

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 556**

Introduced by Halloran, 33.

Read first time January 18, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 28-101, 28-1201, 28-1204.04, 28-1205, 28-1206, 28-1212.04, 28-1351,  
3 and 28-1354, Reissue Revised Statutes of Nebraska; to define a term;  
4 to change provisions relating to unlawful possession of a firearm at  
5 a school; to provide for and increase penalties; to create the  
6 offense of use of a facsimile firearm or nonfunctioning firearm to  
7 commit a felony; to create the offense of possession of a firearm by  
8 a prohibited juvenile offender and provide a process to reinstate  
9 the right to possess a firearm by such an offender; to change  
10 provisions relating to discharge of a firearm in certain cities and  
11 counties; to harmonize provisions; and to repeal the original  
12 sections.  
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 28-101 Sections 28-101 to 28-1357, ~~28-1418.01, 28-1429.03,~~ and  
4 28-1601 to 28-1603 and sections 5 and 7 of this act shall be known and  
5 may be cited as the Nebraska Criminal Code.

6 Sec. 2. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections  
9 5 and 7 of this act, unless the context otherwise requires:

10 (1) Facsimile firearm means any replica, toy, starter pistol, or  
11 other object that bears a reasonable resemblance to or that reasonably  
12 can be perceived to be an actual firearm;

13 (2) (1) Firearm means any weapon which is designed to or may readily  
14 be converted to expel any projectile by the action of an explosive or  
15 frame or receiver of any such weapon;

16 (3) (2) Fugitive from justice means any person who has fled or is  
17 fleeing from any peace officer to avoid prosecution or incarceration for  
18 a felony;

19 (4) (3) Handgun means any firearm with a barrel less than sixteen  
20 inches in length or any firearm designed to be held and fired by the use  
21 of a single hand;

22 (5) (4) Juvenile means any person under the age of eighteen years;

23 (6) (5) Knife means any dagger, dirk, knife, or stiletto with a  
24 blade over three and one-half inches in length or any other dangerous  
25 instrument capable of inflicting cutting, stabbing, or tearing wounds;

26 (7) (6) Knuckles and brass or iron knuckles means any instrument  
27 that consists of finger rings or guards made of a hard substance and that  
28 is designed, made, or adapted for the purpose of inflicting serious  
29 bodily injury or death by striking a person with a fist enclosed in the  
30 knuckles;

31 (8) (7) Machine gun means any firearm, whatever its size and usual

1 designation, that shoots automatically more than one shot, without manual  
2 reloading, by a single function of the trigger;

3 (9) ~~(8)~~ School means a public, private, denominational, or parochial  
4 elementary, vocational, or secondary school, a private postsecondary  
5 career school as defined in section 85-1603, a community college, a  
6 public or private college, a junior college, or a university;

7 (10) ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen  
8 inches long or an overall length of less than twenty-six inches; and

9 (11) ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels  
10 less than eighteen inches long or an overall length of less than twenty-  
11 six inches.

12 Sec. 3. Section 28-1204.04, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 28-1204.04 (1) Any person who possesses a firearm in a school, on  
15 school grounds, in a school-owned vehicle, or at a school-sponsored  
16 activity or athletic event is guilty of the offense of unlawful  
17 possession of a firearm at a school. Unlawful possession of a firearm at  
18 a school is a Class IV felony. This subsection shall not apply to (a) the  
19 issuance of firearms to or possession by members of the armed forces of  
20 the United States, active or reserve, National Guard of this state, or  
21 Reserve Officers Training Corps ~~or peace officers or other duly~~  
22 ~~authorized law enforcement officers~~ when on duty or training, (b) the  
23 possession of firearms by peace officers or other duly authorized law  
24 enforcement officers who are employees of a law enforcement agency, as  
25 defined in section 81-1452, whether or not such officers are on duty when  
26 ~~contracted by a school to provide school security or school event control~~  
27 ~~services~~, (c) firearms which may lawfully be possessed by the person  
28 receiving instruction, for instruction under the immediate supervision of  
29 an adult instructor, (d) firearms which may lawfully be possessed by a  
30 member of a college or university rifle team, within the scope of such  
31 person's duties as a member of the team, (e) firearms which may lawfully

