

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 519**

Introduced by Slama, 1; Linehan, 39; Pansing Brooks, 28.

Read first time January 22, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to criminal law; to amend sections 29-110 and
- 2 86-291, Reissue Revised Statutes of Nebraska; to change statutes of
- 3 limitations for prosecution for labor and sex trafficking, labor and
- 4 sex trafficking of a minor, and offenses involving visual depictions
- 5 of sexually explicit conduct and sexually explicit acts; to change
- 6 provisions relating to interception of communications; and to repeal
- 7 the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-110, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be  
4 prosecuted for any felony unless the indictment is found by a grand jury  
5 within three years next after the offense has been done or committed or  
6 unless a complaint for the same is filed before the magistrate within  
7 three years next after the offense has been done or committed and a  
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be  
10 prosecuted, tried, or punished for any misdemeanor or other indictable  
11 offense below the grade of felony or for any fine or forfeiture under any  
12 penal statute unless the suit, information, or indictment for such  
13 offense is instituted or found within one year and six months from the  
14 time of committing the offense or incurring the fine or forfeiture or  
15 within one year for any offense the punishment of which is restricted by  
16 a fine not exceeding one hundred dollars and to imprisonment not  
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be  
19 prosecuted for kidnapping under section 28-313, false imprisonment under  
20 section 28-314 or 28-315, child abuse under section 28-707, pandering  
21 under section 28-802, debauching a minor under section 28-805, or an  
22 offense under section 28-813, ~~28-813.01, or 28-1463.03~~ when the victim is  
23 under sixteen years of age at the time of the offense (a) unless the  
24 indictment for such offense is found by a grand jury within seven years  
25 next after the offense has been committed or within seven years next  
26 after the victim's sixteenth birthday, whichever is later, or (b) unless  
27 a complaint for such offense is filed before the magistrate within seven  
28 years next after the offense has been committed or within seven years  
29 next after the victim's sixteenth birthday, whichever is later, and a  
30 warrant for the arrest of the defendant has been issued.

31 (4) Except as otherwise provided by law, no person shall be

1 prosecuted for labor trafficking or sex trafficking in violation of  
2 subsection (2) or (3) of section 28-831 (a) unless the indictment for  
3 such offense is found by a grand jury within seven years next after the  
4 offense has been committed or within seven years next after the victim's  
5 eighteenth birthday, whichever is later, or (b) unless a complaint for  
6 such offense is filed before the magistrate within seven years next after  
7 the offense has been committed or within seven years next after the  
8 victim's eighteenth birthday, whichever is later, and a warrant for the  
9 arrest of the defendant has been issued.

10 (5) Except as otherwise provided by law, no person shall be  
11 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)  
12 unless the indictment for such offense is found by a grand jury within  
13 seven years next after the offense has been committed or within seven  
14 years next after the victim's eighteenth birthday, whichever is later, or  
15 (b) unless a complaint for such offense is filed before the magistrate  
16 within seven years next after the offense has been committed or within  
17 seven years next after the victim's eighteenth birthday, whichever is  
18 later, and a warrant for the arrest of the defendant has been issued.

19 (6) ~~(4)~~ No person shall be prosecuted for a violation of the  
20 Securities Act of Nebraska under section 8-1117 unless the indictment for  
21 such offense is found by a grand jury within five years next after the  
22 offense has been done or committed or unless a complaint for such offense  
23 is filed before the magistrate within five years next after the offense  
24 has been done or committed and a warrant for the arrest of the defendant  
25 has been issued.

26 (7) ~~(5)~~ No person shall be prosecuted for criminal impersonation  
27 under section 28-638, identity theft under section 28-639, or identity  
28 fraud under section 28-640 unless the indictment for such offense is  
29 found by a grand jury within five years next after the offense has been  
30 done or committed or unless a complaint for such offense is filed before  
31 the magistrate within five years next after the offense has been done or

1 committed and a warrant for the arrest of the defendant has been issued.

2 ~~(8)~~ (6) No person shall be prosecuted for a violation of section  
3 68-1017 if the aggregate value of all funds and other benefits obtained  
4 or attempted to be obtained is five hundred dollars or more unless the  
5 indictment for such offense is found by a grand jury within five years  
6 next after the offense has been done or committed or unless a complaint  
7 for such offense is filed before the magistrate within five years next  
8 after the offense has been done or committed and a warrant for the arrest  
9 of the defendant has been issued.

10 ~~(9)~~ (7) No person shall be prosecuted for knowing and intentional  
11 abuse, neglect, or exploitation of a vulnerable adult or senior adult  
12 under section 28-386 unless the indictment for such offense is found by a  
13 grand jury within six years next after the offense has been done or  
14 committed or unless a complaint for such offense is filed before the  
15 magistrate within six years next after the offense has been done or  
16 committed and a warrant for the arrest of the defendant has been issued.

