

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 793

Introduced by Slama, 1.

Read first time January 08, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 68-1017, Reissue Revised Statutes of Nebraska, and section 29-110,
3 Revised Statutes Supplement, 2019; to change penalty and statute of
4 limitation provisions relating to public assistance violations; to
5 harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-110, Revised Statutes Supplement, 2019, 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 when the victim is under sixteen years of
23 age at the time of the offense (a) unless the indictment for such offense
24 is found by a grand jury within seven years next after the offense has
25 been committed or within seven years next after the victim's sixteenth
26 birthday, whichever is later, or (b) unless a complaint for such offense
27 is filed before the magistrate within seven years next after the offense
28 has been committed or within seven years next after the victim's
29 sixteenth birthday, whichever is later, and a warrant for the arrest of
30 the defendant has been issued.

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

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

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

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

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

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

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

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

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

29 (12) The time limitations prescribed in this section shall not
30 extend to any person fleeing from justice.

31 (13) When any suit, information, or indictment for any crime or

1 misdemeanor is limited by any statute to be brought or exhibited within
2 any other time than is limited by this section, then the suit,
3 information, or indictment shall be brought or exhibited within the time
4 limited by such statute.

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

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

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

18 (17) The changes made to this section by Laws 2009, LB 97, and Laws
19 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,
20 for which the statute of limitations has not expired as of such date and
21 to offenses committed on or after such date.

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

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

30 (20) The changes made to this section by Laws 2019, LB519, shall
31 apply to offenses committed prior to September 1, 2019, for which the

1 statute of limitations has not expired as of such date and to offenses
2 committed on or after such date.

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

7 Sec. 2. Section 68-1017, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

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

1 other benefits obtained or attempted to be obtained is one thousand five
2 hundred dollars or more but less than five thousand dollars, the person
3 so convicted shall be guilty of a Class IV felony; or (d) if the
4 aggregate value of all funds and other benefits obtained or attempted to
5 be obtained is five thousand dollars or more, the person so convicted
6 shall be guilty of a Class IIA felony.

7 Sec. 3. Original section 68-1017, Reissue Revised Statutes of
8 Nebraska, and section 29-110, Revised Statutes Supplement, 2019, are
9 repealed.