

E AND R AMENDMENTS TO LB 605

Introduced by Hansen, 26, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Section 9-262, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           9-262 (1) Except when another penalty is specifically provided, any  
6 person, licensee, or permittee, or employee or agent thereof, who  
7 violates any provision of the Nebraska Bingo Act, or who causes, aids,  
8 abets, or conspires with another to cause any person, licensee, or  
9 permittee, or any employee or agent thereof, to violate the act, shall be  
10 guilty of a Class I misdemeanor for the first offense and a Class IV  
11 felony for any second or subsequent violation. Any licensee guilty of  
12 violating any provision of the act more than once in a twelve-month  
13 period may have its license canceled or revoked.

14           (2) Each of the following violations of the Nebraska Bingo Act shall  
15 be a Class IV felony:

16           (a) Giving, providing, or offering to give or provide, directly or  
17 indirectly, to any public official, employee, or agent of this state, or  
18 any agencies or political subdivisions of the state, any compensation or  
19 reward or share of the money for property paid or received through  
20 gambling activities regulated under Chapter 9 in consideration for  
21 obtaining any license, authorization, permission, or privilege to  
22 participate in any gaming operation except as authorized by the Nebraska  
23 Bingo Act or any rules or regulations adopted and promulgated pursuant to  
24 such act;

25           ~~(b) Intentionally employing or possessing any device to facilitate~~  
26 ~~cheating in a bingo game or using any fraudulent scheme or technique in~~  
27 ~~connection with any bingo game when the amount gained or intended to be~~

1 ~~gained through the use of such items, schemes, or techniques is three~~  
2 ~~hundred dollars or more;~~

3 (b e) Knowingly filing a false report under the Nebraska Bingo Act;  
4 or

5 (c d) Knowingly falsifying or making any false entry in any books or  
6 records with respect to any transaction connected with the conduct of  
7 bingo activity.

8 (3) Intentionally employing or possessing any device to facilitate  
9 cheating in a bingo game or using any fraudulent scheme or technique in  
10 connection with any bingo game is a violation of the Nebraska Bingo Act.  
11 The offense is a:

12 (a) Class II misdemeanor when the amount gained or intended to be  
13 gained through the use of such items, schemes, or techniques is less than  
14 five hundred dollars;

15 (b) Class I misdemeanor when the amount gained or intended to be  
16 gained through the use of such items, schemes, or techniques is five  
17 hundred dollars or more but less than one thousand five hundred dollars;  
18 and

19 (c) Class IV felony when the amount gained or intended to be gained  
20 through the use of such items, schemes, or techniques is one thousand  
21 five hundred dollars or more.

22 (4 3) In all proceedings initiated in any court or otherwise under  
23 the Nebraska Bingo Act, it shall be the duty of the Attorney General and  
24 appropriate county attorney to prosecute and defend all such proceedings.

25 (5 4) The failure to do any act required by or under the Nebraska  
26 Bingo Act shall be deemed an act in part in the principal office of the  
27 department. Any prosecution under such act may be conducted in any county  
28 where the defendant resides or has a place of business or in any county  
29 in which any violation occurred.

30 (6 5) In the enforcement and investigation of any offense committed  
31 under the Nebraska Bingo Act, the department may call to its aid any

1 sheriff, deputy sheriff, or other peace officer in the state.

2 Sec. 2. Section 9-352, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 9-352 (1) Except when another penalty is specifically provided, any  
5 person or licensee, or employee or agent thereof, who violates any  
6 provision of the Nebraska Pickle Card Lottery Act, or who causes, aids,  
7 abets, or conspires with another to cause any person or licensee or any  
8 employee or agent thereof to violate the act, shall be guilty of a Class  
9 I misdemeanor for the first offense and a Class IV felony for any second  
10 or subsequent violation. Any licensee guilty of violating any provision  
11 of the act more than once in a twelve-month period may have its license  
12 canceled or revoked. Such matters may also be referred to any other state  
13 licensing agencies for appropriate action.

14 (2) Each of the following violations of the Nebraska Pickle Card  
15 Lottery Act shall be a Class IV felony:

16 (a) Giving, providing, or offering to give or provide, directly or  
17 indirectly, to any public official, employee, or agent of this state, or  
18 any agencies or political subdivisions of this state, any compensation or  
19 reward or share of the money for property paid or received through  
20 gambling activities regulated under Chapter 9 in consideration for  
21 obtaining any license, authorization, permission, or privilege to  
22 participate in any gaming operations except as authorized under Chapter 9  
23 or any rules and regulations adopted and promulgated pursuant to such  
24 chapter;

25 (b) Making or receiving payment of a portion of the purchase price  
26 of pickle cards by a seller of pickle cards to a buyer of pickle cards to  
27 induce the purchase of pickle cards or to improperly influence future  
28 purchases of pickle cards;

29 (c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs,  
30 break opens, punchboards, jar tickets, or any other similar card, board,  
31 or ticket or substituting or using any pickle cards, pull tabs, or jar

1 tickets that have been marked or tampered with;

2 ~~(d) Intentionally employing or possessing any device to facilitate~~  
3 ~~cheating in any lottery by the sale of pickle cards or use of any~~  
4 ~~fraudulent scheme or technique in connection with any lottery by the sale~~  
5 ~~of pickle cards when the amount gained or intended to be gained through~~  
6 ~~the use of such items, schemes, or techniques is three hundred dollars or~~  
7 ~~more;~~

8 (d e) Knowingly filing a false report under the Nebraska Pickle Card  
9 Lottery Act;

10 (e f) Knowingly falsifying or making any false entry in any books or  
11 records with respect to any transaction connected with the conduct of a  
12 lottery by the sale of pickle cards; or

13 (f g) Knowingly selling or distributing or knowingly receiving with  
14 intent to sell or distribute pickle cards or pickle card units without  
15 first obtaining a license in accordance with the Nebraska Pickle Card  
16 Lottery Act pursuant to section 9-329, 9-329.03, 9-330, or 9-332.

17 (3) Intentionally employing or possessing any device to facilitate  
18 cheating in any lottery by the sale of pickle cards or use of any  
19 fraudulent scheme or technique in connection with any lottery by the sale  
20 of pickle cards is a violation of the Nebraska Pickle Card Lottery Act.  
21 The offense is a:

22 (a) Class II misdemeanor when the amount gained or intended to be  
23 gained through the use of such items, schemes, or techniques is less than  
24 five hundred dollars;

25 (b) Class I misdemeanor when the amount gained or intended to be  
26 gained through the use of such items, schemes, or techniques is five  
27 hundred dollars or more but less than one thousand five hundred dollars;  
28 and

29 (c) Class IV felony when the amount gained or intended to be gained  
30 through the use of such items, schemes, or techniques is one thousand  
31 five hundred dollars or more.

1           (4 3) In all proceedings initiated in any court or otherwise under  
2 the act, it shall be the duty of the Attorney General and appropriate  
3 county attorney to prosecute and defend all such proceedings.

4           (5 4) The failure to do any act required by or under the Nebraska  
5 Pickle Card Lottery Act shall be deemed an act in part in the principal  
6 office of the department. Any prosecution under such act may be conducted  
7 in any county where the defendant resides or has a place of business or  
8 in any county in which any violation occurred.

9           (6 5) In the enforcement and investigation of any offense committed  
10 under the act, the department may call to its aid any sheriff, deputy  
11 sheriff, or other peace officer in the state.

12           Sec. 3. Section 9-434, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           9-434 (1) Except when another penalty is specifically provided, any  
15 person, licensee, or permittee, or employee or agent thereof, who  
16 violates any provision of the Nebraska Lottery and Raffle Act, or who  
17 causes, aids, abets, or conspires with another to cause any person,  
18 licensee, or permittee or employee or agent thereof to violate the act,  
19 shall be guilty of a Class I misdemeanor for the first offense and a  
20 Class IV felony for any second or subsequent violation. Any licensee  
21 guilty of violating any provision of the act more than once in a twelve-  
22 month period may have its license canceled or revoked.

23           (2) Each of the following violations of the Nebraska Lottery and  
24 Raffle Act shall be a Class IV felony:

25           (a) Giving, providing, or offering to give or provide, directly or  
26 indirectly, to any public official or employee or agent of this state, or  
27 any agencies or political subdivisions of this state, any compensation or  
28 reward or share of the money for property paid or received through  
29 gambling activities authorized under Chapter 9 in consideration for  
30 obtaining any license, authorization, permission, or privileges to  
31 participate in any gaming operations except as authorized under Chapter 9

1 or any rules and regulations adopted and promulgated pursuant to such  
2 chapter; or

3 ~~(b) Intentionally employing or possessing any device to facilitate~~  
4 ~~cheating in any lottery or raffle or using any fraudulent scheme or~~  
5 ~~technique in connection with any lottery or raffle when the amount gained~~  
6 ~~or intended to be gained through the use of items, schemes, or techniques~~  
7 ~~is three hundred dollars or more; or~~

8 (b e) Knowingly filing a false report under the Nebraska Lottery and  
9 Raffle Act.

10 (3) Intentionally employing or possessing any device to facilitate  
11 cheating in any lottery or raffle or using any fraudulent scheme or  
12 technique in connection with any lottery or raffle is a violation of the  
13 Nebraska Lottery and Raffle Act. The offense is a:

14 (a) Class II misdemeanor when the amount gained or intended to be  
15 gained through the use of such items, schemes, or techniques is less than  
16 five hundred dollars;

17 (b) Class I misdemeanor when the amount gained or intended to be  
18 gained through the use of such items, schemes, or techniques is five  
19 hundred dollars or more but less than one thousand five hundred dollars;  
20 and

21 (c) Class IV felony when the amount gained or intended to be gained  
22 through the use of such items, schemes, or techniques is one thousand  
23 five hundred dollars or more.

24 (4 3) In all proceedings initiated in any court or otherwise under  
25 the act, it shall be the duty of the Attorney General and appropriate  
26 county attorney to prosecute and defend all such proceedings.

27 (5 4) The failure to do any act required by or under the Nebraska  
28 Lottery and Raffle Act shall be deemed an act in part in the principal  
29 office of the department. Any prosecution under such act may be conducted  
30 in any county where the defendant resides or has a place of business or  
31 in any county in which any violation occurred.

1           (6 5) In the enforcement and investigation of any offense committed  
2 under the act, the department may call to its aid any sheriff, deputy  
3 sheriff, or other peace officer in the state.

4           Sec. 4. Section 9-652, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6           9-652 (1) Except when another penalty is specifically provided, any  
7 person or licensee, or employee or agent thereof, who knowingly or  
8 intentionally violates any provision of the Nebraska County and City  
9 Lottery Act, or who causes, aids, abets, or conspires with another to  
10 cause any person or licensee or any employee or agent thereof to violate  
11 the act, shall be guilty of a Class I misdemeanor for the first offense  
12 and a Class IV felony for any second or subsequent violation. Any  
13 licensee guilty of violating the act more than once in a twelve-month  
14 period may have its license canceled or revoked.

15           (2) Each of the following violations of the act shall be a Class IV  
16 felony:

17           (a) Giving, providing, or offering to give or provide, directly or  
18 indirectly, to any public official, employee, or agent of this state or  
19 any agencies or political subdivisions of this state any compensation or  
20 reward or share of the money for property paid or received through  
21 gambling activities regulated under the act in consideration for  
22 obtaining any license, authorization, permission, or privilege to  
23 participate in any gaming operations except as authorized under the act  
24 or any rules and regulations adopted and promulgated pursuant to such  
25 act;

26           ~~(b) Intentionally employing or possessing any device to facilitate~~  
27 ~~cheating in any lottery or using any fraudulent scheme or technique in~~  
28 ~~connection with any lottery when the amount gained or intended to be~~  
29 ~~gained through the use of such device, scheme, or technique is three~~  
30 ~~hundred dollars or more;~~

31           (b e) Knowingly filing a false report under the act; or

1           (c d) Knowingly falsifying or making any false entry in any books or  
2 records with respect to any transaction connected with the conduct of a  
3 lottery.

4           (3) Intentionally employing or possessing any device to facilitate  
5 cheating in any lottery or using any fraudulent scheme or technique in  
6 connection with any lottery is a violation of the act. The offense is a:

7           (a) Class II misdemeanor when the amount gained or intended to be  
8 gained through the use of such device, scheme, or technique is less than  
9 five hundred dollars;

10           (b) Class I misdemeanor when the amount gained or intended to be  
11 gained through the use of such device, scheme, or technique is five  
12 hundred dollars or more but less than one thousand five hundred dollars;  
13 and

14           (c) Class IV felony when the amount gained or intended to be gained  
15 through the use of such device, scheme, or technique is one thousand five  
16 hundred dollars or more.

17           (4 3) It shall be the duty of the Attorney General or appropriate  
18 county attorney to prosecute and defend all proceedings initiated in any  
19 court or otherwise under the act.

20           (5 4) The failure to do any act required by or under the Nebraska  
21 County and City Lottery Act shall be deemed an act in part in the  
22 principal office of the department. Any prosecution under such act may be  
23 conducted in any county where the defendant resides or has a place of  
24 business or in any county in which any violation occurred.

25           (6 5) In the enforcement and investigation of any offense committed  
26 under the act, the department may call to its aid any sheriff, deputy  
27 sheriff, or other peace officer in the state.

28           Sec. 5. Section 23-135.01, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30           23-135.01 Whoever files ~~shall file~~ any claim against any county as  
31 provided in section 23-135, knowing the said claim to contain any false



1 statement or representation as to a material fact, or whoever obtains or  
2 receives ~~shall obtain or receive~~ any money or any warrant for money from  
3 any county knowing that the claim therefor was based on a false statement  
4 or representation as to a material fact, if the amount claimed or money  
5 obtained or received, or if the face value of the warrant for money shall  
6 be one thousand five hundred dollars or more, shall be guilty of a Class  
7 IV felony. If the amount is five ~~more than one~~ hundred dollars or more  
8 but less than one thousand five hundred dollars, the person so offending  
9 shall be guilty of a Class II misdemeanor. If the amount is less than  
10 five ~~one~~ hundred dollars, the person so offending shall be guilty of a  
11 Class III misdemeanor.

12 Sec. 6. Section 28-105, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 28-105 (1) For purposes of the Nebraska Criminal Code and any  
15 statute passed by the Legislature after the date of passage of the code,  
16 felonies are divided into ten ~~nine~~ classes which are distinguished from  
17 one another by the following penalties which are authorized upon  
18 conviction:

19 Class I felony	Death
20 Class IA felony	Life imprisonment
21 Class IB felony	Maximum – life imprisonment
22	Minimum – twenty years imprisonment
23 Class IC felony	Maximum – fifty years imprisonment
24	Mandatory minimum – five years imprisonment
25 Class ID felony	Maximum – fifty years imprisonment
26	Mandatory minimum – three years imprisonment
27 Class II felony	Maximum – fifty years imprisonment
28	Minimum – one year imprisonment
29 <u>Class IIA felony</u>	<u>Maximum – twenty years imprisonment</u>
30	<u>Minimum – none</u>

1 Class III felony Maximum – four years imprisonment and two years  
2 post-release supervision or  
3 twenty-five thousand dollars fine, or both  
4 Minimum – none for imprisonment and nine months  
5 post-release supervision if imprisonment is imposed  
6 Class IIIA felony Maximum – three years imprisonment  
7 and eighteen months post-release supervision or  
8 ten thousand dollars fine, or both  
9 Minimum – none for imprisonment and nine months  
10 post-release supervision if imprisonment is imposed  
11 Class IV felony Maximum – two years imprisonment and twelve  
12 months post-release supervision or  
13 ten thousand dollars fine, or both  
14 Minimum – none for imprisonment and nine months  
15 post-release supervision if imprisonment is imposed  
16 ~~Class III felony~~ ~~Maximum – twenty years imprisonment, or~~  
17 ~~twenty-five thousand dollars fine, or both~~  
18 ~~Minimum – one year imprisonment~~  
19 ~~Class IIIA felony~~ ~~Maximum – five years imprisonment, or~~  
20 ~~ten thousand dollars fine, or both~~  
21 ~~Minimum – none~~  
22 ~~Class IV felony~~ ~~Maximum – five years imprisonment, or~~  
23 ~~ten thousand dollars fine, or both~~  
24 ~~Minimum – none~~

25 (2) All sentences of imprisonment for ~~Class IA, IB, IC, ID, II, and~~  
26 ~~III felonies and sentences of one year or more for Class IIIA and IV~~  
27 ~~felonies shall be served in institutions under the jurisdiction of the~~  
28 ~~Department of Correctional Services. All sentences of imprisonment~~  
29 ~~Sentences of less than one year shall be served in the county jail except~~

1 ~~as provided in this subsection. If the department certifies that it has~~  
2 ~~programs and facilities available for persons sentenced to terms of less~~  
3 ~~than one year, the court may order that any sentence of six months or~~  
4 ~~more be served in any institution under the jurisdiction of the~~  
5 ~~department. Any such certification shall be given by the department to~~  
6 ~~the State Court Administrator, who shall forward copies thereof to each~~  
7 ~~judge having jurisdiction to sentence in felony cases.~~

8 (3) Nothing in this section shall limit the authority granted in  
9 sections 29-2221 and 29-2222 to increase sentences for habitual  
10 criminals.

11 (4) A person convicted of a felony for which a mandatory minimum  
12 sentence is prescribed shall not be eligible for probation.

13 (5) All sentences of post-release supervision shall be served under  
14 the jurisdiction of the Office of Probation Administration and shall be  
15 subject to conditions imposed pursuant to section 29-2262 and subject to  
16 sanctions authorized pursuant to section 29-2266.

17 (6) Any person who is sentenced to imprisonment for a Class I, IA,  
18 IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively  
19 to imprisonment for a Class III, IIIA, or IV felony shall not be subject  
20 to post-release supervision pursuant to subsection (1) of this section.

21 Sec. 7. Section 28-106, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 28-106 (1) For purposes of the Nebraska Criminal Code and any  
24 statute passed by the Legislature after the date of passage of the code,  
25 misdemeanors are divided into seven classes which are distinguished from  
26 one another by the following penalties which are authorized upon  
27 conviction:

28 Class I misdemeanor..... Maximum – not more than one year  
29 imprisonment, or one thousand dollars  
30 fine, or both

1 Minimum – none  
2 Class II misdemeanor..... Maximum – six months imprisonment, or  
3 one thousand dollars fine, or both  
4 Minimum – none  
5 Class III misdemeanor..... Maximum – three months imprisonment,  
6 or five hundred dollars fine, or both  
7 Minimum – none  
8 Class IIIA misdemeanor..... Maximum – seven days imprisonment, five  
9 hundred dollars fine, or both  
10 Minimum – none  
11 Class IV misdemeanor..... Maximum – no imprisonment, five hun-  
12 dred dollars fine  
13 Minimum – one hundred dollars fine  
14 Class V misdemeanor..... Maximum – no imprisonment, one hun-  
15 dred dollars fine  
16 Minimum – none  
17 Class W misdemeanor..... Driving under the influence or implied  
18 consent  
19 First conviction  
20 Maximum – sixty days imprisonment and  
21 five hundred dollars fine  
22 Mandatory minimum – seven days  
23 imprisonment and five hundred dollars  
24 fine  
25 Second conviction  
26 Maximum – six months imprisonment and  
27 five hundred dollars fine  
28 Mandatory minimum – thirty days  
29 imprisonment and five hundred dollars

1 fine  
2 Third conviction  
3 Maximum – one year imprisonment and  
4 one thousand dollars fine  
5 Mandatory minimum – ninety days  
6 imprisonment  
7 and one thousand dollars fine

8 (2) Sentences of imprisonment in misdemeanor cases shall be served  
9 in the county jail, except that ~~in the following circumstances the court~~  
10 ~~may, in its discretion, order that~~ such sentences may be served in  
11 institutions under the jurisdiction of the Department of Correctional  
12 Services if ÷

13 ~~(a) If the sentence is for a term of one year upon conviction of a Class~~  
14 ~~I misdemeanor;~~

15 ~~(b) If the sentence is to be served concurrently or consecutively with a~~  
16 ~~term for conviction of a felony and the combined sentences total a term~~  
17 ~~of one year or more. ; or~~

18 ~~(c) If the Department of Correctional Services has certified as~~  
19 ~~provided in section 28-105 as to the availability of facilities and~~  
20 ~~programs for short-term prisoners and the sentence is for a term of six~~  
21 ~~months or more.~~

22 Sec. 8. Section 28-201, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 28-201 (1) A person shall be guilty of an attempt to commit a crime  
25 if he or she:

26 (a) Intentionally engages in conduct which would constitute the  
27 crime if the attendant circumstances were as he or she believes them to  
28 be; or

29 (b) Intentionally engages in conduct which, under the circumstances  
30 as he or she believes them to be, constitutes a substantial step in a

1 course of conduct intended to culminate in his or her commission of the  
2 crime.

3 (2) When causing a particular result is an element of the crime, a  
4 person shall be guilty of an attempt to commit the crime if, acting with  
5 the state of mind required to establish liability with respect to the  
6 attendant circumstances specified in the definition of the crime, he or  
7 she intentionally engages in conduct which is a substantial step in a  
8 course of conduct intended or known to cause such a result.

9 (3) Conduct shall not be considered a substantial step under this  
10 section unless it is strongly corroborative of the defendant's criminal  
11 intent.

12 (4) Criminal attempt is:

13 (a) A Class II felony when the crime attempted is a Class I, IA, IB,  
14 IC, or ID felony;

15 (b) A Class IIA felony when the crime attempted is a Class II  
16 felony;

17 (c) A Class III felony when the crime attempted is a Class IIA  
18 felony;

19 (d) A Class IIIA felony when the crime attempted is sexual assault  
20 in the second degree under section 28-320, a violation of subdivision (2)  
21 (b) of section 28-416, incest under section 28-703, or assault by a  
22 confined person with a deadly or dangerous weapon under section 28-932;

23 (e) A Class IV felony when the crime attempted is a Class III  
24 felony not listed in subdivision (4)(d) of this section;

25 (f) A Class I misdemeanor when the crime attempted is a Class IIIA  
26 or Class IV felony;

27 (g) A Class II misdemeanor when the crime attempted is a Class I  
28 misdemeanor; and

29 (h) A Class III misdemeanor when the crime attempted is a Class II  
30 misdemeanor.

31 Sec. 9. Section 28-204, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-204 (1) A person is guilty of being an accessory to felony if  
3 with intent to interfere with, hinder, delay, or prevent the discovery,  
4 apprehension, prosecution, conviction, or punishment of another for an  
5 offense, he or she:

6 (a) Harbors or conceals the other;

7 (b) Provides or aids in providing a weapon, transportation,  
8 disguise, or other means of effecting escape or avoiding discovery or  
9 apprehension;

10 (c) Conceals or destroys evidence of the crime or tampers with a  
11 witness, informant, document, or other source of information, regardless  
12 of its admissibility in evidence;

13 (d) Warns the other of impending discovery or apprehension other  
14 than in connection with an effort to bring another into compliance with  
15 the law;

16 (e) Volunteers false information to a peace officer; or

17 (f) By force, intimidation, or deception, obstructs anyone in the  
18 performance of any act which might aid in the discovery, detection,  
19 apprehension, prosecution, conviction, or punishment of such person.

20 (2)(a) Accessory to felony is a Class III felony if the actor  
21 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor  
22 knows of the conduct of the other, and the conduct of the other  
23 constitutes a Class I, IA, IB, IC, or ID felony.

24 (b) Accessory to felony is a Class IIIA felony if the actor violates  
25 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of  
26 the conduct of the other, and the conduct of the other constitutes a  
27 Class II or IIA felony.

28 (c) Accessory to felony is a Class IV felony if the actor violates  
29 subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of  
30 the conduct of the other, and the conduct of the other constitutes a  
31 Class III or Class IIIA felony.

1 (d) Accessory to felony is a Class I misdemeanor if the actor  
2 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor  
3 knows of the conduct of the other, and the conduct of the other  
4 constitutes a Class IV felony.

5 (e) Accessory to felony is a Class IV felony if the actor violates  
6 subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of  
7 the conduct of the other, and the conduct of the other constitutes a  
8 felony of any class other than a Class IV felony.

9 (f) Accessory to felony is a Class I misdemeanor if the actor  
10 violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor  
11 knows of the conduct of the other, and the conduct of the other  
12 constitutes a Class IV felony.

13 Sec. 10. Section 28-305, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-305 (1) A person commits manslaughter if he or she kills another  
16 without malice, ~~either~~ upon a sudden quarrel, or causes the death of  
17 another unintentionally while in the commission of an unlawful act.

18 (2) Manslaughter is a Class IIA ~~III~~ felony.

19 Sec. 11. Section 28-306, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 28-306 (1) A person who causes the death of another unintentionally  
22 while engaged in the operation of a motor vehicle in violation of the law  
23 of the State of Nebraska or in violation of any city or village ordinance  
24 commits motor vehicle homicide.

25 (2) Except as provided in subsection (3) of this section, motor  
26 vehicle homicide is a Class I misdemeanor.

27 (3)(a) If the proximate cause of the death of another is the  
28 operation of a motor vehicle in violation of section 60-6,213 or  
29 60-6,214, motor vehicle homicide is a Class IIIA felony.

30 (b) If the proximate cause of the death of another is the operation  
31 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor



1 vehicle homicide is a Class ~~IIA~~ ~~III~~ felony. The court shall, as part of  
2 the judgment of conviction, order the person not to drive any motor  
3 vehicle for any purpose for a period of at least one year and not more  
4 than fifteen years and shall order that the operator's license of such  
5 person be revoked for the same period.

6 (c) If the proximate cause of the death of another is the operation  
7 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor  
8 vehicle homicide is a Class II felony if the defendant has a prior  
9 conviction for a violation of section 60-6,196 or 60-6,197.06, under a  
10 city or village ordinance enacted in conformance with section 60-6,196,  
11 or under a law of another state if, at the time of the conviction under  
12 the law of such other state, the offense for which the defendant was  
13 convicted would have been a violation of section 60-6,196. The court  
14 shall, as part of the judgment of conviction, order the person not to  
15 drive any motor vehicle for any purpose for a period of fifteen years and  
16 shall order that the operator's license of such person be revoked for the  
17 same period.

18 (d) An order of the court described in subdivision (b) or (c) of  
19 this subsection shall be administered upon sentencing, upon final  
20 judgment of any appeal or review, or upon the date that any probation is  
21 revoked.

22 (4) The crime punishable under this section shall be treated as a  
23 separate and distinct offense from any other offense arising out of acts  
24 alleged to have been committed while the person was in violation of this  
25 section.

26 Sec. 12. Section 28-309, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 28-309 (1) A person commits the offense of assault in the second  
29 degree if he or she:

30 (a) Intentionally or knowingly causes bodily injury to another  
31 person with a dangerous instrument;

1 (b) Recklessly causes serious bodily injury to another person with a  
2 dangerous instrument; or

3 (c) Unlawfully strikes or wounds another (i) while legally confined  
4 in a jail or an adult correctional or penal institution, (ii) while  
5 otherwise in legal custody of the Department of Correctional Services, or  
6 (iii) while committed as a dangerous sex offender under the Sex Offender  
7 Commitment Act.

8 (2) Assault in the second degree shall be a Class IIA ~~III~~ felony.

9 Sec. 13. Section 28-310.01, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 28-310.01 (1) A person commits the offense of strangulation if the  
12 person knowingly or intentionally impedes the normal breathing or  
13 circulation of the blood of another person by applying pressure on the  
14 throat or neck of the other person.

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

17 (3) Strangulation is a Class IIA ~~III~~ 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 strangulation.

