

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 535

Introduced by Kauth, 31.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 84-941.01, Reissue Revised Statutes of Nebraska, and sections
3 28-101, 28-115, 28-929, 28-929.01, 28-929.02, 28-930, 28-931,
4 28-934, 28-1351, 28-1354, and 29-2221, Revised Statutes Cumulative
5 Supplement, 2024; to prohibit assault on a frontline behavioral
6 health provider or health care worker; to change and eliminate
7 provisions and penalties relating to offenses involving assault on
8 an officer, emergency responder, certain employees, or a health care
9 professional; to define and redefine terms; to harmonize provisions;
10 to repeal the original sections; and to outright repeal section
11 28-931.01, Revised Statutes Cumulative Supplement, 2024.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
4 and sections 3 to 7 of this act shall be known and may be cited as the
5 Nebraska Criminal Code.

6 **Sec. 2.** Section 28-115, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 28-115 (1) Except as provided in subsection (2) of this section, any
9 person who commits any of the following criminal offenses against a
10 pregnant woman shall be punished by the imposition of the next higher
11 penalty classification than the penalty classification prescribed for the
12 criminal offense:

- 13 (a) Assault in the first degree, section 28-308;
- 14 (b) Assault in the second degree, section 28-309;
- 15 (c) Assault in the third degree, section 28-310;
- 16 (d) Assault by strangulation or suffocation, section 28-310.01;
- 17 (e) Sexual assault in the first degree, section 28-319;
- 18 (f) Sexual assault in the second or third degree, section 28-320;
- 19 (g) Sexual assault of a child in the first degree, section
20 28-319.01;
- 21 (h) Sexual assault of a child in the second or third degree, section
22 28-320.01;
- 23 (i) Sexual abuse of an inmate or parolee in the first degree,
24 section 28-322.02;
- 25 (j) Sexual abuse of an inmate or parolee in the second degree,
26 section 28-322.03;
- 27 (k) Sexual abuse of a protected individual in the first or second
28 degree, section 28-322.04;
- 29 (l) Sexual abuse of a detainee under section 28-322.05;
- 30 (m) Domestic assault in the first, second, or third degree, section
31 28-323;

1 (n) Assault on a public safety officer, health care worker, or
2 frontline behavioral health provider in the first degree, section 4 of
3 this act; an officer, an emergency responder, a state correctional
4 employee, a Department of Health and Human Services employee, or a health
5 care professional in the first degree, section 28-929;

6 (o) Assault on a public safety officer, health care worker, or
7 frontline behavioral health provider in the second degree, section 5 of
8 this act; an officer, an emergency responder, a state correctional
9 employee, a Department of Health and Human Services employee, or a health
10 care professional in the second degree, section 28-930;

11 (p) Assault on a public safety officer, health care worker, or
12 frontline behavioral health provider in the third degree, section 6 of
13 this act; an officer, an emergency responder, a state correctional
14 employee, a Department of Health and Human Services employee, or a health
15 care professional in the third degree, section 28-931;

16 ~~(q) Assault on an officer, an emergency responder, a state~~
17 ~~correctional employee, a Department of Health and Human Services~~
18 ~~employee, or a health care professional using a motor vehicle, section~~
19 ~~28-931.01;~~

20 ~~(q)~~ ~~(r)~~ Assault by a confined person, section 28-932;

21 ~~(r)~~ ~~(s)~~ Confined person committing offenses against another person,
22 section 28-933; and

23 ~~(s)~~ ~~(t)~~ Proximately causing serious bodily injury while operating a
24 motor vehicle, section 60-6,198.

25 (2) The enhancement in subsection (1) of this section does not apply
26 to any criminal offense listed in subsection (1) of this section that is
27 already punishable as a Class I, IA, or IB felony. If any criminal
28 offense listed in subsection (1) of this section is punishable as a Class
29 I misdemeanor, the penalty under this section is a Class IIIA felony.

30 (3) The prosecution shall allege and prove beyond a reasonable doubt
31 that the victim was pregnant at the time of the offense.

