

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB173

Hearing Date: Wednesday February 11, 2015
Committee On: Judiciary
Introducer: Chambers
One Liner: Change habitual criminal provisions

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

Vote Results:

Aye: 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

SEN ERNIE CHAMBERS
ALAN PETERSON
DAVE LARSON
JERRY SOUCIE
THOMAS STRIGENZ
SARAH NEWELL
JOE NIGRO

Representing:

INTRODUCER
ACLU NE
NEBRASKA AFTERCARE IN ACTION
NCDA
SARPY COUNTY PUBLIC DEFENDER
NCPA
LANCASTER COUNTY PUBLIC DEFENDER

Opponents:

JOE KELLY
MARTY BILEK

Representing:

COUNTY ATTORNEY'S ASSOCIATION
OMAHA MAYOR'S OFFICE

Neutral:

Representing:

Summary of purpose and/or changes:

LB173 would amend the "habitual criminal" statute, so it applies only to "violent offenses".

LB173 would limit the habitual criminal penalty enhancement to "violent offenses" (see page 2, lines 14 through 20). This definition includes the offenses listed as violent offenses for purposes of the Correctional System Overcrowding Emergency Act, in section 83-961. This definition also includes sexual assault of a child and motor vehicle homicide.

LB173 would also eliminate the mandatory minimum sentence for a habitual criminal enhancement. The minimum penalty would be 10 years, instead of a 10 or 25 year mandatory minimum.

Explanation of amendments:

The amendment to LB173 incorporates the provisions of LB172.

This would amend 28-105, by eliminating the mandatory minimum sentences for Class IC and ID felonies. The minimum penalty for a Class IC felony would still be five years imprisonment, and the minimum penalty for a Class ID felony would still be three years imprisonment.

Les Seiler, Chairperson