1 be possessed by a person employed by a college or university in this  
2 state as part of an agriculture or a natural resources program of such  
3 college or university, within the scope of such person's employment, (f)  
4 firearms contained within a private vehicle operated by a nonstudent  
5 adult which are not loaded and (i) are encased or (ii) are in a locked  
6 firearm rack that is on a motor vehicle, (g) firearms which may lawfully  
7 be possessed by a person for the purpose of using them, with the approval  
8 of the school, in a historical reenactment, in a hunter education  
9 program, or as part of an honor guard, or (h) a handgun carried as a  
10 concealed handgun by a valid holder of a permit issued under the  
11 Concealed Handgun Permit Act in a vehicle or on his or her person while  
12 riding in or on a vehicle into or onto any parking area, which is open to  
13 the public and used by a school if, prior to exiting the vehicle, the  
14 handgun is locked inside the glove box, trunk, or other compartment of  
15 the vehicle, a storage box securely attached to the vehicle, or, if the  
16 vehicle is a motorcycle, a hardened compartment securely attached to the  
17 motorcycle while the vehicle is in or on such parking area, except as  
18 prohibited by federal law. For purposes of this subsection, encased means  
19 enclosed in a case that is expressly made for the purpose of containing a  
20 firearm and that is completely zipped, snapped, buckled, tied, or  
21 otherwise fastened with no part of the firearm exposed.

22 (2) Any firearm possessed in violation of subsection (1) of this  
23 section shall be confiscated without warrant by a peace officer or may be  
24 confiscated without warrant by school administrative or teaching  
25 personnel. Any firearm confiscated by school administrative or teaching  
26 personnel shall be delivered to a peace officer as soon as practicable.

27 (3) Any firearm confiscated by or given to a peace officer pursuant  
28 to subsection (2) of this section shall be declared a common nuisance and  
29 shall be held by the peace officer prior to his or her delivery of the  
30 firearm to the property division of the law enforcement agency which  
31 employs the peace officer. The property division of such law enforcement

1 agency shall hold such firearm for as long as the firearm is needed as  
2 evidence. After the firearm is no longer needed as evidence, it shall be  
3 destroyed in such manner as the court may direct.

4 (4) Whenever a firearm is confiscated and held pursuant to this  
5 section or section 28-1204.02, the peace officer who received such  
6 firearm shall cause to be filed within ten days after the confiscation a  
7 petition for destruction of such firearm. The petition shall be filed in  
8 the district court of the county in which the confiscation is made. The  
9 petition shall describe the firearm held, state the name of the owner, if  
10 known, allege the essential elements of the violation which caused the  
11 confiscation, and conclude with a prayer for disposition and destruction  
12 in such manner as the court may direct. At any time after the  
13 confiscation of the firearm and prior to court disposition, the owner of  
14 the firearm seized may petition the district court of the county in which  
15 the confiscation was made for possession of the firearm. The court shall  
16 release the firearm to such owner only if the claim of ownership can  
17 reasonably be shown to be true and either (a) the owner of the firearm  
18 can show that the firearm was taken from his or her property or place of  
19 business unlawfully or without the knowledge and consent of the owner and  
20 that such property or place of business is different from that of the  
21 person from whom the firearm was confiscated or (b) the owner of the  
22 firearm is acquitted of the charge of unlawful possession of a handgun in  
23 violation of section 28-1204, unlawful transfer of a firearm to a  
24 juvenile, or unlawful possession of a firearm at a school. No firearm  
25 having significant antique value or historical significance as determined  
26 by the Nebraska State Historical Society shall be destroyed. If a firearm  
27 has significant antique value or historical significance, it shall be  
28 sold at auction and the proceeds shall be remitted to the State Treasurer  
29 for distribution in accordance with Article VII, section 5, of the  
30 Constitution of Nebraska.