23 (4) It is an affirmative defense that an act constituting  
24 strangulation was the result of a legitimate medical procedure.

25 Sec. 14. Section 28-311, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 28-311 (1)(a) No person, by any means and without privilege to do  
28 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,  
29 coax, entice, or lure any child under the age of fourteen years to enter  
30 into any vehicle, whether or not the person knows the age of the child.

31 (b) No person, by any means and without privilege to do so, shall

1 solicit, coax, entice, or lure or attempt to solicit, coax, entice, or  
2 lure any child under the age of fourteen years to enter into any place  
3 with the intent to seclude the child from his or her parent, guardian, or  
4 other legal custodian or the general public, whether or not the person  
5 knows the age of the child. For purposes of this subdivision, seclude  
6 means to take, remove, hide, secrete, conceal, isolate, or otherwise  
7 unlawfully separate.

8 (2) It is an affirmative defense to a charge under this section  
9 that:

10 (a) The person had the express or implied permission of the parent,  
11 guardian, or other legal custodian of the child in undertaking the  
12 activity;

13 (b)(i) The person is a law enforcement officer, emergency services  
14 provider as defined in section 71-507, firefighter, or other person who  
15 regularly provides emergency services, is the operator of a bookmobile or  
16 other such vehicle operated by the state or a political subdivision and  
17 used for informing, educating, organizing, or transporting children, is a  
18 paid employee of, or a volunteer for, a nonprofit or religious  
19 organization which provides activities for children, or is an employee or  
20 agent of or a volunteer acting under the direction of any board of  
21 education and (ii) the person listed in subdivision (2)(b)(i) of this  
22 section was, at the time the person undertook the activity, acting within  
23 the scope of his or her lawful duties in that capacity; or

24 (c) The person undertook the activity in response to a bona fide  
25 emergency situation or the person undertook the activity in response to a  
26 reasonable belief that it was necessary to preserve the health, safety,  
27 or welfare of the child.

28 (3) Any person who violates this section commits criminal child  
29 enticement and is guilty of a Class IIIA felony. If such person has  
30 previously been convicted of (a) criminal child enticement under this  
31 section, (b) sexual assault of a child in the first degree under section

1 28-319.01, (c) sexual assault of a child in the second or third degree  
2 under section 28-320.01, (d) child enticement by means of an electronic  
3 communication device under section 28-320.02, or (e) assault under  
4 section 28-308, 28-309, or 28-310, kidnapping under section 28-313, or  
5 false imprisonment under section 28-314 or 28-315 when the victim was  
6 under eighteen years of age when such person violates this section, such  
7 person is guilty of a Class IIA ~~III~~ felony.

8 Sec. 15. Section 28-311.04, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 28-311.04 (1) Except as provided in subsection (2) of this section,  
11 any person convicted of violating section 28-311.03 is guilty of a Class  
12 I misdemeanor.

13 (2) Any person convicted of violating section 28-311.03 is guilty of  
14 a Class IIIA ~~IV~~ felony if:

15 (a) The person has a prior conviction under such section or a  
16 substantially conforming criminal violation within the last seven years;

17 (b) The victim is under sixteen years of age;

18 (c) The person possessed a deadly weapon at any time during the  
19 violation;

20 (d) The person was also in violation of section 28-311.09, 42-924,  
21 or 42-925 at any time during the violation; or

22 (e) The person has been convicted of any felony in this state or has  
23 been convicted of a crime in another jurisdiction which, if committed in  
24 this state, would constitute a felony and the victim or a family or  
25 household member of the victim was also the victim of such previous  
26 felony.

27 Sec. 16. Section 28-311.08, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 28-311.08 (1) It shall be unlawful for any person to knowingly  
30 intrude upon any other person without his or her consent or knowledge in  
31 a place of solitude or seclusion.

1 (2) It shall be unlawful for any person to knowingly photograph,  
2 film, record, or live broadcast an image of the intimate area of any  
3 other person without his or her knowledge and consent when his or her  
4 intimate area would not be generally visible to the public regardless of  
5 whether such other person is located in a public or private place.

6 (3) For purposes of this section:

7 (a) Intimate area means the naked or undergarment-clad genitalia,  
8 pubic area, buttocks, or female breast of an individual;

9 (b) Intrude means either the:

10 (i) Viewing of another person in a state of undress as it is  
11 occurring; or

12 (ii) Recording by video, photographic, digital, or other electronic  
13 means of another person in a state of undress; and

14 (c) Place of solitude or seclusion means a place where a person  
15 would intend to be in a state of undress and have a reasonable  
16 expectation of privacy, including, but not limited to, any facility,  
17 public or private, used as a restroom, tanning booth, locker room, shower  
18 room, fitting room, or dressing room.

19 (4)(a) Violation of this section involving an intrusion as defined  
20 in subdivision (3)(b)(i) of this section or violation under subsection  
21 (2) of this section is a Class I misdemeanor.

22 (b) Subsequent violation of this section involving an intrusion as  
23 defined in subdivision (3)(b)(i) of this section, subsequent violation  
24 under subsection (2) of this section, or violation of this section  
25 involving an intrusion as defined in subdivision (3)(b)(ii) of this  
26 section is a Class IV felony.

27 (c) Violation of this section is a Class ~~III~~ IIA felony if video or  
28 an image recorded in violation of this section is distributed to another  
29 person or otherwise made public in any manner which would enable it to be  
30 viewed by another person.

31 (5) As part of sentencing following a conviction for a violation of

1 this section, the court shall make a finding as to the ages of the  
2 defendant and the victim at the time the offense occurred. If the  
3 defendant is found to have been nineteen years of age or older and the  
4 victim is found to have been less than eighteen years of age at such  
5 time, then the defendant shall be required to register under the Sex  
6 Offender Registration Act.

7 (6) No person shall be prosecuted pursuant to subdivision (4)(b) or  
8 (c) of this section unless the indictment for such offense is found by a  
9 grand jury or a complaint filed before a magistrate within three years  
10 after the later of:

11 (a) The commission of the crime;

12 (b) Law enforcement's or a victim's receipt of actual or  
13 constructive notice of either the existence of a video or other  
14 electronic recording made in violation of this section or the  
15 distribution of images, video, or other electronic recording made in  
16 violation of this section; or

17 (c) The youngest victim of a violation of this section reaching the  
18 age of twenty-one years.

19 Sec. 17. Section 28-320, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 28-320 (1) Any person who subjects another person to sexual contact  
22 (a) without consent of the victim, or (b) who knew or should have known  
23 that the victim was physically or mentally incapable of resisting or  
24 appraising the nature of his or her conduct is guilty of sexual assault  
25 in either the second degree or third degree.

26 (2) Sexual assault shall be in the second degree and is a Class IIA  
27 ~~III~~ felony if the actor shall have caused serious personal injury to the  
28 victim.

29 (3) Sexual assault shall be in the third degree and is a Class I  
30 misdemeanor if the actor shall not have caused serious personal injury to  
31 the victim.

1           Sec. 18. Section 28-322.02, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           28-322.02 Any person who subjects an inmate or parolee to sexual  
4 penetration is guilty of sexual abuse of an inmate or parolee in the  
5 first degree. Sexual abuse of an inmate or parolee in the first degree is  
6 a Class IIA ~~III~~ felony.

7           Sec. 19. Section 28-322.03, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           28-322.03 Any person who subjects an inmate or parolee to sexual  
10 contact is guilty of sexual abuse of an inmate or parolee in the second  
11 degree. Sexual abuse of an inmate or parolee in the second degree is a  
12 Class IIIA ~~IV~~ felony.

13           Sec. 20. Section 28-322.04, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           28-322.04 (1) For purposes of this section:

16           (a) Person means an individual employed by the Department of Health  
17 and Human Services and includes, but is not limited to, any individual  
18 working in central administration or regional service areas or facilities  
19 of the department and any individual to whom the department has  
20 authorized or delegated control over a protected individual or a  
21 protected individual's activities, whether by contract or otherwise; and

22           (b) Protected individual means an individual in the care or custody  
23 of the department.

24           (2) A person commits the offense of sexual abuse of a protected  
25 individual if the person subjects a protected individual to sexual  
26 penetration or sexual contact as those terms are defined in section  
27 28-318. It is not a defense to a charge under this section that the  
28 protected individual consented to such sexual penetration or sexual  
29 contact.

30           (3) Any person who subjects a protected individual to sexual  
31 penetration is guilty of sexual abuse of a protected individual in the

1 first degree. Sexual abuse of a protected individual in the first degree  
2 is a Class IIA ~~III~~ felony.

3 (4) Any person who subjects a protected individual to sexual contact  
4 is guilty of sexual abuse of a protected individual in the second degree.  
5 Sexual abuse of a protected individual in the second degree is a Class  
6 IIIA ~~IV~~ felony.

7 Sec. 21. Section 28-323, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 28-323 (1) A person commits the offense of domestic assault in the  
10 third degree if he or she:

11 (a) Intentionally and knowingly causes bodily injury to his or her  
12 intimate partner;

13 (b) Threatens an intimate partner with imminent bodily injury; or

14 (c) Threatens an intimate partner in a menacing manner.

15 (2) A person commits the offense of domestic assault in the second  
16 degree if he or she intentionally and knowingly causes bodily injury to  
17 his or her intimate partner with a dangerous instrument.

18 (3) A person commits the offense of domestic assault in the first  
19 degree if he or she intentionally and knowingly causes serious bodily  
20 injury to his or her intimate partner.

21 (4) Violation of subdivision (1)(a) or (b) of this section is a  
22 Class I misdemeanor, except that for any subsequent violation of  
23 subdivision (1)(a) or (b) of this section, any person so offending is  
24 guilty of a Class IIIA ~~IV~~ felony.

25 (5) Violation of subdivision (1)(c) of this section is a Class I  
26 misdemeanor.

27 (6) Violation of subsection (2) of this section is a Class IIIA  
28 felony, except that for any second or subsequent violation of such  
29 subsection, any person so offending is guilty of a Class IIA ~~III~~ felony.

30 (7) Violation of subsection (3) of this section is a Class IIA ~~III~~  
31 felony, except that for any second or subsequent violation under such



1 subsection, any person so offending is guilty of a Class II felony.

2 (8) For purposes of this section, intimate partner means a spouse; a  
3 former spouse; persons who have a child in common whether or not they  
4 have been married or lived together at any time; and persons who are or  
5 were involved in a dating relationship. For purposes of this subsection,  
6 dating relationship means frequent, intimate associations primarily  
7 characterized by the expectation of affectional or sexual involvement,  
8 but does not include a casual relationship or an ordinary association  
9 between persons in a business or social context.

10 Sec. 22. Section 28-393, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 28-393 (1) A person commits manslaughter of an unborn child if he or  
13 she (a) kills an unborn child without malice upon a sudden quarrel with  
14 any person or (b) causes the death of an unborn child unintentionally  
15 while in the perpetration of or attempt to perpetrate any criminal  
16 assault, any sexual assault, arson, robbery, kidnapping, intentional  
17 child abuse, hijacking of any public or private means of transportation,  
18 or burglary.

19 (2) Manslaughter of an unborn child is a Class IIA ~~III~~ felony.

20 Sec. 23. Section 28-394, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 28-394 (1) A person who causes the death of an unborn child  
23 unintentionally while engaged in the operation of a motor vehicle in  
24 violation of the law of the State of Nebraska or in violation of any city  
25 or village ordinance commits motor vehicle homicide of an unborn child.

26 (2) Except as provided in subsection (3) of this section, motor  
27 vehicle homicide of an unborn child is a Class I misdemeanor.

28 (3)(a) If the proximate cause of the death of an unborn child is the  
29 operation of a motor vehicle in violation of section 60-6,213 or  
30 60-6,214, motor vehicle homicide of an unborn child is a Class IV felony.

31 (b) Except as provided in subdivision (3)(c) of this section, if the

1 proximate cause of the death of an unborn child is the operation of a  
2 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor  
3 vehicle homicide of an unborn child is a Class IV felony and the court  
4 shall, as part of the judgment of conviction, order the person not to  
5 drive any motor vehicle for any purpose for a period of at least sixty  
6 days and not more than fifteen years after the date ordered by the court  
7 and shall order that the operator's license of such person be revoked for  
8 the same period. The revocation shall not run concurrently with any jail  
9 term imposed.

10 (c) If the proximate cause of the death of an unborn child is the  
11 operation of a motor vehicle in violation of section 60-6,196 or  
12 60-6,197.06 and the defendant has a prior conviction for a violation of  
13 section 60-6,196 or a city or village ordinance enacted in conformance  
14 with section 60-6,196, motor vehicle homicide of an unborn child is a  
15 Class IIA ~~III~~ felony and the court shall, as part of the judgment of  
16 conviction, order the person not to drive any motor vehicle for any  
17 purpose for a period of at least sixty days and not more than fifteen  
18 years after the date ordered by the court and shall order that the  
19 operator's license of such person be revoked for the same period. The  
20 revocation shall not run concurrently with any jail term imposed.

21 (4) The crime punishable under this section shall be treated as a  
22 separate and distinct offense from any other offense arising out of acts  
23 alleged to have been committed while the person was in violation of this  
24 section.

25 Sec. 24. Section 28-397, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 28-397 (1) A person commits the offense of assault of an unborn  
28 child in the first degree if he or she, during the commission of any  
29 criminal assault on a pregnant woman, intentionally or knowingly causes  
30 serious bodily injury to her unborn child.

31 (2) Assault of an unborn child in the first degree is a Class IIA

1     ~~III~~ felony.

2             Sec. 25. Section 28-416, Revised Statutes Cumulative Supplement,  
3     2014, is amended to read:

4             28-416 (1) Except as authorized by the Uniform Controlled Substances  
5     Act, it shall be unlawful for any person knowingly or intentionally: (a)  
6     To manufacture, distribute, deliver, dispense, or possess with intent to  
7     manufacture, distribute, deliver, or dispense a controlled substance; or  
8     (b) to create, distribute, or possess with intent to distribute a  
9     counterfeit controlled substance.

10            (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
11     (10) of this section, any person who violates subsection (1) of this  
12     section with respect to: (a) A controlled substance classified in  
13     Schedule I, II, or III of section 28-405 which is an exceptionally  
14     hazardous drug shall be guilty of a Class II felony; (b) any other  
15     controlled substance classified in Schedule I, II, or III of section  
16     28-405 shall be guilty of a Class IIA ~~III~~ felony; or (c) a controlled  
17     substance classified in Schedule IV or V of section 28-405 shall be  
18     guilty of a Class IIIA felony.

19            (3) A person knowingly or intentionally possessing a controlled  
20     substance, except marijuana or any substance containing a quantifiable  
21     amount of the substances, chemicals, or compounds described, defined, or  
22     delineated in subdivision (c)(25) of Schedule I of section 28-405, unless  
23     such substance was obtained directly or pursuant to a medical order  
24     issued by a practitioner authorized to prescribe while acting in the  
25     course of his or her professional practice, or except as otherwise  
26     authorized by the act, shall be guilty of a Class IV felony.

27            (4)(a) Except as authorized by the Uniform Controlled Substances  
28     Act, any person eighteen years of age or older who knowingly or  
29     intentionally manufactures, distributes, delivers, dispenses, or  
30     possesses with intent to manufacture, distribute, deliver, or dispense a  
31     controlled substance or a counterfeit controlled substance (i) to a

1 person under the age of eighteen years, (ii) in, on, or within one  
2 thousand feet of the real property comprising a public or private  
3 elementary, vocational, or secondary school, a community college, a  
4 public or private college, junior college, or university, or a  
5 playground, or (iii) within one hundred feet of a public or private youth  
6 center, public swimming pool, or video arcade facility shall be punished  
7 by the next higher penalty classification than the penalty prescribed in  
8 subsection (2), (7), (8), (9), or (10) of this section, depending upon  
9 the controlled substance involved, for the first violation and for a  
10 second or subsequent violation shall be punished by the next higher  
11 penalty classification than that prescribed for a first violation of this  
12 subsection, but in no event shall such person be punished by a penalty  
13 greater than a Class IB felony.

14 (b) For purposes of this subsection:

15 (i) Playground shall mean any outdoor facility, including any  
16 parking lot appurtenant to the facility, intended for recreation, open to  
17 the public, and with any portion containing three or more apparatus  
18 intended for the recreation of children, including sliding boards,  
19 swingsets, and teeterboards;

20 (ii) Video arcade facility shall mean any facility legally  
21 accessible to persons under eighteen years of age, intended primarily for  
22 the use of pinball and video machines for amusement, and containing a  
23 minimum of ten pinball or video machines; and

24 (iii) Youth center shall mean any recreational facility or  
25 gymnasium, including any parking lot appurtenant to the facility or  
26 gymnasium, intended primarily for use by persons under eighteen years of  
27 age which regularly provides athletic, civic, or cultural activities.

28 (5)(a) Except as authorized by the Uniform Controlled Substances  
29 Act, it shall be unlawful for any person eighteen years of age or older  
30 to knowingly and intentionally employ, hire, use, cause, persuade, coax,  
31 induce, entice, seduce, or coerce any person under the age of eighteen

1 years to manufacture, transport, distribute, carry, deliver, dispense,  
2 prepare for delivery, offer for delivery, or possess with intent to do  
3 the same a controlled substance or a counterfeit controlled substance.

4 (b) Except as authorized by the Uniform Controlled Substances Act,  
5 it shall be unlawful for any person eighteen years of age or older to  
6 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
7 induce, entice, seduce, or coerce any person under the age of eighteen  
8 years to aid and abet any person in the manufacture, transportation,  
9 distribution, carrying, delivery, dispensing, preparation for delivery,  
10 offering for delivery, or possession with intent to do the same of a  
11 controlled substance or a counterfeit controlled substance.

12 (c) Any person who violates subdivision (a) or (b) of this  
13 subsection shall be punished by the next higher penalty classification  
14 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
15 this section, depending upon the controlled substance involved, for the  
16 first violation and for a second or subsequent violation shall be  
17 punished by the next higher penalty classification than that prescribed  
18 for a first violation of this subsection, but in no event shall such  
19 person be punished by a penalty greater than a Class IB felony.

20 (6) It shall not be a defense to prosecution for violation of  
21 subsection (4) or (5) of this section that the defendant did not know the  
22 age of the person through whom the defendant violated such subsection.

23 (7) Any person who violates subsection (1) of this section with  
24 respect to cocaine or any mixture or substance containing a detectable  
25 amount of cocaine in a quantity of:

26 (a) One hundred forty grams or more shall be guilty of a Class IB  
27 felony;

28 (b) At least twenty-eight grams but less than one hundred forty  
29 grams shall be guilty of a Class IC felony; or

30 (c) At least ten grams but less than twenty-eight grams shall be  
31 guilty of a Class ID felony.

1 (8) Any person who violates subsection (1) of this section with  
2 respect to base cocaine (crack) or any mixture or substance containing a  
3 detectable amount of base cocaine in a quantity of:

4 (a) One hundred forty grams or more shall be guilty of a Class IB  
5 felony;

6 (b) At least twenty-eight grams but less than one hundred forty  
7 grams shall be guilty of a Class IC felony; or

8 (c) At least ten grams but less than twenty-eight grams shall be  
9 guilty of a Class ID felony.

10 (9) Any person who violates subsection (1) of this section with  
11 respect to heroin or any mixture or substance containing a detectable  
12 amount of heroin in a quantity of:

13 (a) One hundred forty grams or more shall be guilty of a Class IB  
14 felony;

15 (b) At least twenty-eight grams but less than one hundred forty  
16 grams shall be guilty of a Class IC felony; or

17 (c) At least ten grams but less than twenty-eight grams shall be  
18 guilty of a Class ID felony.

19 (10) Any person who violates subsection (1) of this section with  
20 respect to amphetamine, its salts, optical isomers, and salts of its  
21 isomers, or with respect to methamphetamine, its salts, optical isomers,  
22 and salts of its isomers, in a quantity of:

23 (a) One hundred forty grams or more shall be guilty of a Class IB  
24 felony;

25 (b) At least twenty-eight grams but less than one hundred forty  
26 grams shall be guilty of a Class IC felony; or

27 (c) At least ten grams but less than twenty-eight grams shall be  
28 guilty of a Class ID felony.

29 (11) Any person knowingly or intentionally possessing marijuana  
30 weighing more than one ounce but not more than one pound shall be guilty  
31 of a Class III misdemeanor.

1 (12) Any person knowingly or intentionally possessing marijuana  
2 weighing more than one pound shall be guilty of a Class IV felony.

3 (13) Any person knowingly or intentionally possessing marijuana  
4 weighing one ounce or less or any substance containing a quantifiable  
5 amount of the substances, chemicals, or compounds described, defined, or  
6 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:

7 (a) For the first offense, be guilty of an infraction, receive a  
8 citation, be fined three hundred dollars, and be assigned to attend a  
9 course as prescribed in section 29-433 if the judge determines that  
10 attending such course is in the best interest of the individual  
11 defendant;

12 (b) For the second offense, be guilty of a Class IV misdemeanor,  
13 receive a citation, and be fined four hundred dollars and may be  
14 imprisoned not to exceed five days; and

15 (c) For the third and all subsequent offenses, be guilty of a Class  
16 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and  
17 be imprisoned not to exceed seven days.

18 (14) Any person convicted of violating this section, if placed on  
19 probation, shall, as a condition of probation, satisfactorily attend and  
20 complete appropriate treatment and counseling on drug abuse provided by a  
21 program authorized under the Nebraska Behavioral Health Services Act or  
22 other licensed drug treatment facility.

23 (15) Any person convicted of violating this section, if sentenced to  
24 the Department of Correctional Services, shall attend appropriate  
25 treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a firearm  
27 while in violation of subsection (1) of this section shall be punished by  
28 the next higher penalty classification than the penalty prescribed in  
29 subsection (2), (7), (8), (9), or (10) of this section, but in no event  
30 shall such person be punished by a penalty greater than a Class IB  
31 felony.

1 (17) A person knowingly or intentionally in possession of money used  
2 or intended to be used to facilitate a violation of subsection (1) of  
3 this section shall be guilty of a Class IV felony.

4 (18) In addition to the penalties provided in this section:

5 (a) If the person convicted or adjudicated of violating this section  
6 is eighteen years of age or younger and has one or more licenses or  
7 permits issued under the Motor Vehicle Operator's License Act:

8 (i) For the first offense, the court may, as a part of the judgment  
9 of conviction or adjudication, (A) impound any such licenses or permits  
10 for thirty days and (B) require such person to attend a drug education  
11 class;

12 (ii) For a second offense, the court may, as a part of the judgment  
13 of conviction or adjudication, (A) impound any such licenses or permits  
14 for ninety days and (B) require such person to complete no fewer than  
15 twenty and no more than forty hours of community service and to attend a  
16 drug education class; and

17 (iii) For a third or subsequent offense, the court may, as a part of  
18 the judgment of conviction or adjudication, (A) impound any such licenses  
19 or permits for twelve months and (B) require such person to complete no  
20 fewer than sixty hours of community service, to attend a drug education  
21 class, and to submit to a drug assessment by a licensed alcohol and drug  
22 counselor; and

23 (b) If the person convicted or adjudicated of violating this section  
24 is eighteen years of age or younger and does not have a permit or license  
25 issued under the Motor Vehicle Operator's License Act:

26 (i) For the first offense, the court may, as part of the judgment of  
27 conviction or adjudication, (A) prohibit such person from obtaining any  
28 permit or any license pursuant to the act for which such person would  
29 otherwise be eligible until thirty days after the date of such order and  
30 (B) require such person to attend a drug education class;

31 (ii) For a second offense, the court may, as part of the judgment of



1 conviction or adjudication, (A) prohibit such person from obtaining any  
2 permit or any license pursuant to the act for which such person would  
3 otherwise be eligible until ninety days after the date of such order and  
4 (B) require such person to complete no fewer than twenty hours and no  
5 more than forty hours of community service and to attend a drug education  
6 class; and

7 (iii) For a third or subsequent offense, the court may, as part of  
8 the judgment of conviction or adjudication, (A) prohibit such person from  
9 obtaining any permit or any license pursuant to the act for which such  
10 person would otherwise be eligible until twelve months after the date of  
11 such order and (B) require such person to complete no fewer than sixty  
12 hours of community service, to attend a drug education class, and to  
13 submit to a drug assessment by a licensed alcohol and drug counselor.

14 A copy of an abstract of the court's conviction or adjudication  
15 shall be transmitted to the Director of Motor Vehicles pursuant to  
16 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
17 juvenile is prohibited from obtaining a license or permit under this  
18 subsection.

19 Sec. 26. Section 28-504, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 28-504 (1) A person commits arson in the third degree if he or she  
22 intentionally sets fire to, burns, causes to be burned, or by the use of  
23 any explosive, damages or destroys, or causes to be damaged or destroyed,  
24 any property of another person without such other person's consent. Such  
25 property shall not be contained within a building and shall not be a  
26 building or occupied structure.

27 (2) Arson in the third degree is a Class IV felony if the damages  
28 amount to one thousand five hundred dollars or more.

29 (3) Arson in the third degree is a Class I misdemeanor if the  
30 damages are five hundred dollars or more but less than one thousand five  
31 hundred dollars.

1           (4) Arson in the third degree is a Class II misdemeanor if the  
2 damages are less than five hundred dollars.

3           Sec. 27. Section 28-507, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           28-507 (1) A person commits burglary if such person willfully,  
6 maliciously, and forcibly breaks and enters any real estate or any  
7 improvements erected thereon with intent to commit any felony or with  
8 intent to steal property of any value.

9           (2) Burglary is a Class IIA ~~III~~ felony.

10          Sec. 28. Section 28-514, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12          28-514 A person who comes into control of property of another that  
13 he or she knows to have been lost, mislaid, or delivered under a mistake  
14 as to the nature or amount of the property or the identity of the  
15 recipient commits theft if, with intent to deprive the owner thereof, he  
16 or she fails to take reasonable measures to restore the property to a  
17 person entitled to have it. Any person violating the provisions of this  
18 section shall, upon conviction thereof, be punished by the penalty  
19 prescribed in the next lower classification below the value of the item  
20 lost, mislaid, or delivered under a mistake pursuant to section 28-518.  
21 Any person convicted pursuant to this section when the value of the  
22 property is five ~~two~~ hundred dollars or less shall be guilty of a Class  
23 III misdemeanor for the first conviction, a Class II misdemeanor for the  
24 second conviction, and a Class I misdemeanor for the third or subsequent  
25 conviction.

26          Sec. 29. Section 28-518, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28          28-518 (1) Theft constitutes a Class IIA ~~III~~ felony when the value  
29 of the thing involved is five ~~over one thousand five hundred~~ dollars or  
30 more.

31          (2) Theft constitutes a Class IV felony when the value of the thing

1 involved is one thousand five hundred dollars or more, but less than five  
2 ~~not over one thousand five hundred~~ dollars.

3 (3) Theft constitutes a Class I misdemeanor when the value of the  
4 thing involved is five hundred dollars or more than two hundred dollars,  
5 but less than one thousand five hundred dollars.

6 (4) Theft constitutes a Class II misdemeanor when the value of the  
7 thing involved is ~~two hundred dollars or less~~ than five hundred dollars.

8 (5) For any second or subsequent conviction under subsection (3) of  
9 this section, any person so offending shall be guilty of a Class IV  
10 felony.

11 (6) For any second conviction under subsection (4) of this section,  
12 any person so offending shall be guilty of a Class I misdemeanor, and for  
13 any third or subsequent conviction under subsection (4) of this section,  
14 the person so offending shall be guilty of a Class IV felony.