1 **Sec. 3.** Section 28-929.01, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 ~~28-929.01~~ For purposes of sections 3 to 7 of this act ~~28-929,~~
4 ~~28-929.02, 28-930, 28-931, and 28-931.01:~~

5 (1) Behavioral health facility means any location where behavioral
6 health services are provided, including, but not limited to, a regional
7 center;

8 (2) Behavioral health services have the same meaning as in section
9 71-804;

10 (3) (1) Emergency care provider means (a) an emergency medical
11 responder; (b) an emergency medical technician; (c) an advanced emergency
12 medical technician; (d) a community paramedic; (e) a critical care
13 paramedic; or (f) a paramedic, as those persons are licensed and
14 classified under the Emergency Medical Services Practice Act;

15 (4) Frontline behavioral health provider means a direct support
16 professional as defined in section 77-3155;

17 (5) (2) Health care ~~worker~~ professional means:

18 (a) A a physician or other health care practitioner who is licensed,
19 certified, or registered to perform specified health services consistent
20 with state law; ~~or who practices at a hospital or a health clinic;~~

21 (b) Any person employed by a health care facility;

22 (6) (3) Health care facility ~~clinic~~ has the definition found in
23 section 71-413, and includes a regional center ~~71-416; and~~

24 ~~(4) Hospital has the definition found in section 71-419.~~

25 (7) Public safety officer means:

26 (a) A peace officer;

27 (b) A probation officer;

28 (c) A firefighter;

29 (d) An emergency care provider;

30 (e) An employee of the Department of Correctional Services; or

31 (f) An employee of the Department of Health and Human Services if

1 the person committing the offense is committed as a dangerous sex
2 offender under the Sex Offender Commitment Act.

3 **Sec. 4.** Section 28-929, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 ~~28-929~~ (1) A person commits the offense of assault on ~~an officer, an~~
6 ~~emergency responder, a state correctional employee, a Department of~~
7 ~~Health and Human Services employee, or a public safety officer, health~~
8 ~~care worker, or frontline behavioral health provider professional~~ in the
9 first degree if such person intentionally or knowingly causes serious
10 bodily injury to a:

11 (a) Public safety officer while such officer is engaged in the
12 performance of the officer's official duties;

13 (b) Health care worker while such worker is on duty at a health care
14 facility; or

15 (c) Frontline behavioral health provider while such person is on
16 duty at a behavioral health facility.

17 ~~(a) He or she intentionally or knowingly causes serious bodily~~
18 ~~injury:~~

19 ~~(i) To a peace officer, a probation officer, a firefighter, an~~
20 ~~emergency care provider, or an employee of the Department of Correctional~~
21 ~~Services;~~

22 ~~(ii) To an employee of the Department of Health and Human Services~~
23 ~~if the person committing the offense is committed as a dangerous sex~~
24 ~~offender under the Sex Offender Commitment Act; or~~

25 ~~(iii) To a health care professional; and~~

26 ~~(b) The offense is committed while such officer, firefighter,~~
27 ~~emergency care provider, or employee is engaged in the performance of his~~
28 ~~or her official duties or while the health care professional is on duty~~
29 ~~at a hospital or a health clinic.~~

30 (2) A violation of this section is Assault on an officer, an
31 emergency responder, a state correctional employee, a Department of

1 ~~Health and Human Services employee, or a health care professional in the~~
2 ~~first degree shall be a Class ID felony.~~

3 **Sec. 5.** Section 28-930, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 ~~28-930~~ (1) A person commits the offense of assault on ~~an officer, an~~
6 ~~emergency responder, a state correctional employee, a Department of~~
7 ~~Health and Human Services employee, or a public safety officer, health~~
8 ~~care worker, or frontline behavioral health provider professional~~ in the
9 second degree if such person:

10 (a) Intentionally, knowingly, or recklessly causes bodily injury to
11 a public safety officer, health care worker, or frontline behavioral
12 health provider with a dangerous instrument; and

13 (b) Such offense is committed while such:

14 (i) Public safety officer is engaged in the performance of the
15 officer's official duties;

16 (ii) Health care worker is on duty at a health care facility; or

17 (iii) Frontline behavioral health provider is on duty at a
18 behavioral health facility.

19 ~~(a) He or she:~~

20 ~~(i) Intentionally or knowingly causes bodily injury with a dangerous~~
21 ~~instrument:~~

22 ~~(A) To a peace officer, a probation officer, a firefighter, an~~
23 ~~emergency care provider, or an employee of the Department of Correctional~~
24 ~~Services;~~

25 ~~(B) To an employee of the Department of Health and Human Services if~~
26 ~~the person committing the offense is committed as a dangerous sex~~
27 ~~offender under the Sex Offender Commitment Act; or~~

28 ~~(C) To a health care professional; or~~

29 ~~(ii) Recklessly causes bodily injury with a dangerous instrument:~~

30 ~~(A) To a peace officer, a probation officer, a firefighter, an~~
31 ~~emergency care provider, or an employee of the Department of Correctional~~