31 Sec. 4. Section 28-1205, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron  
3 knuckles, or any other deadly weapon to commit any felony which may be  
4 prosecuted in a court of this state commits the offense of use of a  
5 deadly weapon to commit a felony.

6 (b) Use of a deadly weapon, other than a firearm, to commit a felony  
7 is a Class II felony.

8 (c) Use of a deadly weapon, which is a firearm, to commit a felony  
9 is a Class IC felony.

10 (2)(a) Any person who possesses a firearm, a knife, brass or iron  
11 knuckles, or a destructive device during the commission of any felony  
12 which may be prosecuted in a court of this state commits the offense of  
13 possession of a deadly weapon during the commission of a felony.

14 (b) Possession of a deadly weapon, other than a firearm, during the  
15 commission of a felony is a Class IIA ~~III~~ felony.

16 (c) Possession of a deadly weapon, which is a firearm, during the  
17 commission of a felony is a Class II felony.

18 (3) The crimes defined in this section shall be treated as separate  
19 and distinct offenses from the felony being committed, and sentences  
20 imposed under this section shall be consecutive to any other sentence  
21 imposed.

22 (4) Possession of a deadly weapon may be proved through evidence  
23 demonstrating either actual or constructive possession of a firearm, a  
24 knife, brass or iron knuckles, or a destructive device during,  
25 immediately prior to, or immediately after the commission of a felony.

26 (5) For purposes of this section:

27 (a) Destructive device has the same meaning as in section 28-1213;  
28 and

29 (b) Use of a deadly weapon includes the discharge, employment, or  
30 visible display of any part of a firearm, a knife, brass or iron  
31 knuckles, any other deadly weapon, or a destructive device during,

1 immediately prior to, or immediately after the commission of a felony or  
2 communication to another indicating the presence of a firearm, a knife,  
3 brass or iron knuckles, any other deadly weapon, or a destructive device  
4 during, immediately prior to, or immediately after the commission of a  
5 felony, regardless of whether such firearm, knife, brass or iron  
6 knuckles, deadly weapon, or destructive device was discharged, actively  
7 employed, or displayed.

8       Sec. 5.     (1) Any person who uses a facsimile firearm or  
9 nonfunctioning firearm to commit a felony commits the offense of use of a  
10 facsimile firearm or nonfunctioning firearm to commit a felony.

11       (2) Use of a facsimile firearm or nonfunctioning firearm to commit a  
12 felony is a Class IIA felony.

13       (3) Use of a facsimile firearm or nonfunctioning firearm to commit a  
14 felony shall be treated as a separate and distinct offense from the  
15 felony being committed, and a sentence imposed under this section shall  
16 be consecutive to any other sentence imposed.

17       (4) For purposes of this section, use of a facsimile firearm or  
18 nonfunctioning firearm includes the employment of such firearm or visible  
19 display of any part of such firearm during, immediately prior to, or  
20 immediately after the commission of a felony.

21       Sec. 6. Section 28-1206, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass  
24 or iron knuckles and who has previously been convicted of a felony, who  
25 is a fugitive from justice, or who is the subject of a current and  
26 validly issued domestic violence protection order and is knowingly  
27 violating such order, or (b) any person who possesses a firearm or brass  
28 or iron knuckles and who has been convicted within the past seven years  
29 of a misdemeanor crime of domestic violence, commits the offense of  
30 possession of a deadly weapon by a prohibited person.

31       (2) The felony conviction may have been had in any court in the

1 United States, the several states, territories, or possessions, or the  
2 District of Columbia.

3 (3)(a) Possession of a deadly weapon which is not a firearm by a  
4 prohibited person is a Class IIA ~~III~~ felony.

5 (b) Possession of a deadly weapon which is a firearm by a prohibited  
6 person is a Class ID felony for a first offense and a Class IB felony for  
7 a second or subsequent offense.