15 (7) Amounts taken pursuant to one scheme or course of conduct from  
16 one or more persons may be aggregated in the indictment or information in  
17 determining the classification of the offense, except that amounts may  
18 not be aggregated into more than one offense.

19 (8) In any prosecution for theft under sections 28-509 to 28-518,  
20 value shall be an essential element of the offense that must be proved  
21 beyond a reasonable doubt.

22 Sec. 30. Section 28-519, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-519 (1) A person commits criminal mischief if he or she:

25 (a) Damages property of another intentionally or recklessly; or

26 (b) Intentionally tampers with property of another so as to endanger  
27 person or property; or

28 (c) Intentionally or maliciously causes another to suffer pecuniary  
29 loss by deception or threat.

30 (2) Criminal mischief is a Class IV felony if the actor  
31 intentionally or maliciously causes pecuniary loss of five ~~one~~ thousand

1 ~~five hundred~~ dollars or more, or a substantial interruption or impairment  
2 of public communication, transportation, supply of water, gas, or power,  
3 or other public service.

4 (3) Criminal mischief is a Class I misdemeanor if the actor  
5 intentionally or maliciously causes pecuniary loss of one thousand five  
6 hundred dollars or more but less than five ~~one thousand five hundred~~  
7 dollars.

8 (4) Criminal mischief is a Class II misdemeanor if the actor  
9 intentionally or maliciously causes pecuniary loss of five ~~two~~ hundred  
10 dollars or more but less than one thousand five hundred dollars.

11 (5) Criminal mischief is a Class III misdemeanor if the actor  
12 intentionally, maliciously, or recklessly causes pecuniary loss in an  
13 amount of less than five ~~two~~ hundred dollars, or if his or her action  
14 results in no pecuniary loss.

15 Sec. 31. Section 28-603, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 28-603 (1) Whoever, with intent to deceive or harm, falsely makes,  
18 completes, endorses, alters, or utters any written instrument which is or  
19 purports to be, or which is calculated to become or to represent if  
20 completed, a written instrument which does or may evidence, create,  
21 transfer, terminate, or otherwise affect a legal right, interest,  
22 obligation, or status, commits forgery in the second degree.

23 (2) Forgery in the second degree is a Class IIA ~~III~~ felony when the  
24 face value, or purported face value, or the amount of any proceeds  
25 wrongfully procured or intended to be procured by the use of such  
26 instrument, is five ~~one~~ thousand dollars or more.

27 (3) Forgery in the second degree is a Class IV felony when the face  
28 value, or purported face value, or the amount of any proceeds wrongfully  
29 procured or intended to be procured by the use of such instrument, is one  
30 thousand five ~~exceeds three~~ hundred dollars or more but is less than five  
31 ~~one~~ thousand dollars.

1 (4) Forgery in the second degree is a Class I misdemeanor when the  
2 face value, or purported face value, or the amount of any proceeds  
3 wrongfully procured or intended to be procured by the use of such  
4 instrument, is five three hundred dollars or more but is ~~or~~ less than one  
5 thousand five hundred dollars.

6 (5) Forgery in the second degree is a Class II misdemeanor when the  
7 face value, or purported face value, or the amount of any proceeds  
8 wrongfully procured or intended to be procured by the use of such  
9 instrument, is less than five hundred dollars.

10 (6 5) For the purpose of determining the class of penalty for  
11 forgery in the second degree, the face values, or purported face values,  
12 or the amounts of any proceeds wrongfully procured or intended to be  
13 procured by the use of more than one such instrument, may be aggregated  
14 in the indictment or information if such instruments were part of the  
15 same scheme or course of conduct which took place within a sixty-day  
16 period and within one county. Such values or amounts shall not be  
17 aggregated into more than one offense.

18 Sec. 32. Section 28-604, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 28-604 (1) Whoever, with knowledge that it is forged and with intent  
21 to deceive or harm, possesses any forged instrument covered by section  
22 28-602 or 28-603 commits criminal possession of a forged instrument.

23 (2) Criminal possession of a forged instrument prohibited by section  
24 28-602 is a Class IV felony.

25 (3) Criminal possession of a forged instrument prohibited by section  
26 28-603, the amount or value of which is five ~~one~~ thousand dollars or  
27 more, is a Class IV felony.

28 (4) Criminal possession of a forged instrument prohibited by section  
29 28-603, the amount or value of which is one thousand five ~~more than three~~  
30 hundred dollars or more but less than five ~~one~~ thousand dollars, is a  
31 Class I misdemeanor.

1 (5) Criminal possession of a forged instrument prohibited by section  
2 28-603, the amount or value of which is five ~~three~~ hundred dollars or  
3 more but less than one thousand five hundred dollars, is a Class II  
4 misdemeanor.

5 (6) Criminal possession of a forged instrument prohibited by section  
6 28-603, the amount or value of which is less than five hundred dollars,  
7 is a Class III misdemeanor.

8 (7 ~~6~~) For the purpose of determining the class of penalty for  
9 criminal possession of a forged instrument prohibited by section 28-603,  
10 the amounts or values of more than one such forged instrument may be  
11 aggregated in the indictment or information if such forged instruments  
12 were part of the same scheme or course of conduct which took place within  
13 a sixty-day period and within one county. Such amounts or values shall  
14 not be aggregated into more than one offense.

15 Sec. 33. Section 28-611, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 28-611 (1) Whoever obtains property, services, or present value of  
18 any kind by issuing or passing a check, draft, assignment of funds, or  
19 similar signed order for the payment of money, knowing that he or she  
20 does not have sufficient funds in or credit with the drawee for the  
21 payment of the check, draft, assignment of funds, or order in full upon  
22 presentation, commits the offense of issuing a bad check. Issuing a bad  
23 check is:

24 (a) A Class IIA ~~III~~ felony if the amount of the check, draft,  
25 assignment of funds, or order is five ~~one thousand five hundred~~ dollars  
26 or more;

27 (b) A Class IV felony if the amount of the check, draft, assignment  
28 of funds, or order is one thousand five hundred dollars or more, but less  
29 than five ~~one thousand five hundred~~ dollars;

30 (c) A Class I misdemeanor if the amount of the check, draft,  
31 assignment of funds, or order is five ~~two~~ hundred dollars or more, but

1 less than one thousand five hundred dollars; and

2 (d) A Class II misdemeanor if the amount of the check, draft,  
3 assignment of funds, or order is less than five ~~two~~ hundred dollars.

4 (2) The aggregate amount of any series of checks, drafts,  
5 assignments, or orders issued or passed within a sixty-day period in one  
6 county may be used in determining the classification of the offense  
7 pursuant to subsection (1) of this section, except that checks, drafts,  
8 assignments, or orders may not be aggregated into more than one offense.

9 (3) For any second or subsequent offense under subdivision (1)(c) or  
10 (1)(d) of this section, any person so offending shall be guilty of a  
11 Class IV felony.

12 (4) Whoever otherwise issues or passes a check, draft, assignment of  
13 funds, or similar signed order for the payment of money, knowing that he  
14 or she does not have sufficient funds in or credit with the drawee for  
15 the payment of the check, draft, assignment of funds, or order in full  
16 upon its presentation, shall be guilty of a Class II misdemeanor.

17 (5) Any person in violation of this section who makes voluntary  
18 restitution to the injured party for the value of the check, draft,  
19 assignment of funds, or order shall also pay ten dollars to the injured  
20 party and any reasonable handling fee imposed on the injured party by a  
21 financial institution.

22 (6) In any prosecution for issuing a bad check, the person issuing  
23 the check, draft, assignment of funds, or order shall be presumed to have  
24 known that he or she did not have sufficient funds in or credit with the  
25 drawee for the payment of the check, draft, assignment of funds, or order  
26 in full upon presentation if, within thirty days after issuance of the  
27 check, draft, assignment of funds, or order, he or she was notified that  
28 the drawee refused payment for lack of funds and he or she failed within  
29 ten days after such notice to make the check, draft, assignment of funds,  
30 or order good or, in the absence of such notice, he or she failed to make  
31 the check, draft, assignment of funds, or order good within ten days

1 after notice that such check, draft, assignment of funds, or order has  
2 been returned to the depositor was sent to him or her by the county  
3 attorney or his or her deputy, by United States mail addressed to such  
4 person at his or her last-known address. Upon request of the depositor  
5 and the payment of ten dollars for each check, draft, assignment of  
6 funds, or order, the county attorney or his or her deputy shall be  
7 required to mail notice to the person issuing the check, draft,  
8 assignment of funds, or order as provided in this subsection. The ten-  
9 dollar payment shall be payable to the county treasurer and credited to  
10 the county general fund. No such payment shall be collected from any  
11 county office to which such a check, draft, assignment of funds, or order  
12 is issued in the course of the official duties of the office.

13 (7) Any person convicted of violating this section may, in addition  
14 to a fine or imprisonment, be ordered to make restitution to the party  
15 injured for the value of the check, draft, assignment of funds, or order  
16 and to pay ten dollars to the injured party and any reasonable handling  
17 fee imposed on the injured party by a financial institution. If the  
18 court, in addition to sentencing any person to imprisonment under this  
19 section, also enters an order of restitution, the time permitted to make  
20 such restitution shall not be concurrent with the sentence of  
21 imprisonment.

22 (8) The fact that restitution to the party injured has been made and  
23 that ten dollars and any reasonable handling fee imposed on the injured  
24 party by a financial institution have been paid to the injured party  
25 shall be a mitigating factor in the imposition of punishment for any  
26 violation of this section.

27 Sec. 34. Section 28-611.01, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 28-611.01 (1) Whoever issues or passes a check, draft, assignment of  
30 funds, or similar signed order for the payment of money, knowing that he  
31 or she has no account with the drawee at the time the check, draft,



1 assignment of funds, or order is issued, commits the offense of issuing a  
2 no-account check. Issuing a no-account check is:

3 (a) A Class III felony if the amount of the check, draft, assignment  
4 of funds, or order is five ~~one thousand five hundred~~ dollars or more;

5 (b) A Class IV felony if the amount of the check, draft, assignment  
6 of funds, or order is one thousand five hundred dollars or more, but less  
7 than five ~~one thousand five hundred~~ dollars;

8 (c) A Class I misdemeanor if the amount of the check, draft,  
9 assignment of funds, or order is five ~~two~~ hundred dollars or more, but  
10 less than one thousand five hundred dollars; and

11 (d) A Class II misdemeanor if the amount of the check, draft,  
12 assignment of funds, or order is less than five ~~two~~ hundred dollars.

13 (2) The aggregate amount of any series of checks, drafts,  
14 assignments, or orders issued or passed within a sixty-day period in one  
15 county may be used in determining the classification of the offense  
16 pursuant to subsection (1) of this section, except that checks, drafts,  
17 assignments, or orders may not be aggregated into more than one offense.

18 (3) For any second or subsequent offense under this section, any  
19 person so offending shall be guilty of:

20 (a) A Class III felony if the amount of the check, draft, assignment  
21 of funds, or order is one thousand five hundred dollars or more; and

22 (b) A Class IV felony if the amount of the check, draft, assignment  
23 of funds, or order is less than one thousand five hundred dollars.

24 Sec. 35. Section 28-620, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 28-620 (1) A person commits the offense of unauthorized use of a  
27 financial transaction device if such person uses such device in an  
28 automated banking device, to imprint a sales form, or in any other  
29 manner:

30 (a) For the purpose of obtaining money, credit, property, or  
31 services or for making financial payment, with intent to defraud;

1 (b) With notice that the financial transaction device is expired,  
2 revoked, or canceled;

3 (c) With notice that the financial transaction device is forged,  
4 altered, or counterfeited; or

5 (d) When for any reason his or her use of the financial transaction  
6 device is unauthorized either by the issuer or by the account holder.

7 (2) For purposes of this section, notice shall mean either notice  
8 given in person or notice given in writing to the account holder, by  
9 registered or certified mail, return receipt requested, duly stamped and  
10 addressed to such account holder at his or her last address known to the  
11 issuer. Such notice shall be evidenced by a returned receipt signed by  
12 the account holder which shall be prima facie evidence that the notice  
13 was received.

14 (3) Any person committing the offense of unauthorized use of a  
15 financial transaction device shall be guilty of:

16 (a) A Class II misdemeanor if the total value of the money, credit,  
17 property, or services obtained or the financial payments made are less  
18 than five ~~two~~ hundred dollars within a six-month period from the date of  
19 the first unauthorized use;

20 (b) A Class I misdemeanor if the total value of the money, credit,  
21 property, or services obtained or the financial payments made are five  
22 ~~two~~ hundred dollars or more but less than one thousand five hundred  
23 dollars within a six-month period from the date of the first unauthorized  
24 use;

25 (c) A Class IV felony if the total value of the money, credit,  
26 property, or services obtained or the financial payments made are one  
27 thousand five hundred dollars or more but less than five ~~one~~ thousand  
28 ~~five hundred~~ dollars within a six-month period from the date of the first  
29 unauthorized use; and

30 (d) A Class IIA ~~III~~ felony if the total value of the money, credit,  
31 property, or services obtained or the financial payments made are five

1 ~~one thousand five hundred~~ dollars or more within a six-month period from  
2 the date of the first unauthorized use.

3 (4) Any prosecution under this section may be conducted in any  
4 county where the person committed the offense or any one of a series of  
5 offenses to be aggregated.

6 (5) Once aggregated and filed, no separate prosecution for an  
7 offense arising out of the same series of offenses aggregated and filed  
8 shall be allowed in any county.

9 Sec. 36. Section 28-621, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 28-621 (1) A person commits the offense of criminal possession of a  
12 financial transaction device if, with the intent to defraud, such person  
13 has in his or her possession or under his or her control any financial  
14 transaction device issued to a different account holder or which he or  
15 she knows or reasonably should know to be lost, stolen, forged, altered,  
16 or counterfeited.

17 (2) Any person committing the offense of criminal possession of one  
18 financial transaction device shall be guilty of a Class III misdemeanor.

19 (3) Any person committing the offense of criminal possession of two  
20 or three financial transaction devices, each issued to different account  
21 holders, shall be guilty of a Class IV felony.

22 (4) Any person committing the offense of criminal possession of four  
23 or more financial transaction devices, each issued to different account  
24 holders, shall be guilty of a Class IIA ~~III~~ felony.

25 Sec. 37. Section 28-622, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 28-622 (1) A person commits the offense of unlawful circulation of a  
28 financial transaction device in the first degree if such person sells or  
29 has in his or her possession or under his or her control with the intent  
30 to deliver, circulate, or sell two or more financial transaction devices  
31 which he or she knows or reasonably should know to be lost, stolen,

1 forged, altered, counterfeited, or delivered under a mistake as to the  
2 identity or address of the account holder.

3 (2) Any person committing the offense of unlawful circulation of a  
4 financial transaction device in the first degree shall be guilty of a  
5 Class IIA ~~III~~ felony.

6 Sec. 38. Section 28-627, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 28-627 (1) A person commits the offense of unlawful manufacture of a  
9 financial transaction device if, with intent to defraud, such person:

10 (a) Falsely makes or manufactures, by printing, embossing, or  
11 magnetically encoding, a financial transaction device;

12 (b) Falsely alters or adds service marks, optical characters, or  
13 holographic images to a device which is, purports to be, or is circulated  
14 to become or represent if completed a financial transaction device; or

15 (c) Falsely completes a financial transaction device by adding to an  
16 incomplete device to make it appear to be a complete one.

17 (2) Any person committing the offense of unlawful manufacture of a  
18 financial transaction device shall be guilty of a Class IIA ~~III~~ felony.

19 Sec. 39. Section 28-631, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 28-631 (1) A person or entity commits a fraudulent insurance act if  
22 he or she:

23 (a) Knowingly and with intent to defraud or deceive presents, causes  
24 to be presented, or prepares with knowledge or belief that it will be  
25 presented to or by an insurer, or any agent of an insurer, any statement  
26 as part of, in support of, or in denial of a claim for payment or other  
27 benefit from an insurer or pursuant to an insurance policy knowing that  
28 the statement contains any false, incomplete, or misleading information  
29 concerning any fact or thing material to a claim;

30 (b) Assists, abets, solicits, or conspires with another to prepare  
31 or make any statement that is intended to be presented to or by an

1 insurer or person in connection with or in support of any claim for  
2 payment or other benefit from an insurer or pursuant to an insurance  
3 policy knowing that the statement contains any false, incomplete, or  
4 misleading information concerning any fact or thing material to the  
5 claim;

6 (c) Makes any false or fraudulent representations as to the death or  
7 disability of a policy or certificate holder or a covered person in any  
8 statement or certificate for the purpose of fraudulently obtaining money  
9 or benefit from an insurer;

10 (d) Knowingly and willfully transacts any contract, agreement, or  
11 instrument which violates this section;

12 (e) Receives money for the purpose of purchasing insurance and  
13 converts the money to the person's own benefit;

14 (f) Willfully embezzles, abstracts, purloins, misappropriates, or  
15 converts money, funds, premiums, credits, or other property of an insurer  
16 or person engaged in the business of insurance;

17 (g) Knowingly and with intent to defraud or deceive issues fake or  
18 counterfeit insurance policies, certificates of insurance, insurance  
19 identification cards, or insurance binders;

20 (h) Knowingly and with intent to defraud or deceive possesses fake  
21 or counterfeit insurance policies, certificates of insurance, insurance  
22 identification cards, or insurance binders;

23 (i) Knowingly and with intent to defraud or deceive makes any false  
24 entry of a material fact in or pertaining to any document or statement  
25 filed with or required by the Department of Insurance;

26 (j) Knowingly and with the intent to defraud or deceive provides  
27 false, incomplete, or misleading information to an insurer concerning the  
28 number, location, or classification of employees for the purpose of  
29 lessening or reducing the premium otherwise chargeable for workers'  
30 compensation insurance coverage;

31 (k) Knowingly and with intent to defraud or deceive removes,

1 conceals, alters, diverts, or destroys assets or records of an insurer or  
2 person engaged in the business of insurance or attempts to remove,  
3 conceal, alter, divert, or destroy assets or records of an insurer or  
4 person engaged in the business of insurance;

5 (1) Willfully operates as or aids and abets another operating as a  
6 discount medical plan organization in violation of subsection (1) of  
7 section 44-8306; or

8 (m) Willfully collects fees for purported membership in a discount  
9 medical plan organization but purposefully fails to provide the promised  
10 benefits.

11 (2)(a) A violation of subdivisions (1)(a) through (f) of this  
12 section is a Class III felony when the amount involved is five ~~one~~  
13 thousand ~~five hundred~~ dollars or more.

14 (b) A violation of subdivisions (1)(a) through (f) of this section  
15 is a Class IV felony when the amount involved is one thousand five  
16 hundred dollars or more but less than five ~~one thousand five hundred~~  
17 dollars.

18 (c) A violation of subdivisions (1)(a) through (f) of this section  
19 is a Class I misdemeanor when the amount involved is five ~~two~~ hundred  
20 dollars or more but less than one thousand five hundred dollars.

21 (d) A violation of subdivisions (1)(a) through (f) of this section  
22 is a Class II misdemeanor when the amount involved is less than five ~~two~~  
23 hundred dollars.

24 (e) For any second or subsequent conviction under subdivision (2)(c)  
25 of this section, the violation is a Class IV felony.

26 (f) A violation of subdivisions (1)(g), (i), (j), (k), (l), and (m)  
27 of this section is a Class IV felony.

28 (g) A violation of subdivision (1)(h) of this section is a Class I  
29 misdemeanor.

30 (3) Amounts taken pursuant to one scheme or course of conduct from  
31 one person, entity, or insurer may be aggregated in the indictment or

1 information in determining the classification of the offense, except that  
2 amounts may not be aggregated into more than one offense.

3 (4) In any prosecution under this section, if the amounts are  
4 aggregated pursuant to subsection (3) of this section, the amount  
5 involved in the offense shall be an essential element of the offense that  
6 must be proved beyond a reasonable doubt.

7 (5) A prosecution under this section shall be in lieu of an action  
8 under section 44-6607.

9 (6) For purposes of this section:

10 (a) Insurer means any person or entity transacting insurance as  
11 defined in section 44-102 with or without a certificate of authority  
12 issued by the Director of Insurance. Insurer also means health  
13 maintenance organizations, legal service insurance corporations, prepaid  
14 limited health service organizations, dental and other similar health  
15 service plans, discount medical plan organizations, and entities licensed  
16 pursuant to the Intergovernmental Risk Management Act and the  
17 Comprehensive Health Insurance Pool Act. Insurer also means an employer  
18 who is approved by the Nebraska Workers' Compensation Court as a self-  
19 insurer; and

20 (b) Statement includes, but is not limited to, any notice,  
21 statement, proof of loss, bill of lading, receipt for payment, invoice,  
22 account, estimate of property damages, bill for services, diagnosis,  
23 prescription, hospital or medical records, X-rays, test result, or other  
24 evidence of loss, injury, or expense, whether oral, written, or computer-  
25 generated.

26 Sec. 40. Section 28-638, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 28-638 (1) A person commits the crime of criminal impersonation if  
29 he or she:

30 (a) Pretends to be a representative of some person or organization  
31 and does an act in his or her fictitious capacity with the intent to gain

1 a pecuniary benefit for himself, herself, or another and to deceive or  
2 harm another;

3 (b) Carries on any profession, business, or any other occupation  
4 without a license, certificate, or other authorization required by law;

5 (c) Knowingly provides false personal identifying information or a  
6 false personal identification document to a court or a law enforcement  
7 officer; or

8 (d) Knowingly provides false personal identifying information or a  
9 false personal identification document to an employer for the purpose of  
10 obtaining employment.

11 (2)(a) Criminal impersonation, as described in subdivisions (1)(a)  
12 and (1)(b) of this section, is a Class III felony if the credit, money,  
13 goods, services, or other thing of value that was gained or was attempted  
14 to be gained was five ~~one~~ thousand ~~five hundred~~ dollars or more. Any  
15 second or subsequent conviction under this subdivision is a Class II  
16 felony.

17 (b) Criminal impersonation, as described in subdivisions (1)(a) and  
18 (1)(b) of this section, is a Class IV felony if the credit, money, goods,  
19 services, or other thing of value that was gained or was attempted to be  
20 gained was one thousand five hundred dollars or more but less than five  
21 ~~one thousand five hundred~~ dollars. Any second or subsequent conviction  
22 under this subdivision is a Class III felony.

23 (c) Criminal impersonation, as described in subdivisions (1)(a) and  
24 (1)(b) of this section, is a Class I misdemeanor if the credit, money,  
25 goods, services, or other thing of value that was gained or was attempted  
26 to be gained was five ~~two~~ hundred dollars or more but less than one  
27 thousand five hundred dollars. Any second or subsequent conviction under  
28 this subdivision is a Class IV felony.

29 (d) Criminal impersonation, as described in subdivisions (1)(a) and  
30 (1)(b) of this section, is a Class II misdemeanor if no credit, money,  
31 goods, services, or other thing of value was gained or was attempted to



1 be gained, or if the credit, money, goods, services, or other thing of  
2 value that was gained or was attempted to be gained was less than five  
3 ~~two~~ hundred dollars. Any second conviction under this subdivision is a  
4 Class I misdemeanor, and any third or subsequent conviction under this  
5 subdivision is a Class IV felony.

6 (e) Criminal impersonation, as described in subdivision (1)(c) of  
7 this section, is a Class IV felony. Any second conviction under this  
8 subdivision is a Class III felony, and any third or subsequent conviction  
9 under this subdivision is a Class II felony.

10 (f) Criminal impersonation, as described in subdivision (1)(d) of  
11 this section, is a Class II misdemeanor. Any second or subsequent  
12 conviction under this subdivision is a Class I misdemeanor.

13 (g) A person found guilty of violating this section may, in addition  
14 to the penalties under this subsection, be ordered to make restitution  
15 pursuant to sections 29-2280 to 29-2289.

16 Sec. 41. Section 28-639, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 28-639 (1) A person commits the crime of identity theft if he or she  
19 knowingly takes, purchases, manufactures, records, possesses, or uses any  
20 personal identifying information or entity identifying information of  
21 another person or entity without the consent of that other person or  
22 entity or creates personal identifying information for a fictional person  
23 or entity, with the intent to obtain or use the other person's or  
24 entity's identity for any unlawful purpose or to cause loss to a person  
25 or entity whether or not the person or entity actually suffers any  
26 economic loss as a result of the offense, or with the intent to obtain or  
27 continue employment or with the intent to gain a pecuniary benefit for  
28 himself, herself, or another.

29 (2) Identity theft is not:

30 (a) The lawful obtaining of credit information in the course of a  
31 bona fide consumer or commercial transaction;

1 (b) The lawful, good faith exercise of a security interest or a  
2 right of setoff by a creditor or a financial institution;

3 (c) The lawful, good faith compliance by any person when required by  
4 any warrant, levy, garnishment, attachment, court order, or other  
5 judicial or administrative order, decree, or directive; or

6 (d) The investigative activities of law enforcement.

7 (3)(a) Identity theft is a Class ~~IIA~~ ~~III~~ felony if the credit,  
8 money, goods, services, or other thing of value that was gained or was  
9 attempted to be gained was five ~~one~~ thousand ~~five~~ ~~hundred~~ dollars or  
10 more. Any second or subsequent conviction under this subdivision is a  
11 Class II felony.

12 (b) Identity theft is a Class IV felony if the credit, money, goods,  
13 services, or other thing of value that was gained or was attempted to be  
14 gained was one thousand five hundred dollars or more but less than five  
15 ~~one~~ thousand ~~five~~ ~~hundred~~ dollars. Any second or subsequent conviction  
16 under this subdivision is a Class III felony.

17 (c) Identity theft is a Class I misdemeanor if the credit, money,  
18 goods, services, or other thing of value that was gained or was attempted  
19 to be gained was five ~~two~~ hundred dollars or more but less than one  
20 thousand five hundred dollars. Any second or subsequent conviction under  
21 this subdivision is a Class IV felony.

22 (d) Identity theft is a Class II misdemeanor if no credit, money,  
23 goods, services, or other thing of value was gained or was attempted to  
24 be gained, or if the credit, money, goods, services, or other thing of  
25 value that was gained or was attempted to be gained was less than five  
26 ~~two~~ hundred dollars. Any second conviction under this subdivision is a  
27 Class I misdemeanor, and any third or subsequent conviction under this  
28 subdivision is a Class IV felony.

29 (e) A person found guilty of violating this section may, in addition  
30 to the penalties under this subsection, be ordered to make restitution  
31 pursuant to sections 29-2280 to 29-2289.

1           Sec. 42. Section 28-703, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           28-703 (1) Any person who shall knowingly intermarry or engage in  
4 sexual penetration with any person who falls within the degrees of  
5 consanguinity set forth in section 28-702 or any person who engages in  
6 sexual penetration with his or her ~~minor~~ stepchild who is under nineteen  
7 years of age commits incest.

8           (2) Incest is a Class III felony, except that incest with a person  
9 who is under eighteen years of age is a Class IIA felony.

10          (3)(a) For purposes of this section, the definitions found in  
11 section 28-318 shall be used.

12          (b) The testimony of a victim shall be entitled to the same weight  
13 as the testimony of victims of other crimes under this code.

14          Sec. 43. Section 28-707, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16          28-707 (1) A person commits child abuse if he or she knowingly,  
17 intentionally, or negligently causes or permits a minor child to be:

18           (a) Placed in a situation that endangers his or her life or physical  
19 or mental health;

20           (b) Cruelly confined or cruelly punished;

21           (c) Deprived of necessary food, clothing, shelter, or care;

22           (d) Placed in a situation to be sexually exploited by allowing,  
23 encouraging, or forcing such minor child to solicit for or engage in  
24 prostitution, debauchery, public indecency, or obscene or pornographic  
25 photography, films, or depictions;

26           (e) Placed in a situation to be sexually abused as defined in  
27 section 28-319, 28-319.01, or 28-320.01; or

28           (f) Placed in a situation to be a trafficking victim as defined in  
29 section 28-830.