1 Services;

2 ~~(B) To an employee of the Department of Health and Human Services if~~
3 ~~the person committing the offense is committed as a dangerous sex~~
4 ~~offender under the Sex Offender Commitment Act; or~~

5 ~~(C) To a health care professional; and~~

6 ~~(b) The offense is committed while such officer, firefighter,~~
7 ~~emergency care provider, or employee is engaged in the performance of his~~
8 ~~or her official duties or while the health care professional is on duty~~
9 ~~at a hospital or a health clinic.~~

10 ~~(2) A violation of this section is Assault on an officer, an~~
11 ~~emergency responder, a state correctional employee, a Department of~~
12 ~~Health and Human Services employee, or a health care professional in the~~
13 ~~second degree shall be a Class II felony.~~

14 **Sec. 6.** Section 28-931, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 ~~28-931~~ (1) A person commits the offense of assault on ~~an officer, an~~
17 ~~emergency responder, a state correctional employee, a Department of~~
18 ~~Health and Human Services employee, or a public safety officer, health~~
19 ~~care worker, or frontline behavioral health provider professional in the~~
20 ~~third degree if such person intentionally, knowingly, or recklessly~~
21 ~~causes bodily injury to a:~~

22 ~~(a) Public safety officer while such officer is engaged in the~~
23 ~~performance of the officer's official duties;~~

24 ~~(b) Health care worker while such worker is on duty at a health care~~
25 ~~facility; or~~

26 ~~(c) Frontline behavioral health provider while such person is on~~
27 ~~duty at a behavioral health facility.~~

28 ~~(a) He or she intentionally, knowingly, or recklessly causes bodily~~
29 ~~injury;~~

30 ~~(i) To a peace officer, a probation officer, a firefighter, an~~
31 ~~emergency care provider, or an employee of the Department of Correctional~~

1 Services;

2 ~~(ii) To an employee of the Department of Health and Human Services~~
3 ~~if the person committing the offense is committed as a dangerous sex~~
4 ~~offender under the Sex Offender Commitment Act; or~~

5 ~~(iii) To a health care professional; and~~

6 ~~(b) The offense is committed while such officer, firefighter,~~
7 ~~emergency care provider, or employee is engaged in the performance of his~~
8 ~~or her official duties or while the health care professional is on duty~~
9 ~~at a hospital or a health clinic.~~

10 ~~(2) A violation of this section is Assault on an officer, an~~
11 ~~emergency responder, a state correctional employee, a Department of~~
12 ~~Health and Human Services employee, or a health care professional in the~~
13 ~~third degree shall be a Class IIIA felony.~~

14 **Sec. 7.** Section 28-934, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 ~~28-934 (1) A person commits an offense if such person:~~

17 ~~(a) Knowingly or intentionally strikes a public safety officer,~~
18 ~~health care worker, or frontline behavioral health provider with a bodily~~
19 ~~fluid; and~~

20 ~~(b) Such offense is committed while such:~~

21 ~~(i) Public safety officer is engaged in the performance of the~~
22 ~~officer's official duties;~~

23 ~~(ii) Health care worker is on duty at a health care facility; or~~

24 ~~(iii) Frontline behavioral health provider is on duty at a~~
25 ~~behavioral health facility.~~

26 ~~(1) Any person who knowingly and intentionally strikes any public~~
27 ~~safety officer with any bodily fluid is guilty of assault with a bodily~~
28 ~~fluid against a public safety officer.~~

29 ~~(2) Except as provided in subsection (3) of this section, a~~
30 ~~violation of this section assault with a bodily fluid against a public~~
31 ~~safety officer is a Class I misdemeanor.~~

1 (3) ~~A violation of this section Assault with a bodily fluid against~~
2 ~~a public safety officer~~ is a Class IIIA felony if the person committing
3 the offense strikes with a bodily fluid the eyes, mouth, or skin of a
4 public safety officer, health care worker, or frontline behavioral health
5 provider and knew the source of the bodily fluid was infected with the
6 human immunodeficiency virus, hepatitis B, or hepatitis C at the time the
7 offense was committed.