8 (4)(a)(i) For purposes of this section, misdemeanor crime of  
9 domestic violence means:

10 (A)(I) A crime that is classified as a misdemeanor under the laws of  
11 the United States or the District of Columbia or the laws of any state,  
12 territory, possession, or tribe;

13 (II) A crime that has, as an element, the use or attempted use of  
14 physical force or the threatened use of a deadly weapon; and

15 (III) A crime that is committed by another against his or her  
16 spouse, his or her former spouse, a person with whom he or she has a  
17 child in common whether or not they have been married or lived together  
18 at any time, or a person with whom he or she is or was involved in a  
19 dating relationship as defined in section 28-323; or

20 (B)(I) Assault in the third degree under section 28-310, stalking  
21 under subsection (1) of section 28-311.04, false imprisonment in the  
22 second degree under section 28-315, or first offense domestic assault in  
23 the third degree under subsection (1) of section 28-323 or any attempt or  
24 conspiracy to commit one of these offenses; and

25 (II) The crime is committed by another against his or her spouse,  
26 his or her former spouse, a person with whom he or she has a child in  
27 common whether or not they have been married or lived together at any  
28 time, or a person with whom he or she is or was involved in a dating  
29 relationship as defined in section 28-323.

30 (ii) A person shall not be considered to have been convicted of a  
31 misdemeanor crime of domestic violence unless:



1 (A) The person was represented by counsel in the case or knowingly  
2 and intelligently waived the right to counsel in the case; and

3 (B) In the case of a prosecution for a misdemeanor crime of domestic  
4 violence for which a person was entitled to a jury trial in the  
5 jurisdiction in which the case was tried, either:

6 (I) The case was tried to a jury; or

7 (II) The person knowingly and intelligently waived the right to have  
8 the case tried to a jury.

9 (b) For purposes of this section, subject of a current and validly  
10 issued domestic violence protection order pertains to a current court  
11 order that was validly issued pursuant to section 28-311.09 or 42-924 or  
12 that meets or exceeds the criteria set forth in section 28-311.10  
13 regarding protection orders issued by a court in any other state or a  
14 territory, possession, or tribe.

15 Sec. 7. (1) Except as provided in subsections (4) and (5) of this  
16 section, any person under the age of twenty-five years who possesses a  
17 firearm and who has previously been adjudicated an offender in juvenile  
18 court for an act which would constitute a violation of any offense listed  
19 in subsection (3) of this section commits the offense of possession of a  
20 firearm by a prohibited juvenile offender.

21 (2) Possession of a firearm by a prohibited juvenile offender is a  
22 Class IIIA felony for a first offense and a Class III felony for a second  
23 or subsequent offense.

24 (3) Subsection (1) of this section applies to the following  
25 offenses:

26 (a) Murder in the first degree under section 28-303;

27 (b) Murder in the second degree under section 28-304;

28 (c) Manslaughter under section 28-305;

29 (d) Assault in the first degree under section 28-308;

30 (e) Assault in the second degree under section 28-309;

31 (f) Strangulation under section 28-310.01;

- 1       (g) Stalking under section 28-311.03;  
2       (h) Kidnapping under section 28-313;  
3       (i) Sexual assault in the first degree under section 28-319;  
4       (j) Sexual assault of a child in the first degree under section  
5 28-319.01;  
6       (k) Sexual assault in the second or third degree under section  
7 28-320;  
8       (l) Sexual assault of a child in the second or third degree under  
9 section 28-320.01;  
10       (m) Sexual abuse of a protected individual under section 28-322.04;  
11       (n) Felony domestic assault under section 28-323;  
12       (o) Robbery under section 28-324;  
13       (p) A violation of subsection (1) of section 28-416;  
14       (q) Arson in the first degree under section 28-502;  
15       (r) Burglary under section 28-507;  
16       (s) Witness or jury tampering under section 28-919;  
17       (t) Assault on an officer, an emergency responder, a state  
18 correctional employee, a Department of Health and Human Services  
19 employee, or a health care professional in the first degree under section  
20 28-929;  
21       (u) Assault on an officer, an emergency responder, a state  
22 correctional employee, a Department of Health and Human Services  
23 employee, or a health care professional in the second degree under  
24 section 28-930;  
25       (v) Assault on an officer, an emergency responder, a state  
26 correctional employee, a Department of Health and Human Services  
27 employee, or a health care professional in the third degree under section  
28 28-931;  
29       (w) Carrying a concealed weapon under section 28-1202;  
30       (x) Possession of a machine gun, short rifle, or short shotgun under  
31 section 28-1203;