30          (2) The statutory privilege between patient and physician, between  
31 client and professional counselor, and between husband and wife shall not

1 be available for excluding or refusing testimony in any prosecution for a  
2 violation of this section.

3 (3) Child abuse is a Class I misdemeanor if the offense is committed  
4 negligently and does not result in serious bodily injury as defined in  
5 section 28-109 or death.

6 (4) Child abuse is a Class IIIA felony if the offense is committed  
7 knowingly and intentionally and does not result in serious bodily injury  
8 as defined in section 28-109 or death.

9 (5) Child abuse is a Class IIIA felony if the offense is committed  
10 negligently and results in serious bodily injury as defined in section  
11 28-109.

12 (6) Child abuse is a Class IIA ~~III~~ felony if the offense is  
13 committed negligently and results in the death of such child.

14 (7) Child abuse is a Class II felony if the offense is committed  
15 knowingly and intentionally and results in serious bodily injury as  
16 defined in such section.

17 (8) Child abuse is a Class IB felony if the offense is committed  
18 knowingly and intentionally and results in the death of such child.

19 (9) For purposes of this section, negligently refers to criminal  
20 negligence and means that a person knew or should have known of the  
21 danger involved and acted recklessly, as defined in section 28-109, with  
22 respect to the safety or health of the minor child.

23 Sec. 44. Section 28-802, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 28-802 (1) A person commits pandering if such person:

26 (a) Entices another person to become a prostitute; or

27 (b) Procures or harbors therein an inmate for a house of  
28 prostitution or for any place where prostitution is practiced or allowed;  
29 or

30 (c) Inveigles, entices, persuades, encourages, or procures any  
31 person to come into or leave this state for the purpose of prostitution

1 or debauchery; or

2 (d) Receives or gives or agrees to receive or give any money or  
3 other thing of value for procuring or attempting to procure any person to  
4 become a prostitute or commit an act of prostitution or come into this  
5 state or leave this state for the purpose of prostitution or debauchery.

6 (2) Pandering is a Class IV felony for a first offense, unless the  
7 person being enticed, procured, harbored, or otherwise persuaded to  
8 become a prostitute is under the age of eighteen years, in which case  
9 pandering is a Class ~~IIIA~~ ~~III~~ felony for a first offense. Pandering is a  
10 Class ~~IIIA~~ ~~III~~ felony for a second or subsequent offense, unless the  
11 person being enticed, procured, harbored, or otherwise persuaded to  
12 become a prostitute is under the age of eighteen years, in which case  
13 pandering is a Class IIA felony.

14 Sec. 45. Section 28-813.01, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 28-813.01 (1) It shall be unlawful for a person to knowingly possess  
17 any visual depiction of sexually explicit conduct, as defined in section  
18 28-1463.02, which has a child, as defined in such section, as one of its  
19 participants or portrayed observers.

20 (2)(a) Any person who is under nineteen years of age at the time he  
21 or she violates this section shall be guilty of a Class IV felony for  
22 each offense.

23 (b) Any person who is nineteen years of age or older at the time he  
24 or she violates this section shall be guilty of a Class ~~IIA~~ ~~III~~ felony  
25 for each offense.

26 (c) Any person who violates this section and has previously been  
27 convicted of a violation of this section or section 28-308, 28-309,  
28 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
29 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of section  
30 28-320 shall be guilty of a Class IC felony for each offense.

31 (3) It shall be an affirmative defense to a charge made pursuant to

1 this section that:

2 (a) The visual depiction portrays no person other than the  
3 defendant; or

4 (b)(i) The defendant was less than nineteen years of age; (ii) the  
5 visual depiction of sexually explicit conduct portrays a child who is  
6 fifteen years of age or older; (iii) the visual depiction was knowingly  
7 and voluntarily generated by the child depicted therein; (iv) the visual  
8 depiction was knowingly and voluntarily provided by the child depicted in  
9 the visual depiction; (v) the visual depiction contains only one child;  
10 (vi) the defendant has not provided or made available the visual  
11 depiction to another person except the child depicted who originally sent  
12 the visual depiction to the defendant; and (vii) the defendant did not  
13 coerce the child in the visual depiction to either create or send the  
14 visual depiction.

15 Sec. 46. Section 28-831, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 28-831 (1) No person shall knowingly engage in labor trafficking or  
18 sex trafficking.

19 (2) If an actor knowingly engages in labor trafficking or sex  
20 trafficking by:

21 (a) Inflicting or threatening to inflict serious personal injury, as  
22 defined by section 28-318, on another person, the actor is guilty of a  
23 Class IIA ~~III~~ felony;

24 (b) Physically restraining or threatening to physically restrain the  
25 other person, the actor is guilty of a Class IIA ~~III~~ felony;

26 (c) Abusing or threatening to abuse the legal process against  
27 another person to cause arrest or deportation for violation of federal  
28 immigration law, the actor is guilty of a Class IIIA ~~IV~~ felony;

29 (d) Controlling or threatening to control another person's access to  
30 a controlled substance listed in Schedule I, II or III of section 28-405,  
31 the actor is guilty of a Class IIIA ~~IV~~ felony;

1 (e) Exploiting another person's substantial functional impairment as  
2 defined in section 28-368 or substantial mental impairment as defined in  
3 section 28-369, the actor is guilty of a Class ~~IIIA~~ ~~IV~~ felony;

4 (f) Knowingly destroying, concealing, removing, confiscating, or  
5 possessing any actual or purported passport or other immigration  
6 document, or any other actual or purported government identification  
7 document, of the other person, the actor is guilty of a Class ~~IIIA~~ ~~IV~~  
8 felony; or

9 (g) Causing or threatening to cause financial harm to another  
10 person, including debt bondage, the actor is guilty of a Class I  
11 misdemeanor.

12 (3) No person shall engage in labor trafficking of a minor or sex  
13 trafficking of a minor. An actor who engages in labor trafficking of a  
14 minor or sex trafficking of a minor shall be punished as follows:

15 (a) In cases in which the actor uses overt force or the threat of  
16 force against the trafficking victim, the actor is guilty of a Class II  
17 felony;

18 (b) In cases in which the trafficking victim has not attained the  
19 age of fifteen years, the actor is guilty of a Class II felony; or

20 (c) In cases involving a trafficking victim between the ages of  
21 fifteen and eighteen years, and the actor does not use overt force or  
22 threat of force against the trafficking victim, the actor is guilty of a  
23 Class ~~IIA~~ ~~III~~ felony.

24 (4) Any person who benefits, financially or by receiving anything of  
25 value, from participation in a venture which has, as part of the venture,  
26 an act that is in violation of this section, is guilty of a Class ~~IIIA~~ ~~IV~~  
27 felony.

28 Sec. 47. Section 28-912, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 28-912 (1) A person commits escape if he or she unlawfully removes  
31 himself or herself from official detention or fails to return to official

1 detention following temporary leave granted for a specific purpose or  
2 limited period. Official detention means ~~shall mean~~ arrest, detention in  
3 or transportation to any facility for custody of persons under charge or  
4 conviction of crime or contempt or for persons alleged or found to be  
5 delinquent, detention for extradition or deportation, or any other  
6 detention for law enforcement purposes. Official ; ~~but official~~ detention  
7 does not include supervision of probation or parole or constraint  
8 incidental to release on bail.

9 (2) A public servant concerned in detention commits an offense if he  
10 or she knowingly permits an escape. Any person who knowingly causes or  
11 facilitates an escape commits a Class IV felony.

12 (3) Irregularity in bringing about or maintaining detention, or lack  
13 of jurisdiction of the committing or detaining authority shall not be a  
14 defense to prosecution under this section if the escape is from a prison  
15 or other custodial facility or from detention pursuant to commitment by  
16 official proceedings. In the case of other detentions, irregularity or  
17 lack of jurisdiction shall be a defense only if:

18 (a) The escape involved no substantial risk of harm to the person or  
19 property of anyone other than the detainee; and

20 (b) The detaining authority did not act in good faith under color of  
21 law.

22 (4) Except as provided in subsections ~~subsection~~ (5) and (6) of this  
23 section, escape is a Class IV felony.

24 (5) Escape is a Class III felony when ~~where~~:

25 (a) The detainee was under arrest for or detained on a felony charge  
26 or following conviction for the commission of an offense; or

27 ~~(b) The actor employs force, threat, deadly weapon, or other~~  
28 ~~dangerous instrumentality to effect the escape; or~~

29 (b e) A public servant concerned in detention of persons convicted  
30 of crime purposely facilitates or permits an escape from a detention  
31 facility or from transportation thereto.



1           (6) Escape is a Class IIA felony when the actor employs force,  
2 threat, deadly weapon, or other dangerous instrumentality to effect the  
3 escape.

4           Sec. 48. Section 28-932, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6           28-932 (1) Any person (a)(i) who is legally confined in a jail or an  
7 adult correctional or penal institution, (ii) who is otherwise in legal  
8 custody of the Department of Correctional Services, or (iii) who is  
9 committed as a dangerous sex offender under the Sex Offender Commitment  
10 Act and (b) who intentionally, knowingly, or recklessly causes bodily  
11 injury to another person shall be guilty of a Class IIIA felony, except  
12 that if a deadly or dangerous weapon is used to commit such assault, he  
13 or she shall be guilty of a Class IIA ~~III~~ felony.

14           (2) Sentences imposed under subsection (1) of this section shall be  
15 consecutive to any sentence or sentences imposed for violations committed  
16 prior to the violation of subsection (1) of this section and shall not  
17 include any credit for time spent in custody prior to sentencing unless  
18 the time in custody is solely related to the offense for which the  
19 sentence is being imposed under this section.

20           Sec. 49. Section 28-1005, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22           28-1005 (1) No person shall knowingly:

23           (a) Promote, engage in, or be employed at dogfighting, cockfighting,  
24 bearbaiting, or pitting an animal against another;

25           (b) Receive money for the admission of another person to a place  
26 kept for such purpose;

27           (c) Own, use, train, sell, or possess an animal for such purpose; or

28           (d) Permit any act as described in this subsection to occur on any  
29 premises owned or controlled by him or her.

30           (2) Any person violating subsection (1) of this section shall be  
31 guilty of a Class IIIA ~~IV~~ felony and shall also be subject to section

1 28-1019.

2 (3) No person shall knowingly and willingly be present at and  
3 witness as a spectator dogfighting, cockfighting, bearbaiting, or the  
4 pitting of an animal against another as prohibited in subsection (1) of  
5 this section. Any person who violates any provision of this subsection  
6 shall be guilty of a Class IIIA ~~IV~~ felony and shall also be subject to  
7 section 28-1019.

8 Sec. 50. Section 28-1009, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 28-1009 (1) A person who intentionally, knowingly, or recklessly  
11 abandons or cruelly neglects an animal is guilty of a Class I misdemeanor  
12 unless the abandonment or cruel neglect results in serious injury or  
13 illness or death of the animal, in which case it is a Class IV felony.

14 (2)(a) Except as provided in subdivision (b) of this subsection, a  
15 person who cruelly mistreats an animal is guilty of a Class I misdemeanor  
16 for the first offense and a Class IIIA ~~IV~~ felony for any subsequent  
17 offense.

18 (b) A person who cruelly mistreats an animal is guilty of a Class  
19 IIIA ~~IV~~ felony if such cruel mistreatment involves the knowing and  
20 intentional torture, repeated beating, or mutilation of the animal.

21 (3) A person commits harassment of a police animal if he or she  
22 knowingly and intentionally teases or harasses a police animal in order  
23 to distract, agitate, or harm the police animal for the purpose of  
24 preventing such animal from performing its legitimate official duties.  
25 Harassment of a police animal is a Class IV misdemeanor unless the  
26 harassment is the proximate cause of the death of the police animal, in  
27 which case it is a Class IIIA ~~IV~~ felony.

28 (4) A person convicted of a Class I misdemeanor under this section  
29 may also be subject to section 28-1019. A person convicted of a Class  
30 IIIA ~~IV~~ felony under this section shall also be subject to section  
31 28-1019.

1           Sec. 51. Section 28-1102, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           28-1102 (1) A person commits the offense of promoting gambling in  
4 the first degree if he or she knowingly advances or profits from unlawful  
5 gambling activity by:

6           (a) Engaging in bookmaking to the extent that he or she receives or  
7 accepts in any one day one or more bets totaling one thousand five  
8 hundred dollars or more; or

9           (b) Receiving, in connection with any unlawful gambling scheme or  
10 enterprise, ~~more than~~ one thousand five hundred dollars or more of money  
11 played in the scheme or enterprise in any one day.

12           (2) Promoting gambling in the first degree is, for the first  
13 offense, a Class I misdemeanor, for the second offense, a Class IV  
14 felony, and for the third and all subsequent offenses, a Class III  
15 felony. No person shall be charged with a second or subsequent offense  
16 under this section unless the prior offense or offenses occurred after  
17 August 24, 1979.

18           Sec. 52. Section 28-1103, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           28-1103 (1) A person commits the offense of promoting gambling in  
21 the second degree if he or she knowingly advances or profits from any  
22 unlawful gambling activity by:

23           (a) Engaging in bookmaking to the extent that he or she receives or  
24 accepts in any one day one or more bets totaling less than one thousand  
25 five hundred dollars;

26           (b) Receiving, in connection with any unlawful gambling scheme or  
27 enterprise, less than one thousand five hundred dollars of money played  
28 in the scheme or enterprise in any one day; or

29           (c) Betting something of value in an amount of five ~~three~~ hundred  
30 dollars or more with one or more persons in one day.

31           (2) Promoting gambling in the second degree is a Class II

1 misdemeanor.

2 Sec. 53. Section 28-1104, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 28-1104 (1) A person commits the offense of promoting gambling in  
5 the third degree if he or she knowingly participates in unlawful gambling  
6 as a player by betting less than five ~~three~~ hundred dollars in any one  
7 day.

8 (2) Promoting gambling in the third degree is a Class IV  
9 misdemeanor.

10 Sec. 54. Section 28-1212.03, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 28-1212.03 Any person who possesses, receives, retains, or disposes  
13 of a stolen firearm knowing that it has been or believing that it has  
14 been stolen shall be guilty of a Class IIA ~~III~~ felony unless the firearm  
15 is possessed, received, retained, or disposed of with intent to restore  
16 it to the owner.

17 Sec. 55. Section 28-1222, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-1222 (1) Any person who uses an explosive material or destructive  
20 device to commit any felony which may be prosecuted in this state or who  
21 possesses an explosive during the commission of any felony which may be  
22 prosecuted in this state commits the offense of using explosives to  
23 commit a felony.

24 (2) Using explosives to commit a felony is a Class IIA ~~III~~ felony.

25 (3) In the case of a second or subsequent conviction under this  
26 section, using explosives to commit a felony is a Class II felony.

27 Sec. 56. Section 28-1224, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 28-1224 (1) Any person who uses explosive materials or destructive  
30 devices to intentionally kill, injure, or intimidate any individual  
31 commits the offense of using explosives to kill or injure any person.

1 (2) Except as provided in subsection (3) or (4) of this section,  
2 using explosives to kill or injure any person is a Class IIA ~~III~~ felony.

3 (3) If personal injury results, using explosives to kill or injure  
4 any person is a Class II felony.

5 (4) If death results, using explosives to kill or injure any person  
6 shall be punished as for conviction of murder in the first degree.

7 Sec. 57. Section 28-1344, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 28-1344 (1) Any person who intentionally accesses or causes to be  
10 accessed, directly or indirectly, any computer, computer system, computer  
11 software, or computer network without authorization or who, having  
12 accessed any computer, computer system, computer software, or computer  
13 network with authorization, knowingly and intentionally exceeds the  
14 limits of such authorization shall be guilty of an offense a ~~Class IV~~  
15 ~~felony~~ if he or she intentionally: (a ~~1~~) Deprives another of property or  
16 services; or (b ~~2~~) obtains property or services of another, ~~except that~~  
17 ~~any person who obtains property or services or deprives another of~~  
18 ~~property or services with a value of one thousand dollars or more by such~~  
19 ~~conduct shall be guilty of a Class III felony.~~

20 (2) The offense constitutes a Class III felony when the value of the  
21 computer, computer system, computer software, or computer network  
22 involved is five thousand dollars or more.

23 (3) The offense constitutes a Class IV felony when the value of the  
24 computer, computer system, computer software, or computer network  
25 involved is one thousand five hundred dollars or more, but less than five  
26 thousand dollars.

27 (4) The offense constitutes a Class I misdemeanor when the value of  
28 the computer, computer system, computer software, or computer network  
29 involved is five hundred dollars or more, but less than one thousand five  
30 hundred dollars.

31 (5) The offense constitutes a Class II misdemeanor when the value of

1 the thing involved is less than five hundred dollars.

2       Sec. 58. Section 28-1345, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       28-1345 (1) Any person who accesses or causes to be accessed any  
5 computer, computer system, computer software, or computer network without  
6 authorization or who, having accessed any computer, computer system,  
7 computer software, or computer network with authorization, knowingly and  
8 intentionally exceeds the limits of such authorization shall be guilty of  
9 an offense a Class IV felony if he or she intentionally: (a 1) Alters,  
10 damages, deletes, or destroys any computer, computer system, computer  
11 software, computer network, computer program, data, or other property; (b  
12 2) disrupts the operation of any computer, computer system, computer  
13 software, or computer network; or (c 3) distributes a destructive  
14 computer program with intent to damage or destroy any computer, computer  
15 system, computer network, or computer software, except that any person  
16 who causes loss with a value of one thousand dollars or more by such  
17 conduct shall be guilty of a Class III felony.

18       (2) The offense constitutes a Class III felony when the value of the  
19 computer, computer system, computer software, or computer network  
20 involved is five thousand dollars or more.

21       (3) The offense constitutes a Class IV felony when the value of the  
22 computer, computer system, computer software, or computer network  
23 involved is one thousand five hundred dollars or more, but less than five  
24 thousand dollars.

25       (4) The offense constitutes a Class I misdemeanor when the value of  
26 the computer, computer system, computer software, or computer network  
27 involved is five hundred dollars or more, but less than one thousand five  
28 hundred dollars.

29       (5) The offense constitutes a Class II misdemeanor when the value of  
30 the computer, computer system, computer software, or computer network  
31 involved is less than five hundred dollars.

1           Sec. 59. Section 28-1463.05, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           28-1463.05 (1) It shall be unlawful for a person to knowingly  
4 possess with intent to rent, sell, deliver, distribute, trade, or provide  
5 to any person any visual depiction of sexually explicit conduct which has  
6 a child as one of its participants or portrayed observers.

7           (2)(a) Any person who is under nineteen years of age at the time he  
8 or she violates this section shall be guilty of a Class IIIA felony for  
9 each offense.

10          (b) Any person who is nineteen years of age or older at the time he  
11 or she violates this section shall be guilty of a Class IIA ~~III~~ felony  
12 for each offense.

13          (c) Any person who violates this section and has previously been  
14 convicted of a violation of this section or section 28-308, 28-309,  
15 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
16 28-813, 28-833, or 28-1463.03 or subsection (1) or (2) of section 28-320  
17 shall be guilty of a Class IC felony for each offense.

18          Sec. 60. Section 29-1816, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20          29-1816 (1)(a) The accused may be arraigned in county court or  
21 district court:

22           (i) If the accused was eighteen years of age or older when the  
23 alleged offense was committed;

24           (ii) If the accused was younger than eighteen years of age and was  
25 fourteen years of age or older when an alleged offense punishable as a  
26 Class I, IA, IB, IC, ID, II, or IIA ~~III~~ felony was committed; or

27           (iii) If the alleged offense is a traffic offense as defined in  
28 section 43-245.

29          (b) Arraignment in county court or district court shall be by  
30 reading to the accused the complaint or information, unless the reading  
31 is waived by the accused when the nature of the charge is made known to

1 him or her. The accused shall then be asked whether he or she is guilty  
2 or not guilty of the offense charged. If the accused appears in person  
3 and by counsel and goes to trial before a jury regularly impaneled and  
4 sworn, he or she shall be deemed to have waived arraignment and a plea of  
5 not guilty shall be deemed to have been made.

6 (2) At the time of the arraignment, the county court or district  
7 court shall advise the accused, if the accused was younger than eighteen  
8 years of age at the time the alleged offense was committed, that the  
9 accused may move the county court or district court at any time not later  
10 than thirty days after arraignment, unless otherwise permitted by the  
11 court for good cause shown, to waive jurisdiction in such case to the  
12 juvenile court for further proceedings under the Nebraska Juvenile Code.  
13 This subsection does not apply if the case was transferred to county  
14 court or district court from juvenile court.

15 (3) For motions to transfer a case from the county court or district  
16 court to juvenile court:

17 (a) The county court or district court shall schedule a hearing on  
18 such motion within fifteen days. The customary rules of evidence shall  
19 not be followed at such hearing. The accused shall be represented by an  
20 attorney. The criteria set forth in section 43-276 shall be considered at  
21 such hearing. After considering all the evidence and reasons presented by  
22 both parties, the case shall be transferred to juvenile court unless a  
23 sound basis exists for retaining the case in county court or district  
24 court; and

25 (b) The county court or district court shall set forth findings for  
26 the reason for its decision. If the county court or district court  
27 determines that the accused should be transferred to the juvenile court,  
28 the complete file in the county court or district court shall be  
29 transferred to the juvenile court and the complaint, indictment, or  
30 information may be used in place of a petition therein. The county court  
31 or district court making a transfer shall order the accused to be taken



1 forthwith to the juvenile court and designate where the juvenile shall be  
2 kept pending determination by the juvenile court. The juvenile court  
3 shall then proceed as provided in the Nebraska Juvenile Code.

4 (4) When the accused was younger than eighteen years of age when an  
5 alleged offense was committed, the county attorney or city attorney shall  
6 proceed under section 43-274.

7 Sec. 61. Section 29-2204, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 29-2204 (1) Except when a term of life imprisonment is required by  
10 law, in imposing an indeterminate sentence upon an offender the court  
11 shall fix the minimum and the maximum terms of the sentence to be served  
12 within the limits provided by law. The maximum term shall not be greater  
13 than the maximum limit provided by law, and:

14 (a) The minimum term fixed by the court shall not be more than one-  
15 third of the maximum term imposed by the court;

16 (b) The length of time between the minimum term and the maximum term  
17 shall be at least three years if the court makes specific findings  
18 supported by evidence proved beyond a reasonable doubt that a greater  
19 minimum sentence than provided by subdivision (1)(a) of this section is  
20 reasonable and necessary; or

21 (c) The minimum term shall be the minimum limit provided by law.

22 (2) When a maximum term of life is imposed by the court for a Class  
23 IB felony, the minimum term fixed by the court shall be:

24 (a) Any term of years not less than the minimum limit provided by  
25 law; or

26 (b) A term of life imprisonment.

27 (3) When a maximum term of life is imposed by the court for a Class  
28 IA felony, the minimum term fixed by the court shall be:

29 (a) A term of life imprisonment; or

30 (b) Any term of years not less than the minimum limit provided by  
31 law, whenever the defendant was under eighteen years of age at the time

1 he or she committed the crime for which he or she was convicted.

2 ~~(a)(i) Until July 1, 1998, fix the minimum and maximum limits of the~~  
3 ~~sentence to be served within the limits provided by law, except that when~~  
4 ~~a maximum limit of life is imposed by the court for a Class IB felony,~~  
5 ~~the minimum limit may be any term of years not less than the statutory~~  
6 ~~mandatory minimum; and~~

7 ~~(ii) Beginning July 1, 1998:~~

8 ~~(A) Fix the minimum and maximum limits of the sentence to be served~~  
9 ~~within the limits provided by law for any class of felony other than a~~  
10 ~~Class IV felony, except that when a maximum limit of life is imposed by~~  
11 ~~the court for a Class IB felony, the minimum limit may be any term of~~  
12 ~~years not less than the statutory mandatory minimum. If the criminal~~  
13 ~~offense is a Class IV felony, the court shall fix the minimum and maximum~~  
14 ~~limits of the sentence, but the minimum limit fixed by the court shall~~  
15 ~~not be less than the minimum provided by law nor more than one-third of~~  
16 ~~the maximum term and the maximum limit shall not be greater than the~~  
17 ~~maximum provided by law; or~~

18 ~~(B) Impose a definite term of years, in which event the maximum term~~  
19 ~~of the sentence shall be the term imposed by the court and the minimum~~  
20 ~~term shall be the minimum sentence provided by law;~~

21 ~~(b) Advise the offender on the record the time the offender will~~  
22 ~~serve on his or her minimum term before attaining parole eligibility~~  
23 ~~assuming that no good time for which the offender will be eligible is~~  
24 ~~lost; and~~

25 ~~(c) Advise the offender on the record the time the offender will~~  
26 ~~serve on his or her maximum term before attaining mandatory release~~  
27 ~~assuming that no good time for which the offender will be eligible is~~  
28 ~~lost.~~

29 ~~If any discrepancy exists between the statement of the minimum limit~~  
30 ~~of the sentence and the statement of parole eligibility or between the~~  
31 ~~statement of the maximum limit of the sentence and the statement of~~

1 ~~mandatory release, the statements of the minimum limit and the maximum~~  
2 ~~limit shall control the calculation of the offender's term. If the court~~  
3 ~~imposes more than one sentence upon an offender or imposes a sentence~~  
4 ~~upon an offender who is at that time serving another sentence, the court~~  
5 ~~shall state whether the sentences are to be concurrent or consecutive.~~

6 ~~(4) (2)(a) When the court is of the opinion that imprisonment may be~~  
7 ~~appropriate but desires more detailed information as a basis for~~  
8 ~~determining the sentence to be imposed than has been provided by the~~  
9 ~~presentence report required by section 29-2261, the court may shall~~  
10 ~~commit an offender to the Department of Correctional Services for a~~  
11 ~~period not exceeding ninety days. During that time, the The department~~  
12 ~~shall conduct a complete study of the offender as provided in section 63~~  
13 ~~of this act during that time, inquiring into such matters as his or her~~  
14 ~~previous delinquency or criminal experience, social background,~~  
15 ~~capabilities, and mental, emotional, and physical health and the~~  
16 ~~rehabilitative resources or programs which may be available to suit his~~  
17 ~~or her needs. By the expiration of the period of commitment or by the~~  
18 ~~expiration of such additional time as the court shall grant, not~~  
19 ~~exceeding a further period of ninety days, the offender shall be returned~~  
20 ~~to the court for sentencing and the court shall be provided with a~~  
21 ~~written report of the results of the study, including whatever~~  
22 ~~recommendations the department believes will be helpful to a proper~~  
23 ~~resolution of the case. After receiving the report and the~~  
24 ~~recommendations, the court shall proceed to sentence the offender in~~  
25 ~~accordance with subsection (1) of this section. The term of the sentence~~  
26 ~~shall run from the date of original commitment under this subsection.~~

27 ~~(b) In order to encourage the use of this procedure in appropriate~~  
28 ~~cases, all costs incurred during the period the defendant is held in a~~  
29 ~~state institution under this subsection shall be a responsibility of the~~  
30 ~~state and the county shall be liable only for the cost of delivering the~~  
31 ~~defendant to the institution and the cost of returning him or her to the~~

1 ~~appropriate court for sentencing or such other disposition as the court~~  
2 ~~may then deem appropriate.~~

3       (5 3) Except when a term of life is required by law, whenever the  
4 defendant was under eighteen years of age at the time he or she committed  
5 the crime for which he or she was convicted, the court may, in its  
6 discretion, instead of imposing the penalty provided for the crime, make  
7 such disposition of the defendant as the court deems proper under the  
8 Nebraska Juvenile Code. ~~Until October 1, 2013, prior to making a~~  
9 ~~disposition which commits the juvenile to the Office of Juvenile~~  
10 ~~Services, the court shall order the juvenile to be evaluated by the~~  
11 ~~office if the juvenile has not had an evaluation within the past twelve~~  
12 ~~months.~~

13       (6)(a) When imposing an indeterminate sentence upon an offender  
14 under this section, the court shall:

15       (i) Advise the offender on the record the time the offender will  
16 serve on his or her minimum term before attaining parole eligibility  
17 assuming that no good time for which the offender will be eligible is  
18 lost; and

19       (ii) Advise the offender on the record the time the offender will  
20 serve on his or her maximum term before attaining mandatory release  
21 assuming that no good time for which the offender will be eligible is  
22 lost.