8 (4) Upon a showing of probable cause by affidavit to a judge of this
9 state that an offense under ~~as defined in subsection (1) of~~ this section
10 has been committed and that identifies the probable source of the bodily
11 fluid or bodily fluids used to commit the offense, the judge shall grant
12 an order or issue a search warrant authorizing the collection of any
13 evidence, including any bodily fluid or medical records or the
14 performance of any medical or scientific testing or analysis, that may
15 assist with the determination of whether or not the person committing the
16 offense or the person from whom the person committing the offense
17 obtained the bodily fluid or bodily fluids is infected with the human
18 immunodeficiency virus, hepatitis B, or hepatitis C.

19 (5) As used in this section:

20 (a) Bodily fluid means any naturally produced secretion or waste
21 product generated by the human body and shall include, but not be limited
22 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
23 fluid, or feces; and

24 (b) Public safety officer has the same meaning as in section 3 of
25 this act, but as used in this section, also includes an employee of a:
26 ~~includes any of the following persons who are engaged in the performance~~
27 ~~of their official duties at the time of the offense: A peace officer; a~~
28 ~~probation officer; a firefighter; an emergency care provider as defined~~
29 ~~in section 28-929.01; a health care professional as defined in section~~
30 ~~28-929.01; an employee of a county,~~

31 (i) County, city, or village jail; an employee of the Department of

1 ~~Correctional Services; an employee of the secure~~
2 ~~(ii) Secure youth confinement facility operated by the Department of~~
3 ~~Correctional Services, if the person committing the offense is committed~~
4 ~~to such facility; or~~
5 ~~(iii) Youth rehabilitation and treatment center. an employee of a~~
6 ~~youth rehabilitation and treatment center; or an employee of the~~
7 ~~Department of Health and Human Services if the person committing the~~
8 ~~offense is committed as a dangerous sex offender under the Sex Offender~~
9 ~~Commitment Act.~~

10 **Sec. 8.** Section 28-929.02, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 ~~28-929.02 (1) Every hospital and health care facility clinic~~ shall
13 display at all times in a prominent place a printed sign with a minimum
14 height of twenty inches and a minimum width of fourteen inches, with each
15 letter to be a minimum of one-fourth inch in height, which shall read as
16 follows:

17 WARNING: ASSAULTING A HEALTH CARE WORKER PROFESSIONAL WHO IS ENGAGED
18 IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A
19 HEALTH CARE WORKER PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME
20 WHICH MAY BE PUNISHABLE AS A FELONY.

21 (2) Every behavioral health facility shall display at all times in a
22 prominent place a printed sign with a minimum height of twenty inches and
23 a minimum width of fourteen inches, with each letter to be a minimum of
24 one-fourth inch in height, which shall read as follows:

25 WARNING: ASSAULTING A FRONTLINE BEHAVIORAL HEALTH PROVIDER WHO IS
26 ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING
27 STRIKING A FRONTLINE BEHAVIORAL HEALTH PROVIDER WITH ANY BODILY FLUID, IS
28 A SERIOUS CRIME WHICH MAY BE PUNISHABLE AS A FELONY.

29 **Sec. 9.** Section 28-1351, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 28-1351 (1) A person commits the offense of unlawful membership

1 recruitment into an organization or association when he or she knowingly
2 and intentionally coerces, intimidates, threatens, or inflicts bodily
3 harm upon another person in order to entice that other person to join or
4 prevent that other person from leaving any organization, group,
5 enterprise, or association whose members, individually or collectively,
6 engage in or have engaged in any of the following criminal acts for the
7 benefit of, at the direction of, or on behalf of the organization, group,
8 enterprise, or association or any of its members:

9 (a) Robbery under section 28-324;

10 (b) Arson in the first, second, or third degree under section
11 28-502, 28-503, or 28-504, respectively;

12 (c) Burglary under section 28-507;

13 (d) Murder in the first degree, murder in the second degree, or
14 manslaughter under section 28-303, 28-304, or 28-305, respectively;

15 (e) Violations of the Uniform Controlled Substances Act that involve
16 possession with intent to deliver, distribution, delivery, or manufacture
17 of a controlled substance;

18 (f) Unlawful use, possession, or discharge of a firearm or other
19 deadly weapon under sections 28-1201 to 28-1212.04;

20 (g) Assault in the first degree or assault in the second degree
21 under section 28-308 or 28-309, respectively;

22 (h) Assault on ~~an officer, an emergency responder, a state~~
23 ~~correctional employee, a Department of Health and Human Services~~
24 ~~employee, or a public safety officer, health care worker, or frontline~~
25 behavioral health provider professional in the first, second, or third
26 degree under section 4, 5, or 6 of this act 28-929, 28-930, or 28-931,
27 ~~respectively, or assault on an officer, an emergency responder, a state~~
28 ~~correctional employee, a Department of Health and Human Services~~
29 ~~employee, or a health care professional using a motor vehicle under~~
30 ~~section 28-931.01;~~