1           (y) Unlawful possession of a handgun under section 28-1204;

2           (z) Unlawful transfer of a firearm to a juvenile under section  
3 28-1204.01;

4           (aa) Unlawful possession of a firearm at a school under section  
5 28-1204.04;

6           (bb) Use of a deadly weapon to commit a felony or possession of a  
7 deadly weapon during the commission of a felony under section 28-1205;

8           (cc) Use of a facsimile firearm or nonfunctioning firearm to commit  
9 a felony under section 5 of this act;

10           (dd) Possession of a defaced firearm under section 28-1207;

11           (ee) Unlawful discharge of a firearm under section 28-1212.02;

12           (ff) Possession, receipt, retention, or disposition of a stolen  
13 firearm under section 28-1212.03;

14           (gg) Unlawful discharge of a firearm under section 28-1212.04;

15           (hh) Unlawful membership recruitment into an organization or  
16 association under section 28-1351; and

17           (ii) Felony violation of a protection order under section 42-924.

18           (4) Subsection (1) of this section does not apply to the possession  
19 of firearms by members of the armed forces of the United States, active  
20 or reserve, National Guard of this state, or Reserve Officers Training  
21 Corps or peace officers or other duly authorized law enforcement officers  
22 when on duty or training.

23           (5)(a) Prior to reaching the age of twenty-five, a person subject to  
24 the prohibition of subsection (1) of this section may file a petition for  
25 exemption from such prohibition and thereby have his or her right to  
26 possess a firearm reinstated. A petitioner who is younger than nineteen  
27 years of age shall petition the juvenile court in which he or she was  
28 adjudicated for the underlying offense. A petitioner who is nineteen  
29 years of age or older shall petition the district court in the county in  
30 which he or she resides.

31           (b) In determining whether to grant a petition filed under

1 subdivision (5)(a) of this section, the court shall consider:

2 (i) The behavior of the person after the underlying adjudication;

3 (ii) The likelihood that the person will engage in further criminal  
4 activity; and

5 (iii) Any other information the court considers relevant.

6 (c) The court may grant a petition filed under subdivision (5)(a) of  
7 this section and issue an order exempting the person from the prohibition  
8 of subsection (1) of this section when in the opinion of the court the  
9 order will be in the best interest of the person and consistent with the  
10 public welfare.

11 (6) The fact that a person subject to the prohibition under  
12 subsection (1) of this section has reached the age of twenty-five or that  
13 a court has granted a petition under subdivision (5)(a) of this section  
14 shall not be construed to mean that such adjudication has been set aside.  
15 Nothing in this section shall be construed to authorize the setting aside  
16 of such an adjudication or conviction except as otherwise provided by  
17 law.

18 Sec. 8. Section 28-1212.04, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1212.04 Any person, ~~within the territorial boundaries of any city~~  
21 ~~of the first class or county containing a city of the metropolitan class~~  
22 ~~or primary class,~~ who unlawfully, knowingly, and intentionally or  
23 recklessly discharges a firearm, while in any motor vehicle or in the  
24 proximity of any motor vehicle that such person has just exited, at or in  
25 the general direction of any person, dwelling, occupied building,  
26 occupied structure, occupied motor vehicle, occupied aircraft, inhabited  
27 motor home as defined in section 71-4603, or inhabited camper unit as  
28 defined in section 60-1801, is guilty of a Class IC felony.