23       (b) If any discrepancy exists between the statement of the minimum  
24 limit of the sentence and the statement of parole eligibility or between  
25 the statement of the maximum limit of the sentence and the statement of  
26 mandatory release, the statements of the minimum limit and the maximum  
27 limit shall control the calculation of the offender's term.

28       (c) If the court imposes more than one sentence upon an offender or  
29 imposes a sentence upon an offender who is at that time serving another  
30 sentence, the court shall state whether the sentences are to be  
31 concurrent or consecutive.

1           Sec. 62. (1) Except when a term of probation is required by law, in  
2 imposing a sentence upon an offender for a Class III, IIIA, or IV felony,  
3 the court shall:

4           (a) Impose a sentence of imprisonment within the applicable range in  
5 section 28-105; and

6           (b) Impose a sentence of post-release supervision, under the  
7 jurisdiction of the Office of Probation Administration, within the  
8 applicable range in section 28-105.

9           (2) If the criminal offense is a Class IV felony, the court shall  
10 impose a sentence of probation unless:

11           (a) The defendant is concurrently or consecutively sentenced to  
12 imprisonment for a Class I, IA, IB, IC, II, or IIA felony;

13           (b) The defendant has been deemed a habitual criminal pursuant to  
14 section 29-2221; or

15           (c) There are substantial and compelling reasons why the defendant  
16 cannot effectively and safely be supervised in the community. Unless  
17 other reasons are found to be present, that the offender has not  
18 previously succeeded on probation is not, standing alone, a substantial  
19 and compelling reason.

20           (3) If a sentence of probation is not imposed, the court shall state  
21 its reasoning on the record, advise the defendant of his or her right to  
22 appeal the sentence, and impose a sentence as provided in subsection (1)  
23 of this section.

24           (4) If the defendant was under eighteen years of age at the time he  
25 or she committed the crime for which he or she was convicted, the court  
26 may, in its discretion, instead of imposing the penalty provided for the  
27 crime, make such disposition of the defendant as the court deems proper  
28 under the Nebraska Juvenile Code.

29           (5)(a) When imposing a determinate sentence upon an offender under  
30 this section, the court shall:

31           (i) Advise the offender on the record the time the offender will

1 serve on his or her term of imprisonment before his or her term of post-  
2 release supervision assuming that no good time for which the offender  
3 will be eligible is lost; and

4 (ii) Advise the offender on the record the time the offender will  
5 serve on his or her term of post-release supervision before attaining  
6 mandatory release assuming that no good time for which the offender will  
7 be eligible is lost.

8 (b) If a period of post-release supervision is required but not  
9 imposed by the sentencing court, the term of post-release supervision  
10 shall be the minimum provided by law.

11 (c) If the court imposes more than one sentence upon an offender or  
12 imposes a sentence upon an offender who is at that time serving another  
13 sentence, the court shall state whether the sentences are to be  
14 concurrent or consecutive.

15 Sec. 63. (1) When the court is of the opinion that imprisonment may  
16 be appropriate but desires more detailed information as a basis for  
17 determining the sentence to be imposed than has been provided by the  
18 presentence report required by section 29-2261, the court shall commit an  
19 offender to the Department of Correctional Services for a period not  
20 exceeding ninety days. The department shall conduct a complete study of  
21 the offender during that time, inquiring into such matters as his or her  
22 previous delinquency or criminal experience, social background,  
23 capabilities, and mental, emotional, and physical health and the  
24 rehabilitative resources or programs which may be available to suit his  
25 or her needs.

26 (2) By the expiration of the period of commitment or by the  
27 expiration of such additional time as the court shall grant, not  
28 exceeding a further period of ninety days, the offender shall be returned  
29 to the court for sentencing and the court shall be provided with a  
30 written report of the results of the study, including whatever  
31 recommendations the department believes will be helpful to a proper

1 resolution of the case. After receiving the report and the  
2 recommendations, the court shall proceed to sentence the offender in  
3 accordance with section 29-2204 or section 62 of this act. The term of  
4 the sentence shall run from the date of original commitment under this  
5 section.

6 (3) In order to encourage the use of this procedure in appropriate  
7 cases, all costs incurred during the period the defendant is held in a  
8 state institution under this section shall be a responsibility of the  
9 state and the county shall be liable only for the cost of delivering the  
10 defendant to the institution and the cost of returning him or her to the  
11 appropriate court for sentencing or such other disposition as the court  
12 may then deem appropriate.

13 Sec. 64. Section 29-2246, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 29-2246 For purposes of the Nebraska Probation Administration Act  
16 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context  
17 otherwise requires:

18 (1) Association means the Nebraska District Court Judges  
19 Association;

20 (2) Court means a district court, county court, or juvenile court as  
21 defined in section 43-245;

22 (3) Office means the Office of Probation Administration;

23 (4) Probation means a sentence under which a person found guilty of  
24 a crime upon verdict or plea or adjudicated delinquent or in need of  
25 special supervision is released by a court subject to conditions imposed  
26 by the court and subject to supervision. Probation does not include post-  
27 release supervision;

28 (5) Probationer means a person sentenced to probation or post-  
29 release supervision;

30 (6) Probation officer means an employee of the system who supervises  
31 probationers and conducts presentence, predisposition, or other

1 investigations as may be required by law or directed by a court in which  
2 he or she is serving or performs such other duties as authorized pursuant  
3 to section 29-2258, except unpaid volunteers from the community;

4 (7) Juvenile probation officer means any probation officer who  
5 supervises probationers of a separate juvenile court;

6 (8) Juvenile intake probation officer means an employee of the  
7 system who is called upon by a law enforcement officer in accordance with  
8 section 43-250 to make a decision regarding the furtherance of a  
9 juvenile's detention;

10 (9) Chief probation officer means the probation officer in charge of  
11 a probation district;

12 (10) System means the Nebraska Probation System;

13 (11) Administrator means the probation administrator;~~and~~

14 (12) Non-probation-based program or service means a program or  
15 service established within the district, county, or juvenile courts and  
16 provided to individuals not sentenced to probation who have been charged  
17 with or convicted of a crime for the purpose of diverting the individual  
18 from incarceration or to provide treatment for issues related to the  
19 individual's criminogenic needs. Non-probation-based programs or services  
20 include, but are not limited to, drug court programs and problem solving  
21 court programs established pursuant to section 24-1302 and the treatment  
22 of problems relating to substance abuse, mental health, sex offenses, or  
23 domestic violence; and -

24 (13) Post-release supervision means the portion of a split sentence  
25 following a period of incarceration under which a person found guilty of  
26 a crime upon verdict or plea or adjudicated delinquent or in need of  
27 special supervision is released by a court subject to conditions imposed  
28 by the court and subject to supervision. Post-release supervision does  
29 not include probation.

30 Sec. 65. Section 29-2252, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:



1 29-2252 The administrator shall:

2 (1) Supervise and administer the office;

3 (2) Establish and maintain policies, standards, and procedures for  
4 the system, with the concurrence of the Supreme Court;

5 (3) Prescribe and furnish such forms for records and reports for the  
6 system as shall be deemed necessary for uniformity, efficiency, and  
7 statistical accuracy;

8 (4) Establish minimum qualifications for employment as a probation  
9 officer in this state and establish and maintain such additional  
10 qualifications as he or she deems appropriate for appointment to the  
11 system. Qualifications for probation officers shall be established in  
12 accordance with subsection (4) of section 29-2253. An ex-offender  
13 released from a penal complex or a county jail may be appointed to a  
14 position of deputy probation or parole officer. Such ex-offender shall  
15 maintain a record free of arrests, except for minor traffic violations,  
16 for one year immediately preceding his or her appointment;

17 (5) Establish and maintain advanced periodic inservice training  
18 requirements for the system;

19 (6) Cooperate with all agencies, public or private, which are  
20 concerned with treatment or welfare of persons on probation;

21 (7) Organize and conduct training programs for probation officers;

22 (8) Collect, develop, and maintain statistical information  
23 concerning probationers, probation practices, and the operation of the  
24 system;

25 (9) Interpret the probation program to the public with a view toward  
26 developing a broad base of public support;

27 (10) Conduct research for the purpose of evaluating and improving  
28 the effectiveness of the system;

29 (11) Adopt and promulgate such rules and regulations as may be  
30 necessary or proper for the operation of the office or system;

31 (12) Transmit a report during each even-numbered year to the Supreme

1 Court on the operation of the office for the preceding two calendar years  
2 which shall include a historical analysis of probation officer workload,  
3 including participation in non-probation-based programs and services. The  
4 report shall be transmitted by the Supreme Court to the Governor and the  
5 Clerk of the Legislature. The report submitted to the Clerk of the  
6 Legislature shall be submitted electronically;

7 (13) Administer the payment by the state of all salaries, travel,  
8 and actual and necessary expenses incident to the conduct and maintenance  
9 of the office;

10 (14) Use the funds provided under section 29-2262.07 to augment  
11 operational or personnel costs associated with the development,  
12 implementation, and evaluation of enhanced probation-based programs and  
13 non-probation-based programs and services in which probation personnel or  
14 probation resources are utilized pursuant to an interlocal agreement  
15 authorized by subdivision (16) of this section and to purchase services  
16 to provide such programs aimed at enhancing adult probationer or non-  
17 probation-based program participant supervision in the community and  
18 treatment needs of probationers and non-probation-based program  
19 participants. Enhanced probation-based programs include, but are not  
20 limited to, specialized units of supervision, related equipment purchases  
21 and training, and programs that address a probationer's vocational,  
22 educational, mental health, behavioral, or substance abuse treatment  
23 needs;

24 (15) Ensure that any risk or needs assessment instrument utilized by  
25 the system be periodically validated;

26 (16) Have the authority to enter into interlocal agreements in which  
27 probation resources or probation personnel may be utilized in conjunction  
28 with or as part of non-probation-based programs and services. Any such  
29 interlocal agreement shall comply with section 29-2255;

30 (17) Collaborate with the Community Corrections Division of the  
31 Nebraska Commission on Law Enforcement and Criminal Justice and the

1 Office of Parole Administration to develop rules governing the  
2 participation of parolees in community corrections programs operated by  
3 the Office of Probation Administration; ~~and~~

4 (18) Subject to the availability of funding, contract with an  
5 independent contractor or academic institution for evaluation of existing  
6 community corrections facilities and programs operated by the Office of  
7 Probation Administration. The administrator shall collaborate with the  
8 Community Corrections Division of the Nebraska Commission on Law  
9 Enforcement and Criminal Justice to compile an annual report on the  
10 development and performance of community correctional facilities and  
11 programs;

12 (19) Provide the Community Corrections Division of the Nebraska  
13 Commission on Law Enforcement and Criminal Justice with the information  
14 needed to compile the report required in section 47-624;

15 (20) Develop a matrix of rewards for compliance and positive  
16 behaviors and graduated administrative sanctions and custodial sanctions  
17 for use in responding to and deterring substance abuse violations and  
18 technical violations. As applicable under section 29-2262, custodial  
19 sanctions of up to thirty days in jail shall be designated as the most  
20 severe response to a violation in lieu of revocation and custodial  
21 sanctions of up to three days in jail shall be designated as the second  
22 most severe response;

23 (21) Provide training to probation officers on use of a risk and  
24 needs assessment, risk-based supervision strategies, relationship skills,  
25 cognitive behavioral interventions, community-based resources, criminal  
26 risk factors, targeting criminal risk factors to reduce recidivism, and  
27 the proper use of a matrix of administrative sanctions, custodial  
28 sanctions, and rewards developed pursuant to subdivision (20) of this  
29 section. All probation officers employed on the effective date of this  
30 act shall complete the training requirements set forth in this  
31 subdivision;

1           (22) Adopt and promulgate rules and regulations at the direction of  
2 the Supreme Court for transitioning individuals on probation and post-  
3 release probation across levels of supervision and discharging them from  
4 supervision consistent with evidence-based practices. The rules and  
5 regulations shall ensure supervision resources are prioritized for  
6 individuals who are high risk to reoffend, require transitioning  
7 individuals down levels of supervision intensity based on assessed risk  
8 and months of supervision without a reported major violation, and  
9 establish incentives for earning discharge from supervision based on  
10 compliance; and

11           (23 ~~18~~) Exercise all powers and perform all duties necessary and  
12 proper to carry out his or her responsibilities.

13           Each member of the Legislature shall receive an electronic copy of  
14 the report required by subdivision (12) of this section by making a  
15 request for it to the administrator.

16           Sec. 66. Section 29-2252.01, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18           29-2252.01 On December 31 and June 30 of each fiscal year, the  
19 administrator shall provide a report to the budget division of the  
20 Department of Administrative Services, ~~and~~ the Legislative Fiscal  
21 Analyst, and the Supreme Court which shall include, but not be limited  
22 to:

23           (1) The total number of felony cases supervised by the office in the  
24 previous six months for both regular and intensive supervision probation;

25           (2) The total number of misdemeanor cases supervised by the office  
26 in the previous six months for both regular and intensive supervision  
27 probation;

28           (3) The felony caseload per officer for both regular and intensive  
29 supervision probation on the last day of the reporting period;

30           (4) The misdemeanor caseload per officer for both regular and  
31 intensive supervision probation on the last day of the reporting period;

1 (5) The total number of juvenile cases supervised by the office in  
2 the previous six months for both regular and intensive supervision  
3 probation;

4 (6) The total number of predisposition investigations completed by  
5 the office in the previous six months;

6 (7) The total number of presentence investigations completed by the  
7 office in the previous six months;~~and~~

8 (8) The total number of juvenile intake screening interviews  
9 conducted and detentions authorized by the office in the previous six  
10 months, using the detention screening instrument described in section  
11 43-260.01; and -

12 (9) The total number of probationers with restitution judgments, the  
13 number of restitution payments made to clerks of the court, the average  
14 amount of payments, and the total amount of restitution collected.

15 The report submitted to the Legislative Fiscal Analyst shall be  
16 submitted electronically.

17 Sec. 67. Section 29-2257, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 29-2257 The Nebraska Probation System is established which shall  
20 consist of the probation administrator, chief probation officers,  
21 probation officers, and support staff. The system shall be responsible  
22 for juvenile intake services, for preadjudication juvenile supervision  
23 services under section 43-254 ~~beginning October 1, 2013~~, for presentence  
24 and other probation investigations, for the direct supervision of persons  
25 placed on probation or post-release supervision, and for non-probation-  
26 based programs and services authorized by an interlocal agreement  
27 pursuant to subdivision (16) of section 29-2252. The system shall be  
28 sufficient in size to assure that no probation officer carries a caseload  
29 larger than is compatible with adequate probation investigation or  
30 supervision. Probation officers shall be compensated with salaries  
31 substantially equal to other state employees who have similar

1 responsibilities.

2 This provision for salary equalization shall apply only to probation  
3 officers and support staff and shall not apply to chief probation  
4 officers, the probation administrator, the chief deputy administrator,  
5 the deputy probation administrator, or any other similarly established  
6 management positions.

7 Sec. 68. Section 29-2258, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 29-2258 A district probation officer shall:

10 (1) Conduct juvenile intake interviews and investigations in  
11 accordance with sections 43-253 and 43-260.01 and, ~~beginning October 1,~~  
12 ~~2013,~~ supervise delivery of preadjudication juvenile services under  
13 subdivision (6) of section 43-254;

14 (2) Make presentence and other investigations, as may be required by  
15 law or directed by a court in which he or she is serving;

16 (3) Supervise probationers in accordance with the rules and  
17 regulations of the office and the directions of the sentencing court;

18 (4) Advise the sentencing court, in accordance with the Nebraska  
19 Probation Administration Act and such rules and regulations of the  
20 office, of violations of the conditions of probation or post-release  
21 supervision by individual probationers;

22 (5) Advise the sentencing court, in accordance with the rules and  
23 regulations of the office and the direction of the court, when the  
24 situation of a probationer may require a modification of the conditions  
25 of probation or post-release supervision or when a probationer's  
26 adjustment is such as to warrant termination of probation or post-release  
27 supervision;

28 (6) Provide each probationer with a statement of the period and  
29 conditions of his or her probation or post-release supervision;

30 (7) Whenever necessary, exercise the power of arrest or temporary  
31 custody as provided in section 29-2266 or 43-286.01;

1           (8) Establish procedures for the direction and guidance of deputy  
2 probation officers under his or her jurisdiction and advise such officers  
3 in regard to the most effective performance of their duties;

4           (9) Supervise and evaluate deputy probation officers under his or  
5 her jurisdiction;

6           (10) Delegate such duties and responsibilities to a deputy probation  
7 officer as he or she deems appropriate;

8           (11) Make such reports as required by the administrator, the judges  
9 of the probation district in which he or she serves, or the Supreme  
10 Court;

11           (12) Keep accurate and complete accounts of all money or property  
12 collected or received from probationers and give receipts therefor;

13           (13) Cooperate fully with and render all reasonable assistance to  
14 other probation officers;

15           (14) In counties with a population of less than twenty-five thousand  
16 people, participate in pretrial diversion programs established pursuant  
17 to sections 29-3601 to 29-3604 and juvenile pretrial diversion programs  
18 established pursuant to sections 43-260.02 to 43-260.07 as requested by  
19 judges of the probation district in which he or she serves or as  
20 requested by a county attorney and approved by the judges of the  
21 probation district in which he or she serves, except that participation  
22 in such programs shall not require appointment of additional personnel  
23 and shall be consistent with the probation officer's current caseload;

24           (15) Participate, at the direction of the probation administrator  
25 pursuant to an interlocal agreement which meets the requirements of  
26 section 29-2255, in non-probation-based programs and services;

27           (16) Perform such other duties not inconsistent with the Nebraska  
28 Probation Administration Act or the rules and regulations of the office  
29 as a court may from time to time direct; and

30           (17) Exercise all powers and perform all duties necessary and proper  
31 to carry out his or her responsibilities.

1           Sec. 69. Section 29-2260, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           29-2260 (1) Whenever a person is adjudicated to be as described in  
4 subdivision (1), (2), (3)(b), or (4) of section 43-247, his or her  
5 disposition shall be governed by the Nebraska Juvenile Code.

6           (2) Whenever a court considers sentence for an offender convicted of  
7 either a misdemeanor or a felony for which mandatory or mandatory minimum  
8 imprisonment is not specifically required, the court may withhold  
9 sentence of imprisonment unless, having regard to the nature and  
10 circumstances of the crime and the history, character, and condition of  
11 the offender, the court finds that imprisonment of the offender is  
12 necessary for protection of the public because:

13           (a) The risk is substantial that during the period of probation the  
14 offender will engage in additional criminal conduct;

15           (b) The offender is in need of correctional treatment that can be  
16 provided most effectively by commitment to a correctional facility; or

17           (c) A lesser sentence will depreciate the seriousness of the  
18 offender's crime or promote disrespect for law.

19           (3) The following grounds, while not controlling the discretion of  
20 the court, shall be accorded weight in favor of withholding sentence of  
21 imprisonment:

22           (a) The crime neither caused nor threatened serious harm;

23           (b) The offender did not contemplate that his or her crime would  
24 cause or threaten serious harm;

25           (c) The offender acted under strong provocation;

26           (d) Substantial grounds were present tending to excuse or justify  
27 the crime, though failing to establish a defense;

28           (e) The victim of the crime induced or facilitated commission of the  
29 crime;

30           (f) The offender has compensated or will compensate the victim of  
31 his or her crime for the damage or injury the victim sustained;



1 (g) The offender has no history of prior delinquency or criminal  
2 activity and has led a law-abiding life for a substantial period of time  
3 before the commission of the crime;

4 (h) The crime was the result of circumstances unlikely to recur;

5 (i) The character and attitudes of the offender indicate that he or  
6 she is unlikely to commit another crime;

7 (j) The offender is likely to respond affirmatively to probationary  
8 treatment; and

9 (k) Imprisonment of the offender would entail excessive hardship to  
10 his or her dependents.

11 (4) When an offender who has been convicted of a crime is not  
12 sentenced to imprisonment, the court may sentence him or her to  
13 probation.

14 (5) For all sentences of imprisonment for Class III, IIIA, or IV  
15 felonies, other than those imposed consecutively or concurrently with a  
16 sentence to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA  
17 felony, the court shall impose a determinate sentence within the  
18 applicable range in section 28-105, including a period of post-release  
19 supervision.

20 Sec. 70. Section 29-2262, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 29-2262 (1) When a court sentences an offender to probation, it  
23 shall attach such reasonable conditions as it deems necessary or likely  
24 to insure that the offender will lead a law-abiding life. No offender  
25 shall be sentenced to probation if he or she is deemed to be a habitual  
26 criminal pursuant to section 29-2221.

27 (2) The court may, as a condition of a sentence of probation,  
28 require the offender:

29 (a) To refrain from unlawful conduct;

30 (b) For misdemeanors, to ~~To~~ be confined periodically in the county  
31 jail or to return to custody after specified hours but not to exceed ~~(i)~~

1 ~~for misdemeanors,~~ the lesser of ninety days or the maximum jail term  
2 provided by law for the offense ~~and (ii) for felonies, one hundred eighty~~  
3 ~~days;~~

4 (c) To meet his or her family responsibilities;

5 (d) To devote himself or herself to a specific employment or  
6 occupation;

7 (e) To undergo medical or psychiatric treatment and to enter and  
8 remain in a specified institution for such purpose;

9 (f) To pursue a prescribed secular course of study or vocational  
10 training;

11 (g) To attend or reside in a facility established for the  
12 instruction, recreation, or residence of persons on probation;

13 (h) To refrain from frequenting unlawful or disreputable places or  
14 consorting with disreputable persons;

15 (i) To possess no firearm or other dangerous weapon if convicted of  
16 a felony, or if convicted of any other offense, to possess no firearm or  
17 other dangerous weapon unless granted written permission by the court;

18 (j) To remain within the jurisdiction of the court and to notify the  
19 court or the probation officer of any change in his or her address or his  
20 or her employment and to agree to waive extradition if found in another  
21 jurisdiction;

22 (k) To report as directed to the court or a probation officer and to  
23 permit the officer to visit his or her home;

24 (l) To pay a fine in one or more payments as ordered;

25 (m) To pay for tests to determine the presence of drugs or alcohol,  
26 psychological evaluations, offender assessment screens, and  
27 rehabilitative services required in the identification, evaluation, and  
28 treatment of offenders if such offender has the financial ability to pay  
29 for such services;

30 (n) To perform community service as outlined in sections 29-2277 to  
31 29-2279 under the direction of his or her probation officer;

1 (o) To be monitored by an electronic surveillance device or system  
2 and to pay the cost of such device or system if the offender has the  
3 financial ability;

4 (p) To participate in a community correctional facility or program  
5 as provided in the Community Corrections Act;

6 (q) To successfully complete an incarceration work camp program as  
7 determined by the Department of Correctional Services;

8 (r) To satisfy any other conditions reasonably related to the  
9 rehabilitation of the offender;

10 (s) To make restitution as described in sections 29-2280 and  
11 29-2281; or

12 (t) To pay for all costs imposed by the court, including court costs  
13 and the fees imposed pursuant to section 29-2262.06.

14 (3) In all cases in which the offender is guilty of violating  
15 section 28-416, a condition of probation shall be mandatory treatment and  
16 counseling as provided by such section.

17 (4) In all cases in which the offender is guilty of a crime covered  
18 by the DNA Identification Information Act, a condition of probation shall  
19 be the collecting of a DNA sample pursuant to the act and the paying of  
20 all costs associated with the collection of the DNA sample prior to  
21 release from probation.

22 (5) In all cases in which the offender is guilty of a felony, a  
23 condition of probation shall be the potential imposition of  
24 administrative sanctions by the office or custodial sanctions of up to  
25 ninety days cumulatively to be served in jail pursuant to section  
26 29-2266. The conditions may state that the office may require an offender  
27 sentenced to probation to submit to custodial sanctions of up to thirty  
28 days each to be served in jail, subject to the offender's right to  
29 request a hearing. If the court withholds authority for the office to  
30 impose custodial sanctions, the office may request the imposition of  
31 custodial sanctions by the sentencing court.

1           Sec. 71. Section 29-2266, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           29-2266 (1) For purposes of this section:

4           (a) Administrative sanction means additional probation requirements  
5 imposed upon a probationer by his or her probation officer, with the full  
6 knowledge and consent of the probationer, designed to hold the  
7 probationer accountable for ~~substance abuse or noncriminal~~ violations of  
8 conditions of probation, including:

9           (i) Counseling or reprimand by his or her probation officer;

10           (ii) Increased supervision contact requirements;

11           (iii) Increased substance abuse testing;

12           (iv) Referral for substance abuse or mental health evaluation or  
13 other specialized assessment, counseling, or treatment;

14           (v) Imposition of a designated curfew for a period not to exceed  
15 thirty days;

16           (vi) Community service for a specified number of hours pursuant to  
17 sections 29-2277 to 29-2279;

18           (vii) Travel restrictions to stay within his or her county of  
19 residence or employment unless otherwise permitted by the supervising  
20 probation officer; and

21           (viii) Restructuring court-imposed financial obligations to mitigate  
22 their effect on the probationer;

23           (b) Noncriminal violation means a probationer's activities or  
24 behaviors which create the opportunity for re-offending or diminish the  
25 effectiveness of probation supervision resulting in a violation of an  
26 original condition of probation, including:

27           (i) Moving traffic violations;

28           (ii) Failure to report to his or her probation officer;

29           (iii) Leaving the jurisdiction of the court or leaving the state  
30 without the permission of the court or his or her probation officer;

31           (iv) Failure to work regularly or attend training or school;

1 (v) Failure to notify his or her probation officer of change of  
2 address or employment;

3 (vi) Frequenting places where controlled substances are illegally  
4 sold, used, distributed, or administered;

5 (vii) Failure to perform community service as directed; and

6 (viii) Failure to pay fines, court costs, restitution, or any fees  
7 imposed pursuant to section 29-2262.06 as directed; and

8 (c) Substance abuse violation means a probationer's activities or  
9 behaviors associated with the use of chemical substances or related  
10 treatment services resulting in a violation of an original condition of  
11 probation, including:

12 (i) Positive breath test for the consumption of alcohol if the  
13 offender is required to refrain from alcohol consumption;

14 (ii) Positive urinalysis for the illegal use of drugs;

15 (iii) Failure to report for alcohol testing or drug testing; and

16 (iv) Failure to appear for or complete substance abuse or mental  
17 health treatment evaluations or inpatient or outpatient treatment.

