

**ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015**  
**COMMITTEE STATEMENT**  
**LB137**

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**Hearing Date:** Thursday January 22, 2015  
**Committee On:** Judiciary  
**Introducer:** Johnson  
**One Liner:** Change provisions relating to discharge of a firearm

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams  
**Nay:**  
**Absent:** 1 Senator Chambers  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
SEN. JERRY JOHNSON  
JULIE REITER  
JAMES MASTELLER

**Representing:**  
INTRODUCER  
NEBRASKA COUNTY ATTORNEYS  
NEBRASKA COUNTY ATTORNEYS ASSOCIATION

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB137 would amend Sec. 28-1212.04 of the Nebraska Criminal Code to expand the application of the "drive-by shooting" statute. Currently, Sec. 28-1212.04 only applies to a person in "any city of the first class or county containing a city of the metropolitan class or primary class."

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**Explanation of amendments:**

AM511 to LB137 would clarify and expand the application of the "drive-by shooting" statute and two related offenses. The amendment strikes the original sections and makes the following changes:

Section 1 would amend 28-1212.02, to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm at or in the general direction of any building, motor vehicle, aircraft, motor home, or camper unit is a Class I misdemeanor.

Section 2 would amend 28-1212.04, to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm at or in the general direction of any person, any occupied or inhabited building, motor home, or camper unit, any occupied motor vehicle or aircraft, or any other occupied structure is a Class II felony.

Section 3 would amend 28-1335 to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm from a public highway, road, or bridge in this state is a Class III misdemeanor

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