29 Sec. 9. Section 28-1351, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

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

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

9 (a) Robbery under section 28-324;

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

12 (c) Burglary under section 28-507;

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

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

18 (f) Unlawful use, possession, or discharge of a firearm, facsimile  
19 firearm, nonfunctioning firearm, or other deadly weapon under sections  
20 28-1201 to 28-1212.04 and sections 5 and 7 of this act;

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

23 (h) Assault on an officer, an emergency responder, a state  
24 correctional employee, a Department of Health and Human Services  
25 employee, or a health care professional in the first, second, or third  
26 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
27 on an officer, an emergency responder, a state correctional employee, a  
28 Department of Health and Human Services employee, or a health care  
29 professional using a motor vehicle under section 28-931.01;

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

31 (j) Theft by receiving stolen property under section 28-517;

1 (k) Theft by deception under section 28-512;

2 (l) Theft by extortion under section 28-513;

3 (m) Kidnapping under section 28-313;

4 (n) Any forgery offense under sections 28-602 to 28-605;

5 (o) Criminal impersonation under section 28-638;

6 (p) Tampering with a publicly exhibited contest under section  
7 28-614;

8 (q) Unauthorized use of a financial transaction device or criminal  
9 possession of a financial transaction device under section 28-620 or  
10 28-621, respectively;

11 (r) Pandering under section 28-802;

12 (s) Bribery, bribery of a witness, or bribery of a juror under  
13 section 28-917, 28-918, or 28-920, respectively;

14 (t) Tampering with a witness or an informant or jury tampering under  
15 section 28-919;

16 (u) Unauthorized application of graffiti under section 28-524;

17 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
18 against another under section 28-1005; or

19 (w) Promoting gambling in the first degree under section 28-1102.

20 (2) Unlawful membership recruitment into an organization or  
21 association is a Class IV felony.

22 Sec. 10. Section 28-1354, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-1354 For purposes of the Public Protection Act:

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

30 (2) Pattern of racketeering activity means a cumulative loss for one  
31 or more victims or gains for the enterprise of not less than one thousand

1 five hundred dollars resulting from at least two acts of racketeering  
2 activity, one of which occurred after August 30, 2009, and the last of  
3 which occurred within ten years, excluding any period of imprisonment,  
4 after the commission of a prior act of racketeering activity;

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

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

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

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

30 (b) Offenses relating to controlled substances which include: To  
31 unlawfully manufacture, distribute, deliver, dispense, or possess with

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

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

23 (d) Offenses involving fraud which include: Burning to defraud an  
24 insurer under section 28-505; forgery in the first degree under section  
25 28-602; forgery in the second degree under section 28-603; criminal  
26 possession of a forged instrument under section 28-604; criminal  
27 possession of written instrument forgery devices under section 28-605;  
28 criminal impersonation under section 28-638; identity theft under section  
29 28-639; identity fraud under section 28-640; false statement or book  
30 entry under section 28-612; tampering with a publicly exhibited contest  
31 under section 28-614; issuing a false financial statement for purposes of