18 (2) Whenever a probation officer has reasonable cause to believe  
19 that a probationer sentenced for a misdemeanor has committed or is about  
20 to commit a substance abuse violation or noncriminal violation while on  
21 probation, but that the probationer will not attempt to leave the  
22 jurisdiction and will not place lives or property in danger, the  
23 probation officer shall either:

24 (a) Impose one or more administrative sanctions with the approval of  
25 his or her chief probation officer or such chief's designee. The decision  
26 to impose administrative sanctions in lieu of formal revocation  
27 proceedings rests with the probation officer and his or her chief  
28 probation officer or such chief's designee and shall be based upon the  
29 probationer's risk level, the severity of the violation, and the  
30 probationer's response to the violation. If administrative sanctions are  
31 to be imposed, the probationer shall acknowledge in writing the nature of

1 the violation and agree upon the administrative sanction. The probationer  
2 has the right to decline to acknowledge the violation; and if he or she  
3 declines to acknowledge the violation, the probation officer shall take  
4 action pursuant to subdivision (2)(b) of this section. A copy of the  
5 report shall be submitted to the county attorney of the county where  
6 probation was imposed; or

7 (b) Submit a written report to the sentencing court, with a copy to  
8 the county attorney of the county where probation was imposed, outlining  
9 the nature of the probation violation and request that formal revocation  
10 proceedings be instituted against the probationer.

11 (3) Whenever a probation officer has reasonable cause to believe  
12 that a probationer sentenced for a misdemeanor has violated or is about  
13 to violate a condition of probation other than a substance abuse  
14 violation or noncriminal violation and that the probationer will not  
15 attempt to leave the jurisdiction and will not place lives or property in  
16 danger, the probation officer shall submit a written report to the  
17 sentencing court, with a copy to the county attorney of the county where  
18 probation was imposed, outlining the nature of the probation violation.

19 (4) Whenever a probation officer has a reasonable cause to believe  
20 that a probationer sentenced for a misdemeanor has violated or is about  
21 to violate a condition of his or her probation and that the probationer  
22 will attempt to leave the jurisdiction or will place lives or property in  
23 danger, the probation officer shall arrest the probationer without a  
24 warrant and may call on any peace officer for assistance. Whenever a  
25 probationer is arrested, with or without a warrant, he or she shall be  
26 detained in a jail or other detention facility.

27 (5) Immediately after arrest and detention pursuant to subsection  
28 (4) of this section, the probation officer shall notify the county  
29 attorney of the county where probation was imposed and submit a written  
30 report of the reason for such arrest and of any violation of probation.  
31 After prompt consideration of such written report, the county attorney

1 shall:

2 (a) Order the probationer's release from confinement; or

3 (b) File with the sentencing court a motion or information to revoke  
4 the probation.

5 (6) Whenever a county attorney receives a report from a probation  
6 officer that a probationer sentenced for a misdemeanor has violated a  
7 condition of probation, the county attorney may file a motion or  
8 information to revoke probation.

9 (7) Whenever a probation officer has reasonable cause to believe  
10 that a probationer sentenced for a felony has committed or is about to  
11 commit a violation while on probation, the probation officer shall  
12 consider:

13 (a) Whether the probation officer is required to arrest the  
14 probationer pursuant to subsection (10) of this section;

15 (b) The probationer's risk level, the severity of the violation, and  
16 the probationer's response to the violation; and

17 (c) Whether to impose administrative sanctions or seek custodial  
18 sanctions or revocation pursuant to subsection (8) of this section.

19 (8) The following sanctions may be imposed or sought by the  
20 probation officer, with approval from his or her chief probation officer  
21 or such chief's designee, for felony probationers:

22 (a) One or more administrative sanctions;

23 (b) A custodial sanction of up to three days in jail or up to thirty  
24 days in jail, to be imposed by the court. Custodial sanctions may be  
25 combined with one or more administrative sanctions; or

26 (c) Formal revocation proceedings, however formal revocations may  
27 only be instituted against the probationer for a substance abuse or  
28 noncriminal violation if the probationer has served ninety days of  
29 cumulative custodial sanctions during the current probation term.

30 (9) If administrative sanctions are to be imposed by the probation  
31 officer pursuant to subsection (8) of this section, the probationer must

1 acknowledge in writing the nature of the violation and agree upon the  
2 sanction. Prior to acknowledging the violation and agreeing upon the  
3 sanction, the probationer must be presented with a violation report and  
4 advised of the right to a hearing before the court on the alleged  
5 violation. The probationer has the right to decline to acknowledge the  
6 violation and request a court hearing. If the probationer declines to  
7 acknowledge the violation, the probation officer shall submit a written  
8 report to the sentencing court, with a copy to the county attorney of the  
9 county where probation was imposed, describing the alleged violation or  
10 violations and requesting that administrative sanctions or a custodial  
11 sanction of up to thirty days in jail be imposed.

12 (10) Whenever a probation officer has reasonable cause to believe  
13 that a probationer sentenced for a felony has violated or is about to  
14 violate a condition of his or her probation and that the probationer will  
15 attempt to leave the jurisdiction or will place lives or property in  
16 danger, the probation officer shall arrest the probationer without a  
17 warrant and may call on any peace officer for assistance. Whenever a  
18 probationer is arrested, with or without a warrant, he or she shall be  
19 detained in a jail or other detention facility. The probation officer  
20 shall notify the county attorney of the county where probation was  
21 imposed and submit a written report of the reason for such arrest and of  
22 any violation of probation. After prompt consideration of such written  
23 report, the county attorney shall:

- 24 (a) Order the probationer's release from confinement; or  
25 (b) File with the sentencing court a motion or information to impose  
26 administrative or custodial sanctions, or both, or revoke the probation.

27 (11) The administrator shall adopt and promulgate rules and  
28 regulations at the direction of the Supreme Court to ensure prompt court  
29 review of requests for the imposition of custodial sanctions.

30 (12 7) The administrator shall adopt and promulgate rules and  
31 regulations to carry out this section.



1           Sec. 72. Section 29-2268, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           29-2268 (1) If the court finds that the probationer, other than a  
4 probationer serving a term of post-release supervision, did violate a  
5 condition of his or her probation, it may revoke the probation and impose  
6 on the offender such new sentence as might have been imposed originally  
7 for the crime of which he or she was convicted.

8           (2) If the court finds that a probationer serving a term of post-  
9 release supervision did violate a condition of his or her probation, it  
10 may revoke the post-release supervision and impose on the offender a term  
11 of imprisonment up to the remaining period of post-release supervision.  
12 The term shall be served in an institution under the jurisdiction of the  
13 Department of Correctional Services or in the county jail subject to  
14 subsection (2) of section 28-105.

15           (3 2) If the court finds that the probationer did violate a  
16 condition of his or her probation, but is of the opinion that revocation  
17 ~~of probation~~ is not appropriate, the court may order that:

18           (a) The probationer receive a reprimand and warning;

19           (b) Probation supervision and reporting be intensified;

20           (c) The probationer be required to conform to one or more additional  
21 conditions of probation which may be imposed in accordance with the  
22 provisions of sections 29-2246 to 29-2268; and

23           (d) The probationer's term of probation be extended, subject to the  
24 provisions of section 29-2263.

25           Sec. 73. Section 29-2281, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           29-2281 To determine the amount of restitution, the court may hold a  
28 hearing at the time of sentencing. The amount of restitution shall be  
29 based on the actual damages sustained by the victim and shall be  
30 supported by evidence which shall become a part of the court record. The  
31 court shall consider the defendant's earning ability, employment status,

1 financial resources, and family or other legal obligations and shall  
2 balance such considerations against the obligation to the victim. In  
3 considering the earning ability of a defendant who is sentenced to  
4 imprisonment, the court may take evidence of anticipated money earned by  
5 the inmate while incarcerated. A person may not be granted or denied  
6 probation or parole either solely or primarily due to his or her  
7 financial resources or ability or inability to pay restitution. The court  
8 may order that restitution be made immediately, in specified  
9 installments, or within a specified period of time not to exceed five  
10 years after the date of judgment or defendant's final release date from  
11 imprisonment, whichever is later. Restitution payments shall be made  
12 through the clerk of the court ordering restitution. The clerk shall  
13 maintain a record of all receipts and disbursements.

14 Sec. 74. Section 29-2308, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-2308 (1) In all criminal cases that now are or may hereafter be  
17 pending in the Court of Appeals or Supreme Court, the appellate court may  
18 reduce the sentence rendered by the district court against the accused  
19 when in its opinion the sentence is excessive, and it shall be the duty  
20 of the appellate court to render such sentence against the accused as in  
21 its opinion may be warranted by the evidence. No judgment shall be set  
22 aside, new trial granted, or judgment rendered in any criminal case on  
23 the grounds of misdirection of the jury or the improper admission or  
24 rejection of evidence or for error as to any matter of pleading or  
25 procedure if the appellate court, after an examination of the entire  
26 cause, considers that no substantial miscarriage of justice has actually  
27 occurred.

28 (2) In all criminal cases based on offenses subject to determinant  
29 sentencing under subsection (2) of section 62 of this act, the appellate  
30 court may determine that a sentence is excessive because the district  
31 court provided insufficient, rather than substantial and compelling,

1 reasons to impose a sentence other than probation for a Class IV felony.

2       Sec. 75. Section 29-3523, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       29-3523 (1) That part of criminal history record information  
5 consisting of a notation of an arrest, described in subsection (3 2) of  
6 this section, shall not be disseminated to persons other than criminal  
7 justice agencies after the expiration of the periods described in  
8 subsection (3 2) of this section except as provided in subsection (2) of  
9 this section and except when the subject of the record:

10       (a) Is currently the subject of prosecution or correctional control  
11 as the result of a separate arrest;

12       (b) Is currently an announced candidate for or holder of public  
13 office;

14       (c) Has made a notarized request for the release of such record to a  
15 specific person; or

16       (d) Is kept unidentified, and the record is used for purposes of  
17 surveying or summarizing individual or collective law enforcement agency  
18 activity or practices, or the dissemination is requested consisting only  
19 of release of criminal history record information showing (i) dates of  
20 arrests, (ii) reasons for arrests, and (iii) the nature of the  
21 dispositions including, but not limited to, reasons for not prosecuting  
22 the case or cases.

23       (2) That part of criminal history record information consisting of a  
24 notation of an arrest, described in subsection (3) of this section, may  
25 be disseminated to individuals and agencies for the express purpose of  
26 research, evaluative, or statistical activities pursuant to an agreement  
27 with a criminal justice agency that specifically authorizes access to the  
28 information, limits the use of the information to research, evaluative,  
29 or statistical activities, and ensures the confidentiality and security  
30 of the information.

31       (3 2) Except as provided in subsections subsection (1) and (2) of

1 this section, the notation of arrest shall be removed from the public  
2 record as follows:

3 (a) In the case of an arrest for which no charges are filed as a  
4 result of the determination of the prosecuting attorney, the arrest shall  
5 not be part of the public record after one year from the date of arrest;

6 (b) In the case of an arrest for which charges are not filed as a  
7 result of a completed diversion, the arrest shall not be part of the  
8 public record after two years from the date of arrest; and

9 (c) In the case of an arrest for which charges are filed, but  
10 dismissed by the court on motion of the prosecuting attorney or as a  
11 result of a hearing not the subject of a pending appeal, the arrest shall  
12 not be part of the public record after three years from the date of  
13 arrest.

14 (~~4~~ 3) Any person arrested due to the error of a law enforcement  
15 agency may file a petition with the district court for an order to  
16 expunge the criminal history record information related to such error.  
17 The petition shall be filed in the district court of the county in which  
18 the petitioner was arrested. The county attorney shall be named as the  
19 respondent and shall be served with a copy of the petition. The court may  
20 grant the petition and issue an order to expunge such information if the  
21 petitioner shows by clear and convincing evidence that the arrest was due  
22 to error by the arresting law enforcement agency.

23 Sec. 76. Section 29-4011, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 29-4011 (1) Any person required to register under the Sex Offender  
26 Registration Act who violates the act is guilty of a Class ~~IIIA~~ IIIA  
27 felony.

28 (2) Any person required to register under the act who violates the  
29 act and who has previously been convicted of a violation of the act is  
30 guilty of a Class ~~IIA~~ IIA felony and shall be sentenced to a mandatory  
31 minimum term of at least one year in prison unless the violation which

1 caused the person to be placed on the registry was a misdemeanor, in  
2 which case the violation of the act shall be a Class ~~IIIA~~ IV felony.

3 (3) Any law enforcement agency with jurisdiction in the area in  
4 which a person required to register under the act resides, has a  
5 temporary domicile, maintains a habitual living location, is employed,  
6 carries on a vocation, or attends school shall investigate and enforce  
7 violations of the act.

8 Sec. 77. Section 43-412, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 43-412 (1) Every juvenile committed to the Office of Juvenile  
11 Services pursuant to the Nebraska Juvenile Code ~~or pursuant to subsection~~  
12 ~~(3) of section 29-2204~~ shall remain committed until he or she attains the  
13 age of nineteen or is legally discharged.

14 (2) Upon attainment of the age of nineteen or absent a continuing  
15 order of intensive supervised probation, discharge of any juvenile  
16 pursuant to the rules and regulations shall be a complete release from  
17 all penalties incurred by conviction or adjudication of the offense for  
18 which he or she was committed.

19 (3) The Office of Juvenile Services shall provide the committing  
20 court, Office of Probation Administration, county attorney, defense  
21 attorney, if any, and guardian ad litem, if any, with written  
22 notification of the juvenile's discharge within thirty days prior to a  
23 juvenile being discharged from the care and custody of the office.

24 Sec. 78. Section 60-6,197.03, Revised Statutes Cumulative  
25 Supplement, 2014, is amended to read:

26 60-6,197.03 Any person convicted of a violation of section 60-6,196  
27 or 60-6,197 shall be punished as follows:

28 (1) Except as provided in subdivision (2) of this section, if such  
29 person has not had a prior conviction, such person shall be guilty of a  
30 Class W misdemeanor, and the court shall, as part of the judgment of  
31 conviction, order that the operator's license of such person be revoked

1 for a period of six months from the date ordered by the court. The  
2 revocation order shall require that the person apply for an ignition  
3 interlock permit pursuant to section 60-6,211.05 for the revocation  
4 period and have an ignition interlock device installed on any motor  
5 vehicle he or she operates during the revocation period. Such revocation  
6 shall be administered upon sentencing, upon final judgment of any appeal  
7 or review, or upon the date that any probation is revoked.

8 If the court places such person on probation or suspends the  
9 sentence for any reason, the court shall, as one of the conditions of  
10 probation or sentence suspension, order that the operator's license of  
11 such person be revoked for a period of sixty days from the date ordered  
12 by the court. The court shall order that during the period of revocation  
13 the person apply for an ignition interlock permit pursuant to section  
14 60-6,211.05. Such order of probation or sentence suspension shall also  
15 include, as one of its conditions, the payment of a five-hundred-dollar  
16 fine;

17 (2) If such person has not had a prior conviction and, as part of  
18 the current violation, had a concentration of fifteen-hundredths of one  
19 gram or more by weight of alcohol per one hundred milliliters of his or  
20 her blood or fifteen-hundredths of one gram or more by weight of alcohol  
21 per two hundred ten liters of his or her breath, such person shall be  
22 guilty of a Class W misdemeanor, and the court shall, as part of the  
23 judgment of conviction, revoke the operator's license of such person for  
24 a period of one year from the date ordered by the court. The revocation  
25 order shall require that the person apply for an ignition interlock  
26 permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the  
27 revocation period and have an ignition interlock device installed on any  
28 motor vehicle he or she operates during the revocation period. Such  
29 revocation shall be administered upon sentencing, upon final judgment of  
30 any appeal or review, or upon the date that any probation is revoked.

31 If the court places such person on probation or suspends the

1 sentence for any reason, the court shall, as one of the conditions of  
2 probation or sentence suspension, order that the operator's license of  
3 such person be revoked for a period of one year from the date ordered by  
4 the court. The revocation order shall require that the person apply for  
5 an ignition interlock permit pursuant to subdivision (1)(b) of section  
6 60-6,197.01 for the revocation period and have an ignition interlock  
7 device installed on any motor vehicle he or she operates during the  
8 revocation period. Such revocation shall be administered upon sentencing,  
9 upon final judgment of any appeal or review, or upon the date that any  
10 probation is revoked. Such order of probation or sentence suspension  
11 shall also include, as conditions, the payment of a five-hundred-dollar  
12 fine and either confinement in the city or county jail for two days or  
13 the imposition of not less than one hundred twenty hours of community  
14 service;

15 (3) Except as provided in subdivision (5) of this section, if such  
16 person has had one prior conviction, such person shall be guilty of a  
17 Class W misdemeanor, and the court shall, as part of the judgment of  
18 conviction, order that the operator's license of such person be revoked  
19 for a period of eighteen months from the date ordered by the court. The  
20 revocation order shall require that the person not drive for a period of  
21 forty-five days and that the person apply for an ignition interlock  
22 permit and have an ignition interlock device installed on any motor  
23 vehicle he or she owns or operates for at least one year. The court shall  
24 also issue an order pursuant to subdivision (1)(b) of section  
25 60-6,197.01. If the person has an ignition interlock device installed as  
26 required under this subdivision, the person shall not be eligible for  
27 reinstatement of his or her operator's license until he or she has had  
28 the ignition interlock device installed for the period ordered by the  
29 court. The revocation shall be administered upon sentencing, upon final  
30 judgment of any appeal or review, or upon the date that any probation is  
31 revoked.

1           If the court places such person on probation or suspends the  
2 sentence for any reason, the court shall, as one of the conditions of  
3 probation or sentence suspension, order that the operator's license of  
4 such person be revoked for a period of eighteen months from the date  
5 ordered by the court. The revocation order shall require that the person  
6 not drive for a period of forty-five days and that the person apply for  
7 an ignition interlock permit and installation of an ignition interlock  
8 device for not less than a one-year period pursuant to section  
9 60-6,211.05. The court shall also issue an order pursuant to subdivision  
10 (1)(b) of section 60-6,197.01. If the person has an ignition interlock  
11 device installed as required under this subdivision, the person shall not  
12 be eligible for reinstatement of his or her operator's license until he  
13 or she has had the ignition interlock device installed for the period  
14 ordered by the court. The order of probation or sentence suspension shall  
15 also include, as conditions, the payment of a five-hundred-dollar fine  
16 and either confinement in the city or county jail for ten days or the  
17 imposition of not less than two hundred forty hours of community service;

18           (4) Except as provided in subdivision (6) of this section, if such  
19 person has had two prior convictions, such person shall be guilty of a  
20 Class W misdemeanor, and the court shall, as part of the judgment of  
21 conviction, order that the operator's license of such person be revoked  
22 for a period of fifteen years from the date ordered by the court and  
23 shall issue an order pursuant to section 60-6,197.01. Such orders shall  
24 be administered upon sentencing, upon final judgment of any appeal or  
25 review, or upon the date that any probation is revoked.

26           If the court places such person on probation or suspends the  
27 sentence for any reason, the court shall, as one of the conditions of  
28 probation or sentence suspension, order that the operator's license of  
29 such person be revoked for a period of at least two years but not more  
30 than fifteen years from the date ordered by the court. The revocation  
31 order shall require that the person not drive for a period of forty-five



1 days, after which the court may order that during the period of  
2 revocation the person apply for an ignition interlock permit and  
3 installation of an ignition interlock device issued pursuant to section  
4 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of  
5 section 60-6,197.01. Such order of probation or sentence suspension shall  
6 also include, as conditions, the payment of a one-thousand-dollar fine  
7 and confinement in the city or county jail for thirty days;

8 (5) If such person has had one prior conviction and, as part of the  
9 current violation, had a concentration of fifteen-hundredths of one gram  
10 or more by weight of alcohol per one hundred milliliters of his or her  
11 blood or fifteen-hundredths of one gram or more by weight of alcohol per  
12 two hundred ten liters of his or her breath or refused to submit to a  
13 test as required under section 60-6,197, such person shall be guilty of a  
14 Class I misdemeanor, and the court shall, as part of the judgment of  
15 conviction, order payment of a one-thousand-dollar fine and revoke the  
16 operator's license of such person for a period of at least eighteen  
17 months but not more than fifteen years from the date ordered by the court  
18 and shall issue an order pursuant to section 60-6,197.01. Such revocation  
19 and order shall be administered upon sentencing, upon final judgment of  
20 any appeal or review, or upon the date that any probation is revoked. The  
21 court shall also sentence such person to serve at least ninety days'  
22 imprisonment in the city or county jail or an adult correctional  
23 facility.

24 If the court places such person on probation or suspends the  
25 sentence for any reason, the court shall, as one of the conditions of  
26 probation or sentence suspension, order that the operator's license of  
27 such person be revoked for a period of at least eighteen months but not  
28 more than fifteen years from the date ordered by the court. The  
29 revocation order shall require that the person not drive for a period of  
30 forty-five days and that during the period of revocation the person apply  
31 for an ignition interlock permit and installation of an ignition

1 interlock device for not less than a one-year period issued pursuant to  
2 section 60-6,211.05. The court shall also issue an order pursuant to  
3 subdivision (1)(b) of section 60-6,197.01. If the person has an ignition  
4 interlock device installed as required under this subdivision, the person  
5 shall not be eligible for reinstatement of his or her operator's license  
6 until he or she has had the ignition interlock device installed for the  
7 period ordered by the court. The order of probation or sentence  
8 suspension shall also include, as conditions, the payment of a one-  
9 thousand-dollar fine and confinement in the city or county jail for  
10 thirty days;

11 (6) If such person has had two prior convictions and, as part of the  
12 current violation, had a concentration of fifteen-hundredths of one gram  
13 or more by weight of alcohol per one hundred milliliters of his or her  
14 blood or fifteen-hundredths of one gram or more by weight of alcohol per  
15 two hundred ten liters of his or her breath or refused to submit to a  
16 test as required under section 60-6,197, such person shall be guilty of a  
17 Class IIIA felony, and the court shall, as part of the judgment of  
18 conviction, revoke the operator's license of such person for a period of  
19 fifteen years from the date ordered by the court and shall issue an order  
20 pursuant to section 60-6,197.01. Such revocation and order shall be  
21 administered upon sentencing, upon final judgment of any appeal or  
22 review, or upon the date that any probation is revoked. The court shall  
23 also sentence such person to serve at least one hundred eighty days'  
24 imprisonment in the city or county jail or an adult correctional  
25 facility.

26 If the court places such person on probation or suspends the  
27 sentence for any reason, the court shall, as one of the conditions of  
28 probation or sentence suspension, order that the operator's license of  
29 such person be revoked for a period of at least five years but not more  
30 than fifteen years from the date ordered by the court. The revocation  
31 order shall require that the person not drive for a period of forty-five

1 days, after which the court may order that during the period of  
2 revocation the person apply for an ignition interlock permit and  
3 installation of an ignition interlock device issued pursuant to section  
4 60-6,211.05 and shall issue an order pursuant to subdivision (1)(b) of  
5 section 60-6,197.01. Such order of probation or sentence suspension shall  
6 also include, as conditions, the payment of a one-thousand-dollar fine,  
7 confinement in the city or county jail for sixty days, and, upon release  
8 from such confinement, the use of a continuous alcohol monitoring device  
9 and abstention from alcohol use at all times for no less than sixty days;

10 (7) Except as provided in subdivision (8) of this section, if such  
11 person has had three prior convictions, such person shall be guilty of a  
12 Class IIIA felony, and the court shall, as part of the judgment of  
13 conviction, order that the operator's license of such person be revoked  
14 for a period of fifteen years from the date ordered by the court and  
15 shall issue an order pursuant to section 60-6,197.01. Such orders shall  
16 be administered upon sentencing, upon final judgment of any appeal or  
17 review, or upon the date that any probation is revoked. The court shall  
18 also sentence such person to serve at least one hundred eighty days'  
19 imprisonment in the city or county jail or an adult correctional  
20 facility.

21 If the court places such person on probation or suspends the  
22 sentence for any reason, the court shall, as one of the conditions of  
23 probation or sentence suspension, order that the operator's license of  
24 such person be revoked for a period of fifteen years from the date  
25 ordered by the court. The revocation order shall require that the person  
26 not drive for a period of forty-five days, after which the court may  
27 order that during the period of revocation the person apply for an  
28 ignition interlock permit and installation of an ignition interlock  
29 device issued pursuant to section 60-6,211.05 and shall issue an order  
30 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
31 probation or sentence suspension shall also include, as conditions, the

1 payment of a two-thousand-dollar fine, confinement in the city or county  
2 jail for ninety days, and, upon release from such confinement, the use of  
3 a continuous alcohol monitoring device and abstention from alcohol use at  
4 all times for no less than ninety days;

5 (8) If such person has had three prior convictions and, as part of  
6 the current violation, had a concentration of fifteen-hundredths of one  
7 gram or more by weight of alcohol per one hundred milliliters of his or  
8 her blood or fifteen-hundredths of one gram or more by weight of alcohol  
9 per two hundred ten liters of his or her breath or refused to submit to a  
10 test as required under section 60-6,197, such person shall be guilty of a  
11 Class IIA ~~III~~ felony, and the court shall, as part of the judgment of  
12 conviction, revoke the operator's license of such person for a period of  
13 fifteen years from the date ordered by the court and shall issue an order  
14 pursuant to section 60-6,197.01. Such revocation and order shall be  
15 administered upon sentencing, upon final judgment of any appeal or  
16 review, or upon the date that any probation is revoked.

17 If the court places such person on probation or suspends the  
18 sentence for any reason, the court shall, as one of the conditions of  
19 probation or sentence suspension, order that the operator's license of  
20 such person be revoked for a period of fifteen years from the date  
21 ordered by the court. The revocation order shall require that the person  
22 not drive for a period of forty-five days, after which the court may  
23 order that during the period of revocation the person apply for an  
24 ignition interlock permit and installation of an ignition interlock  
25 device issued pursuant to section 60-6,211.05 and shall issue an order  
26 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
27 probation or sentence suspension shall also include, as conditions, the  
28 payment of a two-thousand-dollar fine, confinement in the city or county  
29 jail for one hundred twenty days, and, upon release from such  
30 confinement, the use of a continuous alcohol monitoring device and  
31 abstention from alcohol use at all times for no less than one hundred

1 twenty days;

2 (9) Except as provided in subdivision (10) of this section, if such  
3 person has had four or more prior convictions, such person shall be  
4 guilty of a Class ~~IIA~~ ~~III~~ felony with a minimum sentence of two years'  
5 imprisonment, and the court shall, as part of the judgment of conviction,  
6 order that the operator's license of such person be revoked for a period  
7 of fifteen years from the date ordered by the court and shall issue an  
8 order pursuant to section 60-6,197.01. Such orders shall be administered  
9 upon sentencing, upon final judgment of any appeal or review, or upon the  
10 date that any probation is revoked.

11 If the court places such person on probation or suspends the  
12 sentence for any reason, the court shall, as one of the conditions of  
13 probation or sentence suspension, order that the operator's license of  
14 such person be revoked for a period of fifteen years from the date  
15 ordered by the court. The revocation order shall require that the person  
16 not drive for a period of forty-five days, after which the court may  
17 order that during the period of revocation the person apply for an  
18 ignition interlock permit and installation of an ignition interlock  
19 device issued pursuant to section 60-6,211.05 and shall issue an order  
20 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
21 probation or sentence suspension shall also include, as conditions, the  
22 payment of a two-thousand-dollar fine, confinement in the city or county  
23 jail for one hundred eighty days, and, upon release from such  
24 confinement, the use of a continuous alcohol monitoring device and  
25 abstention from alcohol use at all times for no less than one hundred  
26 eighty days; and

27 (10) If such person has had four or more prior convictions and, as  
28 part of the current violation, had a concentration of fifteen-hundredths  
29 of one gram or more by weight of alcohol per one hundred milliliters of  
30 his or her blood or fifteen-hundredths of one gram or more by weight of  
31 alcohol per two hundred ten liters of his or her breath or refused to

1 submit to a test as required under section 60-6,197, such person shall be  
2 guilty of a Class II felony with a minimum sentence of two years'  
3 imprisonment and the court shall, as part of the judgment of conviction,  
4 revoke the operator's license of such person for a period of fifteen  
5 years from the date ordered by the court and shall issue an order  
6 pursuant to section 60-6,197.01. Such revocation and order shall be  
7 administered upon sentencing, upon final judgment of any appeal or  
8 review, or upon the date that any probation is revoked.