31 (i) Theft by unlawful taking or disposition under section 28-511;

- 1 (j) Theft by receiving stolen property under section 28-517;
- 2 (k) Theft by deception under section 28-512;
- 3 (l) Theft by extortion under section 28-513;
- 4 (m) Kidnapping under section 28-313;
- 5 (n) Any forgery offense under sections 28-602 to 28-605;
- 6 (o) Criminal impersonation under section 28-638;
- 7 (p) Tampering with a publicly exhibited contest under section
8 28-614;
- 9 (q) Unauthorized use of a financial transaction device or criminal
10 possession of a financial transaction device under section 28-620 or
11 28-621, respectively;
- 12 (r) Pandering under section 28-802;
- 13 (s) Bribery, bribery of a witness, or bribery of a juror under
14 section 28-917, 28-918, or 28-920, respectively;
- 15 (t) Tampering with a witness or an informant or jury tampering under
16 section 28-919;
- 17 (u) Unauthorized application of graffiti under section 28-524;
- 18 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
19 against another under section 28-1005; or
- 20 (w) Promoting gambling in the first degree under section 28-1102.
- 21 (2) Unlawful membership recruitment into an organization or
22 association is a Class IV felony.

23 **Sec. 10.** Section 28-1354, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 28-1354 For purposes of the Public Protection Act:

26 (1) Enterprise means any individual, sole proprietorship,
27 partnership, corporation, trust, association, or any legal entity, union,
28 or group of individuals associated in fact although not a legal entity,
29 and shall include illicit as well as licit enterprises as well as other
30 entities;

31 (2) Pattern of racketeering activity means a cumulative loss for one

1 or more victims or gains for the enterprise of not less than one thousand
2 five hundred dollars resulting from at least two acts of racketeering
3 activity, one of which occurred after August 30, 2009, and the last of
4 which occurred within ten years, excluding any period of imprisonment,
5 after the commission of a prior act of racketeering activity;

6 (3) Until January 1, 2017, person means any individual or entity, as
7 defined in section 21-2014, holding or capable of holding a legal,
8 equitable, or beneficial interest in property. Beginning January 1, 2017,
9 person means any individual or entity, as defined in section 21-214,
10 holding or capable of holding a legal, equitable, or beneficial interest
11 in property;

12 (4) Prosecutor includes the Attorney General of the State of
13 Nebraska, the deputy attorney general, assistant attorneys general, a
14 county attorney, a deputy county attorney, or any person so designated by
15 the Attorney General, a county attorney, or a court of the state to carry
16 out the powers conferred by the act;

17 (5) Racketeering activity includes the commission of, criminal
18 attempt to commit, conspiracy to commit, aiding and abetting in the
19 commission of, aiding in the consummation of, acting as an accessory to
20 the commission of, or the solicitation, coercion, or intimidation of
21 another to commit or aid in the commission of any of the following:

22 (a) Offenses against the person which include: Murder in the first
23 degree under section 28-303; murder in the second degree under section
24 28-304; manslaughter under section 28-305; assault in the first degree
25 under section 28-308; assault in the second degree under section 28-309;
26 assault in the third degree under section 28-310; terroristic threats
27 under section 28-311.01; kidnapping under section 28-313; false
28 imprisonment in the first degree under section 28-314; false imprisonment
29 in the second degree under section 28-315; sexual assault in the first
30 degree under section 28-319; and robbery under section 28-324;

31 (b) Offenses relating to controlled substances which include: To

1 unlawfully manufacture, distribute, deliver, dispense, or possess with
2 intent to manufacture, distribute, deliver, or dispense a controlled
3 substance under subsection (1) of section 28-416; possession of marijuana
4 weighing more than one pound under subsection (12) of section 28-416;
5 possession of money used or intended to be used to facilitate a violation
6 of subsection (1) of section 28-416 prohibited under subsection (17) of
7 section 28-416; any violation of section 28-418; to unlawfully
8 manufacture, distribute, deliver, or possess with intent to distribute or
9 deliver an imitation controlled substance under section 28-445;
10 possession of anhydrous ammonia with the intent to manufacture
11 methamphetamine under section 28-451; and possession of ephedrine,
12 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
13 methamphetamine under section 28-452;

