, is capable of inflicting  
10 bodily injury or causing property damage; and

11 (b) Highway has the same meaning as in section 60-332.

12 Sec. 3. Original section 28-101, Revised Statutes Cumulative  
13 Supplement, 2018, is repealed.