9 If the court places such person on probation or suspends the  
10 sentence for any reason, the court shall, as one of the conditions of  
11 probation or sentence suspension, order that the operator's license of  
12 such person be revoked for a period of fifteen years from the date  
13 ordered by the court. The revocation order shall require that the person  
14 not drive for a period of forty-five days, after which the court may  
15 order that during the period of revocation the person apply for an  
16 ignition interlock permit and installation of an ignition interlock  
17 device issued pursuant to section 60-6,211.05 and shall issue an order  
18 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of  
19 probation or sentence suspension shall also include, as conditions, the  
20 payment of a two-thousand-dollar fine, confinement in the city or county  
21 jail for one hundred eighty days, and, upon release from such  
22 confinement, the use of a continuous alcohol monitoring device and  
23 abstention from alcohol use at all times for no less than one hundred  
24 eighty days.

25 Sec. 79. Section 60-6,197.06, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 60-6,197.06 (1) Unless otherwise provided by law pursuant to an  
28 ignition interlock permit, any person operating a motor vehicle on the  
29 highways or streets of this state while his or her operator's license has  
30 been revoked pursuant to section 28-306, section 60-698, subdivision (4),  
31 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section

1 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196  
2 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions  
3 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and  
4 the court shall, as part of the judgment of conviction, revoke the  
5 operator's license of such person for a period of fifteen years from the  
6 date ordered by the court and shall issue an order pursuant to section  
7 60-6,197.01. Such revocation and order shall be administered upon  
8 sentencing, upon final judgment of any appeal or review, or upon the date  
9 that any probation is revoked.

10 (2) If such person has had a conviction under this section or under  
11 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,  
12 as such subsections existed prior to July 16, 2004, prior to the date of  
13 the current conviction under this section, such person shall be guilty of  
14 a Class IIA ~~III~~ felony, and the court shall, as part of the judgment of  
15 conviction, revoke the operator's license of such person for a period of  
16 fifteen years from the date ordered by the court and shall issue an order  
17 pursuant to section 60-6,197.01. Such revocation and order shall be  
18 administered upon sentencing, upon final judgment of any appeal or  
19 review, or upon the date that any probation is revoked.

20 Sec. 80. Section 68-1017, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 68-1017 (1) Any person, including vendors and providers of medical  
23 assistance and social services, who, by means of a willfully false  
24 statement or representation, or by impersonation or other device, obtains  
25 or attempts to obtain, or aids or abets any person to obtain or to  
26 attempt to obtain (a) an assistance certificate of award to which he or  
27 she is not entitled, (b) any commodity, any foodstuff, any food  
28 instrument, any Supplemental Nutrition Assistance Program benefit or  
29 electronic benefit card, or any payment to which such individual is not  
30 entitled or a larger payment than that to which he or she is entitled,  
31 (c) any payment made on behalf of a recipient of medical assistance or

1 social services, or (d) any other benefit administered by the Department  
2 of Health and Human Services, or who violates any statutory provision  
3 relating to assistance to the aged, blind, or disabled, aid to dependent  
4 children, social services, or medical assistance, commits an offense.

5 (2) Any person who commits an offense under subsection (1) of this  
6 section shall upon conviction be punished as follows: (a) If the  
7 aggregate value of all funds or other benefits obtained or attempted to  
8 be obtained is less than five hundred dollars, the person so convicted  
9 shall be guilty of a Class IV ~~III~~ misdemeanor; (b) if the aggregate value  
10 of all funds or other benefits obtained or attempted to be obtained is  
11 five hundred dollars or more but less than one thousand five hundred  
12 dollars, the person so convicted shall be guilty of a Class III  
13 misdemeanor; or (c ~~b~~) if the aggregate value of all funds and other  
14 benefits obtained or attempted to be obtained is one thousand five  
15 hundred dollars or more, the person so convicted shall be guilty of a  
16 Class IV felony.

17 Sec. 81. Section 68-1017.01, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 68-1017.01 (1) A person commits an offense if he or she knowingly  
20 uses, alters, or transfers any Supplemental Nutrition Assistance Program  
21 benefits or electronic benefit cards or any authorizations to participate  
22 in the Supplemental Nutrition Assistance Program in any manner not  
23 authorized by law. An offense under this subsection shall be a Class IV  
24 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance  
25 Program benefits, electronic benefit cards, or authorizations is less  
26 than five hundred dollars, shall be a Class III misdemeanor if the value  
27 is five hundred dollars or more but less than one thousand five hundred  
28 dollars, and shall be a Class IV felony if the value is one thousand five  
29 hundred dollars or more.

30 (2) A person commits an offense if he or she knowingly (a) possesses  
31 any Supplemental Nutrition Assistance Program benefits or electronic



1 benefit cards or any authorizations to participate in the Supplemental  
2 Nutrition Assistance Program when such individual is not authorized by  
3 law to possess them, (b) redeems Supplemental Nutrition Assistance  
4 Program benefits or electronic benefit cards when he or she is not  
5 authorized by law to redeem them, or (c) redeems Supplemental Nutrition  
6 Assistance Program benefits or electronic benefit cards for purposes not  
7 authorized by law. An offense under this subsection shall be a Class IV  
8 ~~III~~ misdemeanor if the value of the Supplemental Nutrition Assistance  
9 Program benefits, electronic benefit cards, or authorizations is less  
10 than five hundred dollars, shall be a Class III misdemeanor if the value  
11 is five hundred dollars or more but less than one thousand five hundred  
12 dollars, and shall be a Class IV felony if the value is one thousand five  
13 hundred dollars or more.

14 (3) A person commits an offense if he or she knowingly possesses  
15 blank authorizations to participate in the Supplemental Nutrition  
16 Assistance Program when such possession is not authorized by law. An  
17 offense under this subsection shall be a Class IV felony.

18 (4) When any Supplemental Nutrition Assistance Program benefits or  
19 electronic benefit cards or any authorizations to participate in the  
20 Supplemental Nutrition Assistance Program of various values are obtained  
21 in violation of this section pursuant to one scheme or a continuing  
22 course of conduct, whether from the same or several sources, such conduct  
23 may be considered as one offense, and the values aggregated in  
24 determining the grade of the offense.

25 Sec. 82. Section 71-2228, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-2228 Any person who by means of a willfully false statement or  
28 representation, by impersonation, or by other device obtains or attempts  
29 to obtain or aids or abets any person to obtain or to attempt to obtain  
30 (1) a food instrument to which he, she, or it is not entitled, (2) any  
31 supplemental foods to which such person is not entitled, or (3) any other

1 benefit administered by the Department of Health and Human Services under  
2 sections 71-2226 and 71-2227 commits an offense and shall, upon  
3 conviction, be punished as follows: (a) If the aggregate value of all  
4 funds or other benefits obtained or attempted to be obtained is less than  
5 five hundred dollars, the person so convicted shall be guilty of a Class  
6 IV ~~III~~ misdemeanor; (b) if the aggregate value of all funds and other  
7 benefits obtained or attempted to be obtained is five hundred dollars or  
8 more but less than one thousand five hundred dollars, the person so  
9 convicted shall be guilty of a Class III misdemeanor; or (c ~~b~~) if the  
10 aggregate value of all funds and other benefits obtained or attempted to  
11 be obtained is one thousand five hundred dollars or more, the person so  
12 convicted shall be guilty of a Class IV felony.

13 Sec. 83. Section 71-2229, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 71-2229 (1) A person commits an offense if he, she, or it knowingly  
16 and unlawfully uses, alters, or transfers a food instrument or  
17 supplemental food. An offense under this subsection shall be a Class IV  
18 ~~III~~ misdemeanor if the value of the food instrument or benefit is less  
19 than five hundred dollars, shall be a Class III misdemeanor if the value  
20 of the food instrument or benefit is five hundred dollars or more but  
21 less than one thousand five hundred dollars, and shall be a Class IV  
22 felony if the value of the food instrument or benefit is one thousand  
23 five hundred dollars or more.

24 (2) A person commits an offense if he, she, or it (a) knowingly and  
25 unlawfully possesses a food instrument or supplemental food, (b)  
26 knowingly and unlawfully redeems a food instrument, (c) knowingly  
27 falsifies or misapplies a food instrument, or (d) fraudulently obtains a  
28 food instrument. An offense under this subsection shall be a Class IV ~~III~~  
29 misdemeanor if the value of the food instrument or benefit is less than  
30 five hundred dollars, shall be a Class III misdemeanor if the value of  
31 the food instrument or benefit is five hundred dollars or more but less

1 than one thousand five hundred dollars, and shall be a Class IV felony if  
2 the value of the food instrument or benefit is one thousand five hundred  
3 dollars or more.

4 (3) A person commits an offense if he, she, or it knowingly and  
5 unlawfully possesses a blank authorization to participate in the WIC  
6 program or CSF program. An offense under this subsection shall be a Class  
7 IV felony.

8 (4) When food instruments or supplemental foods are obtained in  
9 violation of this section pursuant to one scheme or a continuing course  
10 of conduct, whether from the same or several sources, such conduct may be  
11 considered as one offense and the values aggregated in determining the  
12 grade of the offense.

13 Sec. 84. Section 81-1415, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 81-1415 As used in sections 81-1415 to 81-1426 and section 87 of  
16 this act, unless the context otherwise requires: Commission means shall  
17 ~~mean~~ the Nebraska Commission on Law Enforcement and Criminal Justice.

18 Sec. 85. Section 81-1416, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 81-1416 There is hereby created the Nebraska Commission on Law  
21 Enforcement and Criminal Justice. The commission shall educate the  
22 community at large to the problems encountered by law enforcement  
23 authorities, promote respect for law and encourage community involvement  
24 in the administration of criminal justice. The commission shall be an  
25 agency of the state, and the exercise by the commission of the powers  
26 conferred by the provisions of sections 81-1415 to 81-1426 and section 87  
27 of this act shall be deemed to be an essential governmental function of  
28 the state.

29 Sec. 86. Section 81-1423, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 81-1423 The commission shall have authority to:

1           (1) Adopt and promulgate rules and regulations for its organization  
2 and internal management and rules and regulations governing the exercise  
3 of its powers and the fulfillment of its purposes under sections 81-1415  
4 to 81-1426 and section 87 of this act;

5           (2) Delegate to one or more of its members such powers and duties as  
6 it may deem proper;

7           (3) Coordinate and jointly pursue its activities with the Governor's  
8 Policy Research Office;

9           (4) Appoint and abolish such advisory committees as may be necessary  
10 for the performance of its functions and delegate appropriate powers and  
11 duties to them;

12           (5) Plan improvements in the administration of criminal justice and  
13 promote their implementation;

14           (6) Make or encourage studies of any aspect of the administration of  
15 criminal justice;

16           (7) Conduct research and stimulate research by public and private  
17 agencies which shall be designed to improve the administration of  
18 criminal justice;

19           (8) Coordinate activities relating to the administration of criminal  
20 justice among agencies of state and local government;

21           (9) Cooperate with the federal and other state authorities  
22 concerning the administration of criminal justice;

23           (10) Accept and administer loans, grants, and donations from the  
24 United States, its agencies, the State of Nebraska, its agencies, and  
25 other sources, public and private, for carrying out any of its functions,  
26 except that no communications equipment shall be acquired and no approval  
27 for acquisition of communications equipment shall be granted without  
28 receiving the written approval of the Director of Communications of the  
29 office of Chief Information Officer;

30           (11) Enter into contracts, leases, and agreements necessary,  
31 convenient, or desirable for carrying out its purposes and the powers

1 granted under sections 81-1415 to 81-1426 and section 87 of this act with  
2 agencies of state or local government, corporations, or persons;

3 (12) Acquire, hold, and dispose of personal property in the exercise  
4 of its powers;

5 (13) Conduct random annual audits of criminal justice agencies to  
6 verify the accuracy and completeness of criminal history record  
7 information maintained by such agencies and to determine compliance with  
8 laws and regulations dealing with the dissemination, security, and  
9 privacy of criminal history information;

10 (14) Do all things necessary to carry out its purposes and for the  
11 exercise of the powers granted in sections 81-1415 to 81-1426 and section  
12 87 of this act, except that no activities or transfers or expenditures of  
13 funds available to the commission shall be inconsistent with legislative  
14 policy as reflected in substantive legislation, legislative intent  
15 legislation, or appropriations legislation;

16 (15) Exercise budgetary and administrative control over the Crime  
17 Victim's Reparations Committee and the Jail Standards Board; and

18 (16) Do all things necessary to carry out sections 81-1843 to  
19 81-1851.

20 Sec. 87. (1) There is created a separate and distinct budgetary  
21 program within the commission to be known as the County Justice  
22 Reinvestment Grant Program. Funding shall be used to provide grants to  
23 counties to help offset jail costs.

24 (2) The annual General Fund appropriation to the County Justice  
25 Reinvestment Grant Program shall be apportioned to the counties as grants  
26 in accordance with a formula established in rules and regulations adopted  
27 and promulgated by the commission. The formula shall be based on the  
28 total number per county of individuals incarcerated in jails and the  
29 total capacity of jails.

30 (3) Funds provided to counties under the County Justice Reinvestment  
31 Grant Program shall be used exclusively to assist counties in the event

1 that their average daily jail population increases within three years  
2 after the effective date of this act. In distributing funds provided  
3 under the County Justice Reinvestment Grant Program, counties shall  
4 demonstrate to the commission that their average daily population  
5 increased, using data to pinpoint the contributing factors, as a result  
6 of the implementation of this legislative bill.

7 (4) No funds appropriated or distributed under the County Justice  
8 Reinvestment Grant Program shall be used for the construction of secure  
9 detention facilities, secure treatment facilities, secure confinement  
10 facilities, or county jails. Grants received under this section shall not  
11 be used for capital construction or the lease or acquisition of  
12 facilities. No funds appropriated under this section shall be used to  
13 replace existing funding for programs or services. Any funds distributed  
14 to counties under this section shall be retained by the commission to be  
15 distributed in the form of grants in the following fiscal year.

16 (5) In distributing funds provided under the County Justice  
17 Reinvestment Grant Program, recipients shall use the funds for programs,  
18 services, and approaches that reduce jail populations and costs.

19 (6) Any county receiving grants under the County Justice  
20 Reinvestment Grant Program shall submit annual information electronically  
21 to the commission as required by rules and regulations adopted and  
22 promulgated by the commission. The information shall include, but not be  
23 limited to, the objective sought for the grant and estimated savings and  
24 reduction in jail inmates.

25 (7) The commission shall report annually to the Governor and the  
26 Legislature on the distribution and use of funds for grants appropriated  
27 under the County Justice Reinvestment Grant Program. The report shall  
28 include, but not be limited to, the information listed under subsection  
29 (6) of this section. The report submitted to the Legislature shall be  
30 submitted electronically.

31 (8) The commission shall adopt and promulgate rules and regulations

1 to implement this section.

2       Sec. 88. Section 81-1802, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       81-1802 A Crime Victim's Reparations Committee is hereby created.  
5 The committee shall consist of five members of the commission and three  
6 ~~two~~ public members to be appointed by the Governor subject to approval by  
7 the Legislature. One public member shall represent charitable  
8 organizations, ~~and~~ one public member shall represent businesses, and one  
9 public member, who has training and relevant work experience with victims  
10 and survivors of crime, shall represent crime victims. The members of the  
11 committee shall select a chairperson who is a member of the commission.

12       Sec. 89. Section 81-1803, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14       81-1803 Members of the committee shall serve for terms of four  
15 years, ~~except that of the public members first appointed one shall be~~  
16 ~~appointed for a term of two years and one for a term of four years.~~

17       Sec. 90. Section 81-1813, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19       81-1813 The committee ~~may, subject to the approval of the~~ commission  
20 shall ~~τ~~ adopt and promulgate rules and regulations prescribing the  
21 procedures to be followed in the filing of applications and proceedings  
22 under the Nebraska Crime Victim's Reparations Act and any other matters  
23 the commission ~~committee~~ considers appropriate, including special  
24 circumstances, such as when expenses of job retraining or similar  
25 employment-related rehabilitative services are involved, under which an  
26 award from the Victim's Compensation Fund may exceed twenty-five ~~ten~~  
27 thousand dollars. If the rules and regulations authorize awards in excess  
28 of twenty-five thousand dollars for special circumstances, the amount of  
29 an award in excess of twenty-five thousand dollars shall only be used for  
30 such special circumstances. The committee shall make available all forms  
31 and educational materials necessary to promote the existence of the

1 programs to persons throughout the state.

2 Sec. 91. Section 81-1823, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 81-1823 Except as provided in section 81-1813, no compensation shall  
5 be awarded under the Nebraska Crime Victim's Reparations Act from the  
6 Victim's Compensation Fund in an amount in excess of twenty-five ~~ten~~  
7 thousand dollars for each applicant per incident ~~unless expenses for job~~  
8 ~~retraining or similar employment related rehabilitative services for the~~  
9 ~~victim are deemed necessary. In such case, amounts in excess of ten~~  
10 ~~thousand dollars shall be used only for such purposes.~~ Each award shall  
11 be paid in installments unless the hearing officer or committee decides  
12 otherwise.

13 Sec. 92. Section 83-182.01, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 83-182.01 (1) Structured programming shall be planned for all adult  
16 persons committed to the department. The structured programming shall  
17 include any of the following: Work programs, vocational training,  
18 behavior management and modification, money management, and substance  
19 abuse awareness, counseling, or treatment. Programs and treatment  
20 services shall address:

21 (a) Behavioral impairments, severe emotional disturbances, and other  
22 mental health or psychiatric disorders;

23 (b) Drug and alcohol use and addiction;

24 (c) Health and medical needs;

25 (d) Education and related services;

26 (e) Counseling services for persons committed to the department who  
27 have been physically or sexually abused;

28 (f) Work ethic and structured work programs; ~~and~~

29 (g) The development and enhancement of job acquisition skills and  
30 job performance skills; and -

31 (h) Cognitive behavioral intervention.



1       Structured programming may also include classes and activities  
2 organized by inmate self-betterment clubs, cultural clubs, and other  
3 inmate-led or volunteer-led groups.

4       (2) The goal of such structured programming is to provide the skills  
5 necessary for the person committed to the department to successfully  
6 return to his or her home or community or to a suitable alternative  
7 community upon his or her release from the adult correctional facility.  
8 The Legislature recognizes that many inmate self-betterment clubs and  
9 cultural clubs help achieve this goal by providing constructive  
10 opportunities for personal growth.

11       (3) If a person committed to the department refuses to participate  
12 in the structured programming described in subsection (1) of this  
13 section, he or she shall be subject to disciplinary action, except that a  
14 person committed to the department who refuses to participate in  
15 structured programming consisting of classes and activities organized by  
16 inmate self-betterment clubs, cultural clubs, or other inmate-led or  
17 volunteer-led groups shall not be subject to disciplinary action.

18       (4) Any person committed to the department who is qualified by  
19 reason of education, training, or experience to teach academic or  
20 vocational classes may be given the opportunity to teach such classes to  
21 committed offenders as part of the structured programming described in  
22 this section.

23       (5) The department shall evaluate the quality of programs funded by  
24 the department. The evaluation shall focus on whether program  
25 participation reduces recidivism. Subject to the availability of funding,  
26 the department may contract with an independent contractor or academic  
27 institution for each program evaluation. Each program evaluation shall be  
28 standardized and shall include a site visit, interviews with key staff,  
29 interviews with offenders, group observation, if applicable, and review  
30 of materials used for the program. The evaluation shall include adherence  
31 to concepts that are linked with program effectiveness, such as program

1 procedures, staff qualifications, and fidelity to the program model of  
2 delivering offender assessment and treatment. Each program evaluation  
3 shall also include feedback to the department concerning program  
4 strengths and weaknesses and recommendations for better adherence to  
5 evidence-based programming.

6 Sec. 93. Section 83-183, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 83-183 (1) To establish good habits of work and responsibility, to  
9 foster vocational training, and to reduce the cost of operating the  
10 facilities, persons committed to the department shall be employed, eight  
11 hours per day, so far as possible in constructive and diversified  
12 activities in the production of goods, services, and foodstuffs to  
13 maintain the facilities, for state use, and for other purposes authorized  
14 by law. To accomplish these purposes, the director may establish and  
15 maintain industries and farms in appropriate facilities and may enter  
16 into arrangements with any other board or agency of the state, any  
17 natural resources district, or any other political subdivision, except  
18 that any arrangements entered into with school districts, educational  
19 service units, community colleges, state colleges, or universities shall  
20 include supervision provided by the department, for the employment of  
21 persons committed to the department for state or governmental purposes.  
22 Nothing in this subsection shall be construed to effect a reduction in  
23 the number of work release positions.

24 (2) The director shall make rules and regulations governing the  
25 hours, the conditions of labor, and the rates of compensation of persons  
26 committed to the department. In determining the rates of compensation,  
27 such regulations may take into consideration the quantity and quality of  
28 the work performed by such person, whether or not such work was performed  
29 during regular working hours, the skill required for its performance, and  
30 the economic value of similar work outside of correctional facilities.

31 (3) Except as provided in section 83-183.01, wage payments to a

1 person committed to the department shall be set aside by the chief  
2 executive officer of the facility in a separate fund. The fund shall  
3 enable such person committed to the department to contribute to the  
4 support of his or her dependents, if any, to make necessary purchases  
5 from the commissary, ~~and~~ to set aside sums to be paid to him or her at  
6 the time of his or her release from the facility, and to pay restitution  
7 if restitution is required.

8 (4) The director shall adopt and promulgate rules and regulations  
9 which will protect the committed offender's rights to due process and  
10 govern the collection of restitution as provided in section 96 of this  
11 act.

12 (5 4) The director may authorize the chief executive officer to  
13 invest the earnings of a person committed to the department. Any accrued  
14 interest thereon shall be credited to such person's fund.

15 (6 5) The director may authorize the chief executive officer to  
16 reimburse the state from the wage fund of a person committed to the  
17 department for:

18 (a) The actual value of property belonging to the state or any other  
19 person intentionally or recklessly destroyed by such person committed to  
20 the department during his or her commitment;

21 (b) The actual value of the damage or loss incurred as a result of  
22 unauthorized use of property belonging to the state or any other person  
23 by such person committed to the department;

24 (c) The actual cost to the state for injuries or other damages  
25 caused by intentional acts of such person committed to the department;  
26 and

27 (d) The reasonable costs incurred in returning such person committed  
28 to the department to the facility to which he or she is committed in the  
29 event of his or her escape.

30 (7 6) No person committed to the department shall be required to  
31 engage in excessive labor, and no such person shall be required to

1 perform any work for which he or she is declared unfit by a physician  
2 designated by the director. No person who performs labor or work pursuant  
3 to this section shall be required to wear manacles, shackles, or other  
4 restraints.

5 (8 7) The director may authorize that a portion of the earnings of a  
6 person committed to the department be retained by that person for  
7 personal use.

8 Sec. 94. Section 83-183.01, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-183.01 A person committed to the department, who is earning at  
11 least minimum wage and is employed pursuant to sections 81-1827 and  
12 83-183, shall have his or her wages set aside by the chief executive  
13 officer of the facility in a separate wage fund. The director shall adopt  
14 and promulgate rules and regulations which will protect the inmate's  
15 rights to due process, provide for hearing as necessary before the Crime  
16 Victim's Reparations Committee, and govern the disposition of a confined  
17 person's gross monthly wage minus required payroll deductions and payment  
18 of necessary work-related incidental expenses for the following purposes:

19 (1) For the support of families and dependent relatives of the  
20 respective inmates;

21 (2) For the discharge of any legal obligations, including judgments  
22 for restitution as provided in section 96 of this act;

23 (3) To pay all or a part of the cost of their board, room, clothing,  
24 medical, dental, and other correctional services;

25 (4) To provide for funds payable to the person committed to the  
26 department upon his or her release;

27 (5) For the actual value of state property intentionally or  
28 willfully and wantonly destroyed by such person during his or her  
29 commitment;

30 (6) For reasonable costs incurred in returning such person to the  
31 facility to which he or she is committed in the event of escape; and

1 (7) For deposit in the Victim's Compensation Fund.

2 Sec. 95. Section 83-184, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude, and  
5 conditions indicate that a person committed to the department and the  
6 general society of the state will be benefited, and there is reason to  
7 believe that the best interests of the people of the state and the person  
8 committed to the department will be served thereby, in that order, and  
9 upon the recommendation of the board in the case of each committed  
10 offender, the director may authorize such person, under prescribed  
11 conditions, to:

12 (a) Visit a specifically designated place or places and return to  
13 the same or another facility. An extension of limits may be granted to  
14 permit a visit to a dying relative, attendance at the funeral of a  
15 relative, the obtaining of medical services, the contacting of  
16 prospective employers, or for any other reason consistent with the public  
17 interest; or

18 (b) Work at paid employment or participate in a training program in  
19 the community on a voluntary basis whenever:

20 (i) Such paid employment will not result in the displacement of  
21 employed workers, or be applied in skills, crafts, or trades in which  
22 there is a surplus of available gainful labor in the locality, or impair  
23 existing contracts for services; and

24 (ii) The rates of pay and other conditions of employment will not be  
25 less than those paid or provided for work of similar nature in the  
26 locality in which the work is to be performed.

27 (2) The wages earned by a person authorized to work at paid  
28 employment in the community under the provisions of this section shall be  
29 credited by the chief executive officer of the facility to such person's  
30 wage fund. The director shall authorize the chief executive officer to  
31 withhold up to five percent of such person's net wages. The funds

1 withheld pursuant to this subsection shall be remitted to the State  
2 Treasurer for credit as provided in subsection (2) of section 33-157.

3 (3) A person authorized to work at paid employment in the community  
4 under the provisions of this section may be required to pay, and the  
5 director is authorized to collect, such costs incident to the person's  
6 confinement as the director deems appropriate and reasonable. Collections  
7 shall be deposited in the state treasury as miscellaneous receipts.

8 (4) A person authorized to work at paid employment in the community  
9 under the provisions of this section may be required to pay restitution.  
10 The director shall adopt and promulgate rules and regulations which will  
11 protect the committed offender's rights to due process and govern the  
12 collection of restitution as provided in section 96 of this act.

13 (5 4) The willful failure of a person to remain within the extended  
14 limits of his or her confinement or to return within the time prescribed  
15 to a facility designated by the director may be deemed an escape from  
16 custody punishable as provided in section 28-912.

17 (6 5) No person employed in the community under the provisions of  
18 this section or otherwise released shall, while working in such  
19 employment in the community or going to or from such employment or during  
20 the time of such release, be deemed to be an agent, employee, or servant  
21 of the state.

22 Sec. 96. (1) The department, in consultation with the State Court  
23 Administrator, shall adopt and promulgate rules and regulations to  
24 provide an effective process for the transfer of funds for the purpose of  
25 satisfying restitution orders.

26 (2) A sentencing order requiring an inmate to pay restitution shall  
27 be treated as a court order authorizing the department to withhold and  
28 transfer funds for the purpose of satisfying a restitution order.