14 (c) Offenses against property which include: Arson in the first
15 degree under section 28-502; arson in the second degree under section
16 28-503; arson in the third degree under section 28-504; burglary under
17 section 28-507; theft by unlawful taking or disposition under section
18 28-511; theft by shoplifting under section 28-511.01; theft by deception
19 under section 28-512; theft by extortion under section 28-513; theft of
20 services under section 28-515; theft by receiving stolen property under
21 section 28-517; criminal mischief under section 28-519; and unlawfully
22 depriving or obtaining property or services using a computer under
23 section 28-1344;

24 (d) Offenses involving fraud which include: Burning to defraud an
25 insurer under section 28-505; forgery in the first degree under section
26 28-602; forgery in the second degree under section 28-603; criminal
27 possession of a forged instrument under section 28-604; criminal
28 possession of written instrument forgery devices under section 28-605;
29 criminal impersonation under section 28-638; identity theft under section
30 28-639; identity fraud under section 28-640; false statement or book
31 entry under section 28-612; tampering with a publicly exhibited contest

1 under section 28-614; issuing a false financial statement for purposes of
2 obtaining a financial transaction device under section 28-619;
3 unauthorized use of a financial transaction device under section 28-620;
4 criminal possession of a financial transaction device under section
5 28-621; unlawful circulation of a financial transaction device in the
6 first degree under section 28-622; unlawful circulation of a financial
7 transaction device in the second degree under section 28-623; criminal
8 possession of a blank financial transaction device under section 28-624;
9 criminal sale of a blank financial transaction device under section
10 28-625; criminal possession of a financial transaction forgery device
11 under section 28-626; unlawful manufacture of a financial transaction
12 device under section 28-627; laundering of sales forms under section
13 28-628; unlawful acquisition of sales form processing services under
14 section 28-629; unlawful factoring of a financial transaction device
15 under section 28-630; and fraudulent insurance acts under section 28-631;

16 (e) Offenses involving governmental operations which include: Abuse
17 of public records under section 28-911; perjury or subornation of perjury
18 under section 28-915; bribery under section 28-917; bribery of a witness
19 under section 28-918; tampering with a witness or informant or jury
20 tampering under section 28-919; bribery of a juror under section 28-920;
21 assault on a public safety officer, health care worker, or frontline
22 behavioral health provider in the first degree under section 4 of this
23 act; assault on a public safety officer, health care worker, or frontline
24 behavioral health provider in the second degree under section 5 of this
25 act; and assault on a public safety officer, health care worker, or
26 frontline behavioral health provider in the third degree under section 6
27 of this act; assault on an officer, an emergency responder, a state
28 correctional employee, a Department of Health and Human Services
29 employee, or a health care professional in the first degree under section
30 28-929; assault on an officer, an emergency responder, a state
31 correctional employee, a Department of Health and Human Services

1 ~~employee, or a health care professional in the second degree under~~
2 ~~section 28-930; assault on an officer, an emergency responder, a state~~
3 ~~correctional employee, a Department of Health and Human Services~~
4 ~~employee, or a health care professional in the third degree under section~~
5 ~~28-931; and assault on an officer, an emergency responder, a state~~
6 ~~correctional employee, a Department of Health and Human Services~~
7 ~~employee, or a health care professional using a motor vehicle under~~
8 ~~section 28-931.01;~~

9 (f) Offenses involving gambling which include: Promoting gambling in
10 the first degree under section 28-1102; possession of gambling records
11 under section 28-1105; gambling debt collection under section 28-1105.01;
12 and possession of a gambling device under section 28-1107;

13 (g) Offenses relating to firearms, weapons, and explosives which
14 include: Carrying a concealed weapon under section 28-1202;
15 transportation or possession of machine guns, short rifles, or short
16 shotguns under section 28-1203; unlawful possession of a handgun under
17 section 28-1204; unlawful transfer of a firearm to a juvenile under
18 section 28-1204.01; possession of a firearm by a prohibited juvenile
19 offender under section 28-1204.05; using a deadly weapon to commit a
20 felony, possession of a deadly weapon during the commission of a felony,
21 or carrying a firearm or destructive device during the commission of a
22 dangerous misdemeanor under section 28-1205; possession of a deadly
23 weapon by a prohibited person under section 28-1206; possession of a
24 defaced firearm under section 28-1207; defacing a firearm under section
25 28-1208; unlawful discharge of a firearm under section 28-1212.02;
26 possession, receipt, retention, or disposition of a stolen firearm under
27 section 28-1212.03; unlawful possession of explosive materials in the
28 first degree under section 28-1215; unlawful possession of explosive
29 materials in the second degree under section 28-1216; unlawful sale of
30 explosives under section 28-1217; use of explosives without a permit
31 under section 28-1218; obtaining an explosives permit through false