17 ~~(10)~~ (8) There shall not be any time limitations for prosecution or  
18 punishment for treason, murder, arson, forgery, sexual assault in the  
19 first or second degree under section 28-319 or 28-320, sexual assault of  
20 a child in the second or third degree under section 28-320.01, incest  
21 under section 28-703, ~~or~~ sexual assault of a child in the first degree  
22 under section 28-319.01, labor trafficking of a minor or sex trafficking  
23 of a minor under subsection (1) of section 28-831, or an offense under  
24 section 28-1463.03; nor shall there be any time limitations for  
25 prosecution or punishment for sexual assault in the third degree under  
26 section 28-320 when the victim is under sixteen years of age at the time  
27 of the offense.

28 ~~(11)~~ (9) The time limitations prescribed in this section shall  
29 include all inchoate offenses pursuant to the Nebraska Criminal Code and  
30 compounding a felony pursuant to section 28-301.

31 ~~(12)~~ (10) The time limitations prescribed in this section shall not

1 extend to any person fleeing from justice.

2 (13) ~~(11)~~ When any suit, information, or indictment for any crime or  
3 misdemeanor is limited by any statute to be brought or exhibited within  
4 any other time than is limited by this section, then the suit,  
5 information, or indictment shall be brought or exhibited within the time  
6 limited by such statute.

7 (14) ~~(12)~~ If any suit, information, or indictment is quashed or the  
8 proceedings set aside or reversed on writ of error, the time during the  
9 pendency of such suit, information, or indictment so quashed, set aside,  
10 or reversed shall not be reckoned within this statute so as to bar any  
11 new suit, information, or indictment for the same offense.

12 (15) ~~(13)~~ The changes made to this section by Laws 2004, LB 943,  
13 shall apply to offenses committed prior to April 16, 2004, for which the  
14 statute of limitations has not expired as of such date and to offenses  
15 committed on or after such date.

16 (16) ~~(14)~~ The changes made to this section by Laws 2005, LB 713,  
17 shall apply to offenses committed prior to September 4, 2005, for which  
18 the statute of limitations has not expired as of such date and to  
19 offenses committed on or after such date.

20 (17) ~~(15)~~ The changes made to this section by Laws 2009, LB 97, and  
21 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,  
22 2009, for which the statute of limitations has not expired as of such  
23 date and to offenses committed on or after such date.

24 (18) ~~(16)~~ The changes made to this section by Laws 2010, LB809,  
25 shall apply to offenses committed prior to July 15, 2010, for which the  
26 statute of limitations has not expired as of such date and to offenses  
27 committed on or after such date.

28 (19) ~~(17)~~ The changes made to this section by Laws 2016, LB934,  
29 shall apply to offenses committed prior to April 19, 2016, for which the  
30 statute of limitations has not expired as of such date and to offenses  
31 committed on or after such date.

1           (20) The changes made to this section by this legislative bill shall  
2 apply to offenses committed prior to the effective date of this act for  
3 which the statute of limitations has not expired as of such date and to  
4 offenses committed on or after such date.

5           Sec. 2. Section 86-291, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           86-291 The Attorney General or any county attorney may make  
8 application to any district court of this state for an order authorizing  
9 or approving the interception of wire, electronic, or oral  
10 communications, and such court may grant, subject to sections 86-271 to  
11 86-295, an order authorizing or approving the interception of wire,  
12 electronic, or oral communications by law enforcement officers having  
13 responsibility for the investigation of the offense as to which  
14 application is made, when such interception may provide or has provided  
15 evidence of the commission of the offense of murder, kidnapping, robbery,  
16 bribery, extortion, dealing in narcotic or other dangerous drugs, labor  
17 trafficking or sex trafficking, labor trafficking of a minor or sex  
18 trafficking of a minor, sexual assault of a child or a vulnerable adult,  
19 visual depiction or possessing a visual depiction of sexually explicit  
20 conduct of a child, or child enticement by means of a computer, or any  
21 conspiracy to commit any such offense.

22           At the same time a county attorney first makes application to the  
23 district court for an initial order authorizing or approving the  
24 interception of wire, electronic, or oral communications, the county  
25 attorney shall submit the application to the Attorney General or his or  
26 her designated deputy or assistant. Within twenty-four hours of receipt  
27 by the office of the Attorney General of the application from the county  
28 attorney, the Attorney General or his or her designated deputy or  
29 assistant, as the case may be, shall state to the district court where  
30 the order is sought his or her recommendation as to whether the order  
31 should be granted. The court shall not issue the order until it has

1 received the recommendation or until seventy-two hours after receipt of  
2 the application from the county attorney, whichever is sooner, unless the  
3 court finds exigent circumstances existing which necessitate the  
4 immediate issuance of the order. The court may issue the order and  
5 disregard the recommendation of the Attorney General or his or her  
6 designated deputy or assistant.

7       Sec. 3.    Original sections 29-110 and 86-291, Reissue Revised  
8 Statutes of Nebraska, are repealed.