29 (3) This section applies to funds in the wage fund of any inmate  
30 confined in a correctional facility on or after the effective date of  
31 this act.

1           (4) The department shall report annually to the Legislature on the  
2 collection of restitution from wage funds. The report shall include the  
3 total number of inmates with restitution judgments, the total number of  
4 inmates with wage funds, the total number of inmates with both, the  
5 number of payments made to either victims or clerks of the court, the  
6 average amount of payments, and the total amount of restitution  
7 collected. The report shall be submitted electronically.

8           Sec. 97. Section 83-1,100, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           83-1,100 There is hereby created within the department the Office of  
11 Parole Administration. The office shall consist of the Parole  
12 Administrator, the field parole service, and all other office staff. The  
13 office shall be responsible for the following:

14           (1) The administration of parole services in the community;

15           (2) The maintenance of all records and files associated with the  
16 Board of Parole;

17           (3) The daily supervision and training of staff members of the  
18 office, including training regarding evidence-based practices in  
19 supervision pursuant to section 98 of this act; and

20           (4) The assessment, evaluation, and supervision of individuals who  
21 are subject to parole supervision, including lifetime community  
22 supervision pursuant to section 83-174.03.

23           Nothing in this section shall be construed to prohibit the office  
24 from maintaining daily records and files associated with the Board of  
25 Pardons.

26           Sec. 98. (1) For purposes of this section:

27           (a) Levels of supervision means the determination of the following  
28 for each person on parole:

29           (i) Supervision contact requirements, including the frequency,  
30 location, methods, and nature of contact with the parole officer;

31           (ii) Substance abuse testing requirements and frequency;

1           (iii) Contact restrictions;  
2           (iv) Curfew restrictions;  
3           (v) Access to available programs and treatment, with priority given  
4 to moderate-risk and high-risk parolees; and  
5           (vi) Severity of graduated responses to violations of supervision  
6 conditions; and

7           (b) Risk and needs assessment means an actuarial tool that has been  
8 validated in Nebraska to determine the likelihood of the parolee engaging  
9 in future criminal behavior.

10           (2) The Office of Parole Administration shall establish an evidence-  
11 based process that utilizes a risk and needs assessment to measure  
12 criminal risk factors and specific individual needs.

13           (3) The risk and needs assessment shall be performed at the  
14 commencement of the parole term and every six months thereafter by office  
15 staff trained and certified, if certification is available, in the use of  
16 the risk and needs assessment.

17           (4) The office shall test the validity of the risk and needs  
18 assessment at least every five years.

19           (5) Based on the results of the risk and needs assessment, the  
20 office shall determine levels of supervision to target parolee criminal  
21 risk and need factors by focusing sanction, program, and treatment  
22 resources on moderate-risk and high-risk parolees.

23           (6) The office shall provide training to its parole officers on use  
24 of a risk and needs assessment, risk-based supervision strategies,  
25 relationship skills, cognitive behavioral interventions, community-based  
26 resources, criminal risk factors, targeting criminal risk factors to  
27 reduce recidivism, and proper use of a matrix of administrative  
28 sanctions, custodial sanctions, and rewards developed pursuant to section  
29 83-1,119. All parole officers employed on the effective date of this act  
30 shall complete the training requirements set forth in this subsection on  
31 or before July 1, 2016. Each parole officer hired on or after the



1 effective date of this act shall complete the training requirements set  
2 forth in this subsection within one year after his or her hire date.

3 (7) The office shall provide training for chief parole officers to  
4 become trainers so as to ensure long-term and self-sufficient training  
5 capacity in the state.

6 Sec. 99. (1) The board, in consultation with the department, shall  
7 adopt and promulgate rules and regulations to achieve a reduction in the  
8 number of inmates under the custody of the department who serve their  
9 entire sentence in a correctional facility and are released without  
10 supervision. The rules and regulations shall establish procedures to  
11 ensure that each parolee is subject to a minimum of nine months of  
12 supervision, and place priority on providing supervision lengths that  
13 enable meaningful transition periods for all offenders.

14 (2) By February 1, 2016, and by February 1 of each year thereafter,  
15 the board and the department shall submit a report to the Legislature,  
16 the Supreme Court, and the Governor that describes the percentage of  
17 offenders sentenced to the custody of the department who complete their  
18 entire sentence and are released with no supervision. The report shall  
19 document characteristics of the individuals released without supervision,  
20 including the highest felony class of conviction, offense type of  
21 conviction, most recent risk assessment, status of the individualized  
22 release or reentry plan, and reasons for the release without supervision.  
23 The report also shall provide recommendations from the department and  
24 board for changes to policy and practice to meet the goal of achieving a  
25 reduction in the number of inmates under the custody of the department  
26 who serve their entire sentence in a correctional facility and are  
27 released without supervision. The report to the Legislature shall be  
28 submitted electronically.

29 Sec. 100. Section 83-1,107, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 83-1,107 (1)(a) Within sixty days after initial classification and

1 assignment of any offender committed to the department, all available  
2 information regarding such committed offender shall be reviewed and a  
3 committed offender department-approved personalized program plan document  
4 shall be drawn up. The document shall specifically describe the  
5 department-approved personalized program plan and the specific goals the  
6 department expects the committed offender to achieve. The document shall  
7 also contain a realistic schedule for completion of the department-  
8 approved personalized program plan. The department-approved personalized  
9 program plan shall be fully explained to the committed offender. The  
10 department shall provide programs to allow compliance by the committed  
11 offender with the department-approved personalized program plan.

12 Programming may include, but is not limited to:

13 (i) Academic and vocational education, including teaching such  
14 classes by qualified offenders;

15 (ii) Substance abuse treatment;

16 (iii) Mental health and psychiatric treatment, including criminal  
17 personality programming;

18 (iv) Constructive, meaningful work programs; and

19 (v) Any other program deemed necessary and appropriate by the  
20 department.

21 (b) A modification in the department-approved personalized program  
22 plan may be made to account for the increased or decreased abilities of  
23 the committed offender or the availability of any program. Any  
24 modification shall be made only after notice is given to the committed  
25 offender. The department may not impose disciplinary action upon any  
26 committed offender solely because of the committed offender's failure to  
27 comply with the department-approved personalized program plan, but such  
28 failure may be considered by the board in its deliberations on whether or  
29 not to grant parole to a committed offender.

30 (2)(a) The department shall reduce the term of a committed offender  
31 by six months for each year of the offender's term and pro rata for any

1 part thereof which is less than a year.

2 (b) In addition to reductions granted in subdivision (2)(a) of this  
3 section, the department shall reduce the term of a committed offender by  
4 three days on the first day of each month following a twelve-month period  
5 of incarceration within the department during which the offender has not  
6 been found guilty of (i) a Class I or Class II offense or (ii) more than  
7 three Class III offenses under the department's disciplinary code.  
8 Reductions earned under this subdivision shall not be subject to forfeit  
9 or withholding by the department.

10 (c) The total reductions under this subsection shall be credited  
11 from the date of sentence, which shall include any term of confinement  
12 prior to sentence and commitment as provided pursuant to section  
13 83-1,106, and shall be deducted from the maximum term, to determine the  
14 date when discharge from the custody of the state becomes mandatory.

15 (3) While the offender is in the custody of the department,  
16 reductions of terms granted pursuant to subdivision (2)(a) of this  
17 section may be forfeited, withheld, and restored by the chief executive  
18 officer of the facility with the approval of the director after the  
19 offender has been notified regarding the charges of misconduct.

20 (4) The department shall ensure that a release or reentry plan is  
21 complete or near completion when the offender has served at least eighty  
22 percent of his or her sentence. For purposes of this subsection, release  
23 or reentry plan means a comprehensive and individualized strategic plan  
24 to ensure an individual's safe and effective transition or reentry into  
25 the community to which he or she resides with the primary goal of  
26 reducing recidivism. At a minimum, the release or reentry plan shall  
27 include, but not be limited to, consideration of the individual's housing  
28 needs, medical or mental health care needs, and transportation and job  
29 needs and shall address an individual's barriers to successful release or  
30 reentry in order to prevent recidivism. The release or reentry plan does  
31 not include an individual's programming needs included in the

1 individual's personalized program plan for use inside the prison.

2 (5) The department shall make treatment programming available to  
3 committed offenders as provided in section 83-1,110.01 and shall include  
4 continuing participation in such programming as part of each offender's  
5 parolee personalized program plan.

6 (6)(a) Within thirty days after any committed offender has been  
7 paroled, all available information regarding such parolee shall be  
8 reviewed and a parolee personalized program plan document shall be drawn  
9 up and approved by the Office of Parole Administration. The document  
10 shall specifically describe the approved personalized program plan and  
11 the specific goals the office expects the parolee to achieve. The  
12 document shall also contain a realistic schedule for completion of the  
13 approved personalized program plan. The approved personalized program  
14 plan shall be fully explained to the parolee. During the term of parole,  
15 the parolee shall comply with the approved personalized program plan and  
16 the office shall provide programs to allow compliance by the parolee with  
17 the approved personalized program plan.

18 Programming may include, but is not limited to:

19 (i) Academic and vocational education;

20 (ii) Substance abuse treatment;

21 (iii) Mental health and psychiatric treatment, including criminal  
22 personality programming;

23 (iv) Constructive, meaningful work programs;

24 (v) Community service programs; and

25 (vi) Any other program deemed necessary and appropriate by the  
26 office.

27 (b) A modification in the approved personalized program plan may be  
28 made to account for the increased or decreased abilities of the parolee  
29 or the availability of any program. Any modification shall be made only  
30 after notice is given to the parolee. Intentional failure to comply with  
31 the approved personalized program plan by any parolee as scheduled for

1 any year, or pro rata part thereof, shall cause disciplinary action to be  
2 taken by the office resulting in the forfeiture of up to a maximum of  
3 three months' good time for the scheduled year.

4 (7) While the offender is in the custody of the board, reductions of  
5 terms granted pursuant to subdivision (2)(a) of this section may be  
6 forfeited, withheld, and restored by the administrator with the approval  
7 of the director after the offender has been notified regarding the  
8 charges of misconduct or breach of the conditions of parole. In addition,  
9 the board may recommend such forfeitures of good time to the director.

10 (8) Good time or other reductions of sentence granted under the  
11 provisions of any law prior to July 1, 1996, may be forfeited, withheld,  
12 or restored in accordance with the terms of the Nebraska Treatment and  
13 Corrections Act.

14 (9) Pursuant to rules and regulations adopted by the probation  
15 administrator and the director, an individualized post-release  
16 supervision plan shall be collaboratively prepared by the Office of  
17 Probation Administration and the department and provided to the court to  
18 prepare individuals under custody of the department for post-release  
19 supervision. All records created during the period of incarceration shall  
20 be shared with the Office of Probation Administration and considered in  
21 preparation of the release and reentry plan.

22 Sec. 101. Section 83-1,119, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 83-1,119 (1) For purposes of this section:

25 (a) Administrative sanction means additional parole requirements  
26 imposed upon a parolee by his or her parole officer, with the full  
27 knowledge and consent of the parolee, designed to hold the parolee  
28 accountable for substance abuse or technical violations of conditions of  
29 parole, including, but not limited to:

30 (i) Counseling or reprimand by the adult parole administration of  
31 the department;

- 1 (ii) Increased supervision contact requirements;
- 2 (iii) Increased substance abuse testing;
- 3 (iv) Referral for substance abuse or mental health evaluation or
- 4 other specialized assessment, counseling, or treatment;
- 5 (v) Imposition of a designated curfew for a period to be determined
- 6 by the adult parole administration; and
- 7 (vi) Travel restrictions to stay within his or her county of
- 8 residence or employment unless otherwise permitted by the adult parole
- 9 administration;

10 (b) Contract facility means a county jail that contracts with the  
11 department to house parolees or other offenders under the jurisdiction of  
12 the department;

13 (c) Substance abuse violation means a parolee's activities or  
14 behaviors associated with the use of chemical substances or related  
15 treatment services resulting in a violation of an original condition of  
16 parole, including:

- 17 (i) Positive breath test for the consumption of alcohol if the
- 18 parolee is required to refrain from alcohol consumption;
- 19 (ii) Positive urinalysis for the illegal use of drugs;
- 20 (iii) Failure to report for alcohol testing or drug testing; and
- 21 (iv) Failure to appear for or complete substance abuse or mental
- 22 health treatment evaluations or inpatient or outpatient treatment; and

23 (d) Technical violation means a parolee's activities or behaviors  
24 which create the opportunity for re-offending or diminish the  
25 effectiveness of parole supervision resulting in a violation of an  
26 original condition of parole, including, but not limited to:

- 27 (i) Moving traffic violations;
- 28 (ii) Failure to report to his or her parole officer;
- 29 (iii) Leaving the state without the permission of the Board of
- 30 Parole;
- 31 (iv) Failure to work regularly or attend training or school;

1 (v) Failure to notify his or her parole officer of change of address  
2 or employment;

3 (vi) Frequenting places where controlled substances are illegally  
4 sold, used, distributed, or administered; and

5 (vii) Failure to pay fines, court costs, restitution, or any fees  
6 imposed pursuant to section 83-1,107.01 as directed.

7 (2) The Office of Parole Administration shall develop a matrix of  
8 rewards for compliance and positive behaviors and graduated  
9 administrative sanctions and custodial sanctions for use in responding to  
10 and deterring substance abuse violations and technical violations. A  
11 custodial sanction of thirty days in a correctional facility or a  
12 contract facility shall be designated as the most severe response to a  
13 violation in lieu of revocation.

14 (3 2) Whenever a parole officer has reasonable cause to believe that  
15 a parolee has committed or is about to commit a substance abuse violation  
16 or technical violation while on parole, but that the parolee will not  
17 attempt to leave the jurisdiction and will not place lives or property in  
18 danger, the parole officer shall either:

19 (a) Impose one or more administrative sanctions based upon the  
20 parolee's risk level, the severity of the violation, and the parolee's  
21 response to the violation. If administrative sanctions are to be imposed,  
22 the parolee shall acknowledge in writing the nature of the violation and  
23 agree upon the administrative sanction. The parolee has the right to  
24 decline to acknowledge the violation. If he or she declines to  
25 acknowledge the violation, the parole officer shall take action pursuant  
26 to subdivision (3 2)(b) of this section. A copy of the report shall be  
27 submitted to the Board of Parole; or

28 (b) Submit a written report to the Board of Parole, outlining the  
29 nature of the parole violation, and request the imposition of a custodial  
30 sanction of thirty days in a correctional facility or a contract  
31 facility. On the basis of the report and such further investigation as

1 the board may deem appropriate, the board shall determine whether and how  
2 the parolee violated the conditions of parole and may: that formal  
3 revocation proceedings be instituted against the parolee.

4 (i) Dismiss the charge of violation; or

5 (ii) If the board finds a violation justifying a custodial sanction,  
6 issue a warrant if necessary and impose a custodial sanction of thirty  
7 days in a correctional facility or a contract facility.

8 (4 3) Whenever a parole officer has reasonable cause to believe that  
9 a parolee has violated or is about to violate a condition of parole by a  
10 violation other than a substance abuse violation or a technical violation  
11 and the parole officer has reasonable cause to believe that the parolee  
12 will not attempt to leave the jurisdiction and will not place lives or  
13 property in danger, the parole officer shall submit a written report to  
14 the Board of Parole which may, on the basis of such report and such  
15 further investigation as it may deem appropriate:

16 (a) Dismiss the charge of violation;

17 (b) Determine whether the parolee violated the conditions of his or  
18 her parole;

19 (c) Impose a custodial sanction of thirty days in a correctional  
20 facility or a contract facility;

21 (d e) Revoke his or her parole in accordance with the Nebraska  
22 Treatment and Corrections Act; or

23 (e d) Issue a warrant for the arrest of the parolee.

24 (5 4) Whenever a parole officer has reasonable cause to believe that  
25 a parolee has violated or is about to violate a condition of parole and  
26 that the parolee will attempt to leave the jurisdiction or will place  
27 lives or property in danger, the parole officer shall arrest the parolee  
28 without a warrant and call on any peace officer to assist him or her in  
29 doing so.

30 (6 5) Whenever a parolee is arrested with or without a warrant, he  
31 or she shall be detained in a local jail or other detention facility.



1 Immediately after such arrest and detention, the parole officer shall  
2 notify the Board of Parole and submit a written report of the reason for  
3 such arrest. A complete investigation shall be made by the parole  
4 administration and submitted to the board. After prompt consideration of  
5 such written report, the board shall order the parolee's release from  
6 detention or continued confinement to await a final decision on  
7 imposition of a custodial sanction or the revocation of parole.

8 (7 6) The Board of Parole shall adopt and promulgate rules and  
9 regulations necessary to carry out this section.

10 Sec. 102. Section 83-1,122, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 83-1,122 (1) If the board finds that the parolee has engaged in  
13 criminal conduct, ~~used drugs or alcohol, or refused to submit to a drug~~  
14 ~~or alcohol test while on parole,~~ the board may order revocation of the  
15 parolee's parole.

16 (2) If the board finds that the parolee did violate a condition of  
17 parole but is of the opinion that revocation of parole is not  
18 appropriate, the board may order that:

19 (a) The parolee receive a reprimand and warning;

20 (b) Parole supervision and reporting be intensified;

21 (c) Good time granted pursuant to section 83-1,108 be forfeited or  
22 withheld;~~or~~

23 (d) The parolee serve a custodial sanction of thirty days in a  
24 correctional facility or a contract facility as defined in section  
25 83-1,119; or

26 (e 4) The parolee be required to conform to one or more additional  
27 conditions of parole which may be imposed in accordance with the Nebraska  
28 Treatment and Corrections Act.

29 (3) Cumulative custodial sanctions of thirty days in a correctional  
30 facility or a contract facility under this section and section 83-1,119  
31 shall not exceed sixty days. If a parolee has previously received two

1 thirty-day custodial sanctions before the current violation, the board  
2 shall either order revocation of the parolee's parole or one or more of  
3 the other sanctions described in subsection (2) of this section.

4 (4) Time spent in custodial sanctions under this section and section  
5 83-1,119 shall be credited to the parolee's sentence.

6 Sec. 103. The board shall not have jurisdiction over persons who  
7 are committed to the department in accordance with section 62 of this act  
8 unless the defendant is also sentenced for an offense in accordance with  
9 section 29-2204.

10 Sec. 104. Section 83-1,135, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 83-1,135 Sections 83-170 to 83-1,135.02 and sections 96, 98, 99, and  
13 103 of this act 83-1,135 shall be known and may be cited as the Nebraska  
14 Treatment and Corrections Act.

15 Sec. 105. Section 83-1,135.02, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 83-1,135.02 (1) It is the intent of the Legislature that the  
18 changes made to the Nebraska Treatment and Corrections Act by Laws 2003,  
19 LB 46, with respect to parole eligibility apply to all committed  
20 offenders under sentence and not on parole on May 24, 2003, and to all  
21 persons sentenced on and after such date.

22 (2) It is the intent of the Legislature that the changes made to  
23 sections 29-2266, 29-2281, 83-182.01, 83-183.01, 83-1,119, and 83-1,122  
24 by this legislative bill and sections 98 and 99 of this act apply to all  
25 committed offenders under sentence, on parole, or on probation on the  
26 effective date of this act and to all persons sentenced on and after such  
27 date.

28 Sec. 106. (1) It is the intent of the Legislature to ensure that  
29 human services agencies, correctional facilities, and detention  
30 facilities recognize that:

31 (a) Federal law generally does not authorize federal financial

1 participation for medicaid when a person is an inmate of a public  
2 institution as defined in federal law but that federal financial  
3 participation is available after an inmate is released from  
4 incarceration; and

5 (b) The fact that an applicant is currently an inmate does not, in  
6 and of itself, preclude the Department of Health and Human Services from  
7 processing an application submitted to it by, or on behalf of, the  
8 inmate.

9 (2)(a) Medical assistance under the medical assistance program shall  
10 be suspended, rather than canceled or terminated, for a person who is an  
11 inmate of a public institution if:

12 (i) The Department of Health and Human Services is notified of the  
13 person's entry into the public institution;

14 (ii) On the date of entry, the person was enrolled in the medical  
15 assistance program; and

16 (iii) The person is eligible for the medical assistance program  
17 except for institutional status.

18 (b) A suspension under subdivision (2)(a) of this section shall end  
19 on the date the person is no longer an inmate of a public institution.

20 (c) Upon release from incarceration, such person shall continue to  
21 be eligible for receipt of medical assistance until such time as the  
22 person is otherwise determined to no longer be eligible for the medical  
23 assistance program.

24 (3)(a) The Department of Correctional Services shall notify the  
25 Department of Health and Human Services:

26 (i) Within twenty days after receiving information that a person  
27 receiving medical assistance under the medical assistance program is or  
28 will be an inmate of a public institution; and

29 (ii) Within forty-five days prior to the release of a person who  
30 qualified for suspension under subdivision (2)(a) of this section.

31 (b) Local correctional facilities, juvenile detention facilities,

1 and other temporary detention centers shall notify the Department of  
2 Health and Human Services within ten days after receiving information  
3 that a person receiving medical assistance under the medical assistance  
4 program is or will be an inmate of a public institution.

5 (4) Nothing in this section shall create a state-funded benefit or  
6 program.

7 (5) For purposes of this section, medical assistance program means  
8 the medical assistance program under the Medical Assistance Act and the  
9 State Children's Health Insurance Program.

10 (6) This section shall be implemented only if, and to the extent,  
11 allowed by federal law. This section shall be implemented only to the  
12 extent that any necessary federal approval of state plan amendments or  
13 other federal approvals are obtained. The Department of Health and Human  
14 Services shall seek such approval if required.

15 (7) Local correctional facilities, the Nebraska Commission on Law  
16 Enforcement and Criminal Justice, and the Office of Probation  
17 Administration shall cooperate with the Department of Health and Human  
18 Services and the Department of Correctional Services for purposes of  
19 facilitating information sharing to achieve the purposes of this section.

20 (8)(a) The Department of Correctional Services shall adopt and  
21 promulgate rules and regulations, in consultation with the Department of  
22 Health and Human Services and local correctional facilities, to carry out  
23 this section.

24 (b) The Department of Health and Human Services shall adopt and  
25 promulgate rules and regulations, in consultation with the Department of  
26 Correctional Services and local correctional facilities, to carry out  
27 this section.

28 Sec. 107. The changes made to the sections listed in this section  
29 by this legislative bill shall not apply to any offense committed prior  
30 to the effective date of this act. Any such offense shall be construed  
31 and punished according to the provisions of law existing at the time the

1 offense was committed. For purposes of this section, an offense shall be  
2 deemed to have been committed prior to the effective date of this act if  
3 any element of the offense occurred prior to such date. The following  
4 sections are subject to this provision: Sections 9-262, 9-352, 9-434,  
5 9-652, 23-135.01, 28-105, 28-106, 28-201, 28-204, 28-305, 28-306, 28-309,  
6 28-310.01, 28-311, 28-311.04, 28-311.08, 28-320, 28-322.02, 28-322.03,  
7 28-322.04, 28-323, 28-393, 28-394, 28-397, 28-416, 28-504, 28-507,  
8 28-514, 28-518, 28-519, 28-603, 28-604, 28-611, 28-611.01, 28-620,  
9 28-621, 28-622, 28-627, 28-631, 28-638, 28-639, 28-703, 28-707, 28-802,  
10 28-813.01, 28-831, 28-912, 28-932, 28-1005, 28-1009, 28-1102, 28-1103,  
11 28-1104, 28-1212.03, 28-1222, 28-1224, 28-1344, 28-1345, 28-1463.05,  
12 29-1816, 29-2204, 29-2308, 29-4011, 60-6,197.03, 60-6,197.06, 68-1017,  
13 68-1017.01, 71-2228, and 71-2229.

14       Sec. 108. If any section in this act or any part of any section is  
15 declared invalid or unconstitutional, the declaration shall not affect  
16 the validity or constitutionality of the remaining portions.

17       Sec. 109. Original sections 9-262, 9-352, 9-434, 9-652, 23-135.01,  
18 28-204, 28-305, 28-310.01, 28-311.04, 28-320, 28-322.02, 28-322.03,  
19 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519, 28-620, 28-621,  
20 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1222,  
21 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2266, 29-2268, 29-2281,  
22 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229, 81-1415, 81-1416,  
23 81-1423, 81-1802, 81-1803, 81-1813, 81-1823, 83-182.01, 83-183,  
24 83-183.01, 83-184, 83-1,100, 83-1,107, 83-1,119, 83-1,122, 83-1,135, and  
25 83-1,135.02, Reissue Revised Statutes of Nebraska, and sections 28-105,  
26 28-106, 28-201, 28-306, 28-309, 28-311, 28-311.08, 28-323, 28-394,  
27 28-416, 28-504, 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631,  
28 28-638, 28-639, 28-707, 28-802, 28-813.01, 28-831, 28-932, 28-1005,  
29 28-1009, 28-1212.03, 28-1463.05, 29-1816, 29-2204, 29-2252, 29-2252.01,  
30 29-2257, 29-2258, 29-2262, 29-4011, 43-412, 60-6,197.03, 68-1017, and  
31 68-1017.01, Revised Statutes Cumulative Supplement, 2014, are repealed.

1           Sec. 110. The following sections are outright repealed: Section  
2 83-1,105.01, Reissue Revised Statutes of Nebraska, and sections 28-1501  
3 and 43-413, Revised Statutes Cumulative Supplement, 2014.

4           2. On page 1, strike lines 2 through 23 and insert "9-262, 9-352,  
5 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01, 28-311.04, 28-320,  
6 28-322.02, 28-322.03, 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519,  
7 28-620, 28-621, 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103,  
8 28-1104, 28-1222, 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2266,  
9 29-2268, 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229,  
10 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823, 83-182.01,  
11 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107, 83-1,119, 83-1,122,  
12 83-1,135, and 83-1,135.02, Reissue Revised Statutes of Nebraska, and  
13 sections 28-105, 28-106, 28-201, 28-306, 28-309, 28-311, 28-311.08,  
14 28-323, 28-394, 28-416, 28-504, 28-518, 28-603, 28-604, 28-611,  
15 28-611.01, 28-631, 28-638, 28-639, 28-707, 28-802, 28-813.01, 28-831,  
16 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05, 29-1816, 29-2204,  
17 29-2252, 29-2252.01, 29-2257, 29-2258, 29-2262, 29-4011, 43-412,  
18 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes Cumulative  
19 Supplement, 2014; to provide, change, and eliminate penalties and  
20 punishments as prescribed; to change sentencing provisions; to change  
21 provisions and provide requirements relating to restitution, probation,  
22 and parole; to provide for post-release supervision; to change provisions  
23 of the Nebraska Probation Administration Act, the Nebraska Crime Victim's  
24 Reparations Act, and the Nebraska Treatment and Corrections Act; to  
25 authorize access to criminal records as prescribed; to provide powers and  
26 duties for the Department of Correctional Services, the Office of  
27 Probation Administration, the Office of Parole Administration, and the  
28 Board of Parole; to create the County Justice Reinvestment Grant Program;  
29 to provide for studies and reports; to provide for suspension of medical  
30 assistance for inmates of public institutions; to provide for  
31 applicability of provisions; to eliminate requirements relating to

1 indeterminate sentences, the Nebraska Justice Reinvestment Working Group,  
2 and certain evaluations of juveniles and obsolete provisions; to  
3 harmonize provisions; to provide severability; to repeal the original  
4 sections; and to outright repeal section 83-1,105.01, Reissue Revised  
5 Statutes of Nebraska, and sections 28-1501 and 43-413, Revised Statutes  
6 Cumulative Supplement, 2014.".