1 representations under section 28-1219; possession of a destructive device
2 under section 28-1220; threatening the use of explosives or placing a
3 false bomb under section 28-1221; using explosives to commit a felony
4 under section 28-1222; using explosives to damage or destroy property
5 under section 28-1223; and using explosives to kill or injure any person
6 under section 28-1224;

7 (h) Any violation of the Securities Act of Nebraska pursuant to
8 section 8-1117;

9 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
10 section 77-2713;

11 (j) Offenses relating to public health and morals which include:
12 Prostitution under section 28-801; pandering under section 28-802;
13 keeping a place of prostitution under section 28-804; labor trafficking,
14 sex trafficking, labor trafficking of a minor, or sex trafficking of a
15 minor under section 28-831; a violation of section 28-1005; and any act
16 relating to the visual depiction of sexually explicit conduct prohibited
17 in the Child Pornography Prevention Act; and

18 (k) A violation of the Computer Crimes Act;

19 (6) State means the State of Nebraska or any political subdivision
20 or any department, agency, or instrumentality thereof; and

21 (7) Unlawful debt means a debt of at least one thousand five hundred
22 dollars:

23 (a) Incurred or contracted in gambling activity which was in
24 violation of federal law or the law of the state or which is
25 unenforceable under state or federal law in whole or in part as to
26 principal or interest because of the laws relating to usury; or

27 (b) Which was incurred in connection with the business of gambling
28 in violation of federal law or the law of the state or the business of
29 lending money or a thing of value at a rate usurious under state law if
30 the usurious rate is at least twice the enforceable rate.

31 **Sec. 11.** Section 29-2221, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
3 and committed to prison, in this or any other state or by the United
4 States or once in this state and once at least in any other state or by
5 the United States, for terms of not less than one year each shall, upon
6 conviction of a felony committed in this state, be deemed to be a
7 habitual criminal and shall be punished by imprisonment in a Department
8 of Correctional Services adult correctional facility for a mandatory
9 minimum term of ten years and a maximum term of not more than sixty
10 years, except that:

11 (a) If the felony committed is in violation of section 28-303,
12 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, ~~28-929~~, or 28-1222 or
13 section 4 of this act, and at least one of the habitual criminal's prior
14 felony convictions was for a violation of one of the sections listed in
15 this subdivision or of a similar statute in another state or of the
16 United States, the mandatory minimum term shall be twenty-five years and
17 the maximum term not more than sixty years;

18 (b) If the felony committed is in violation of subsection (3) of
19 section 28-306 and at least one of the prior convictions is in violation
20 of subsection (3) of section 28-306 and the other is in violation of one
21 of the sections set forth in subdivision (a) of this subsection or if the
22 felony committed is in violation of one of the sections set forth in
23 subdivision (a) of this subsection and both of the prior convictions are
24 in violation of subsection (3) of section 28-306, the mandatory minimum
25 term shall be twenty-five years and the maximum term not more than sixty
26 years;

27 (c) If the felony committed and at least one of the prior felony
28 convictions do not involve sexual contact, sexual penetration, the threat
29 to inflict serious bodily injury or death on another person, the
30 infliction of serious bodily injury on another person, a deadly or
31 dangerous weapon, or a firearm, the mandatory minimum term shall be three

1 years and the maximum term not more than the maximum term for the felony
2 committed or twenty years, whichever is greater. For this subdivision (1)
3 (c) to apply, no prior felony conviction may be a violation described in
4 subdivision (1)(a) of this section; and

5 (d) If a greater punishment is otherwise provided by statute, the
6 law creating the greater punishment shall govern.

7 (2) When punishment of an accused as a habitual criminal is sought,
8 the facts with reference thereto shall be charged in the indictment or
9 information which contains the charge of the felony upon which the
10 accused is prosecuted, but the fact that the accused is charged with
11 being a habitual criminal shall not be an issue upon the trial of the
12 felony charge and shall not in any manner be disclosed to the jury. If
13 the accused is convicted of a felony, before sentence is imposed a
14 hearing shall be had before the court alone as to whether such person has
15 been previously convicted of prior felonies. The court shall fix a time
16 for the hearing and notice thereof shall be given to the accused at least
17 three days prior thereto. At the hearing, if the court finds from the
18 evidence submitted that the accused has been convicted two or more times
19 of felonies and sentences imposed therefor by the courts of this or any
20 other state or by the United States, the court shall sentence such person
21 so convicted as a habitual criminal.