1 obtaining a financial transaction device under section 28-619;  
2 unauthorized use of a financial transaction device under section 28-620;  
3 criminal possession of a financial transaction device under section  
4 28-621; unlawful circulation of a financial transaction device in the  
5 first degree under section 28-622; unlawful circulation of a financial  
6 transaction device in the second degree under section 28-623; criminal  
7 possession of a blank financial transaction device under section 28-624;  
8 criminal sale of a blank financial transaction device under section  
9 28-625; criminal possession of a financial transaction forgery device  
10 under section 28-626; unlawful manufacture of a financial transaction  
11 device under section 28-627; laundering of sales forms under section  
12 28-628; unlawful acquisition of sales form processing services under  
13 section 28-629; unlawful factoring of a financial transaction device  
14 under section 28-630; and fraudulent insurance acts under section 28-631;  
15 (e) Offenses involving governmental operations which include: Abuse  
16 of public records under section 28-911; perjury or subornation of perjury  
17 under section 28-915; bribery under section 28-917; bribery of a witness  
18 under section 28-918; tampering with a witness or informant or jury  
19 tampering under section 28-919; bribery of a juror under section 28-920;  
20 assault on an officer, an emergency responder, a state correctional  
21 employee, a Department of Health and Human Services employee, or a health  
22 care professional in the first degree under section 28-929; assault on an  
23 officer, an emergency responder, a state correctional employee, a  
24 Department of Health and Human Services employee, or a health care  
25 professional in the second degree under section 28-930; assault on an  
26 officer, an emergency responder, a state correctional employee, a  
27 Department of Health and Human Services employee, or a health care  
28 professional in the third degree under section 28-931; and assault on an  
29 officer, an emergency responder, a state correctional employee, a  
30 Department of Health and Human Services employee, or a health care  
31 professional using a motor vehicle under section 28-931.01;

1 (f) Offenses involving gambling which include: Promoting gambling in  
2 the first degree under section 28-1102; possession of gambling records  
3 under section 28-1105; gambling debt collection under section 28-1105.01;  
4 and possession of a gambling device under section 28-1107;

5 (g) Offenses relating to firearms, weapons, and explosives which  
6 include: Carrying a concealed weapon under section 28-1202;  
7 transportation or possession of machine guns, short rifles, or short  
8 shotguns under section 28-1203; unlawful possession of a handgun under  
9 section 28-1204; unlawful transfer of a firearm to a juvenile under  
10 section 28-1204.01; using a deadly weapon to commit a felony or  
11 possession of a deadly weapon during the commission of a felony under  
12 section 28-1205; use of a facsimile firearm or nonfunctioning firearm to  
13 commit a felony under section 5 of this act; possession of a deadly  
14 weapon by a prohibited person under section 28-1206; possession of a  
15 firearm by a prohibited juvenile offender under section 7 of this act;  
16 possession of a defaced firearm under section 28-1207; defacing a firearm  
17 under section 28-1208; unlawful discharge of a firearm under section  
18 28-1212.02; possession, receipt, retention, or disposition of a stolen  
19 firearm under section 28-1212.03; unlawful possession of explosive  
20 materials in the first degree under section 28-1215; unlawful possession  
21 of explosive materials in the second degree under section 28-1216;  
22 unlawful sale of explosives under section 28-1217; use of explosives  
23 without a permit under section 28-1218; obtaining an explosives permit  
24 through false representations under section 28-1219; possession of a  
25 destructive device under section 28-1220; threatening the use of  
26 explosives or placing a false bomb under section 28-1221; using  
27 explosives to commit a felony under section 28-1222; using explosives to  
28 damage or destroy property under section 28-1223; and using explosives to  
29 kill or injure any person under section 28-1224;

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

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

3 (j) Offenses relating to public health and morals which include:  
4 Prostitution under section 28-801; pandering under section 28-802;  
5 keeping a place of prostitution under section 28-804; labor trafficking,  
6 sex trafficking, labor trafficking of a minor, or sex trafficking of a  
7 minor under section 28-831; a violation of section 28-1005; and any act  
8 relating to the visual depiction of sexually explicit conduct prohibited  
9 in the Child Pornography Prevention Act; and

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

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

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

15 (a) Incurred or contracted in gambling activity which was in  
16 violation of federal law or the law of the state or which is  
17 unenforceable under state or federal law in whole or in part as to  
18 principal or interest because of the laws relating to usury; or

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

23 Sec. 11. Original sections 28-101, 28-1201, 28-1204.04, 28-1205,  
24 28-1206, 28-1212.04, 28-1351, and 28-1354, Reissue Revised Statutes of  
25 Nebraska, are repealed.