22 (3) If the person so convicted shows to the satisfaction of the
23 court before which the conviction was had that he or she was released
24 from imprisonment upon either of such sentences upon a pardon granted for
25 the reason that he or she was innocent, such conviction and sentence
26 shall not be considered as such under this section and section 29-2222.

27 **Sec. 12.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 84-941.01 Potentially disqualifying conviction includes a conviction
30 for:

31 (1) Criminal attempt as provided in section 28-201, conspiracy as

- 1 provided in section 28-202, or aiding and abetting as provided in section
2 28-206, to commit an offense listed in this section;
- 3 (2) Murder as provided in sections 28-303 or 28-304;
- 4 (3) Manslaughter as provided in section 28-305;
- 5 (4) Motor vehicle homicide as provided in section 28-306;
- 6 (5) Assault in the first or second degree as provided in sections
7 28-308 and 28-309;
- 8 (6) Terroristic threats as provided in section 28-311.01;
- 9 (7) Stalking as provided in section 28-311.03;
- 10 (8) Kidnapping as provided in section 28-313;
- 11 (9) False imprisonment as provided in sections 28-314 and 28-315;
- 12 (10) A sexual act subject to criminal penalties as provided in
13 sections 28-317 to 28-322.05;
- 14 (11) Domestic assault as provided in section 28-323;
- 15 (12) Robbery as provided in section 28-324;
- 16 (13) Arson as provided in sections 28-502, 28-503, and 28-504;
- 17 (14) Fraud subject to criminal penalties as provided in sections
18 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- 19 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
20 28-515;
- 21 (16) Forgery as provided in sections 28-602 and 28-603;
- 22 (17) Incest as provided in section 28-703;
- 23 (18) Child abuse as provided in section 28-707;
- 24 (19) Human trafficking, labor trafficking, sex trafficking, labor
25 trafficking of a minor, or sex trafficking of a minor as provided in
26 section 28-831;
- 27 (20) False reporting as provided in section 28-907;
- 28 (21) Perjury as provided in section 28-915;
- 29 (22) Assault on a public safety officer, health care worker, or
30 frontline behavioral health provider in the first degree, section 4 of
31 this act; an officer, an emergency responder, certain employees, or a

1 ~~health care professional in the first degree as provided in section~~
2 ~~28-929;~~

3 (23) ~~Assault on a public safety officer, health care worker, or~~
4 ~~frontline behavioral health provider in the second degree, section 5 of~~
5 ~~this act; an officer, an emergency responder, certain employees, or a~~
6 ~~health care professional in the second degree as provided in section~~
7 ~~28-930;~~

8 (24) ~~Assault on a public safety officer, health care worker, or~~
9 ~~frontline behavioral health provider in the third degree, section 6 of~~
10 ~~this act; an officer, an emergency responder, certain employees, or a~~
11 ~~health care professional in the third degree as provided in section~~
12 ~~28-931;~~

13 ~~(25) Assault on an officer, an emergency responder, certain~~
14 ~~employees, or a health care professional using a motor vehicle as~~
15 ~~provided in section 28-931.01;~~

16 (25) ~~(26)~~ An offense that has as an element the threat to inflict
17 serious bodily injury as defined in section 28-109 or death on another
18 person, the intentional infliction of serious bodily injury as defined in
19 section 28-109 on another person, or intentionally causing the death of
20 another person;

21 (26) ~~(27)~~ An offense for which registration is required under the
22 Sex Offender Registration Act; or

23 (27) ~~(28)~~ Any offense under the laws of another jurisdiction that is
24 substantially equivalent to any of the offenses listed in this section.

25 **Sec. 13.** Original section 84-941.01, Reissue Revised Statutes of
26 Nebraska, and sections 28-101, 28-115, 28-929, 28-929.01, 28-929.02,
27 28-930, 28-931, 28-934, 28-1351, 28-1354, and 29-2221, Revised Statutes
28 Cumulative Supplement, 2024, are repealed.

29 **Sec. 14.** The following section is outright repealed: Section
30 28-931.01, Revised Statutes Cumulative Supplement, 2024.