

LEGISLATIVE BILL 920

Approved by the Governor March 24, 1978

Introduced by Judiciary Committee, Barnett, 26, Chmn.;
Carsten, 2; Nichol, 48; Stoney, 4; Reutzal, 15

AN ACT to amend sections 28-417, 28-523, and 28-706,
Revised Statutes Supplement, 1977, relating to
the Nebraska Criminal Code; to change intent
provisions of a certain unlawful act; to
reclassify offenses; and to repeal the
original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-417, Revised Statutes
Supplement, 1977, be amended to read as follows:

28-417. (1) It shall be unlawful for any person:

(a) Who is subject to the requirements of
sections 28-406 to 28-414 to distribute or dispense a
controlled substance in violation of section 28-414;

(b) Who is a registrant to manufacture a
controlled substance not authorized by his registration,
or to distribute or dispense a controlled substance not
authorized by his registration to another registrant or
other authorized person;

(c) To omit, remove, alter, or obliterate a
symbol required by the Federal Controlled Dangerous
Substances Act or required by the laws of this state;

(d) To alter, deface, or remove any label affixed
to a package of narcotic drugs;

(e) To refuse or fail to make, keep or furnish
any record, notification, order form, statement, invoice
or information required under this article;

(f) To refuse any entry into any premises for
inspection authorized by the provisions of this article;

(g) To keep or maintain any store, shop,
warehouse, dwelling house, building, vehicle, boat,
aircraft, or any place whatever, which such person knows,
or should know, is resorted to by persons using
controlled substances in violation of the provisions of
this article for the purpose of using such substances, or
which is used for the keeping or selling of the same in

violation of the provisions of this article;

(h) To whom or for whose use any controlled substance has been prescribed, sold or dispensed by a practitioner or the owner of any animal for which any such substance has been prescribed, sold or dispensed by a veterinarian to possess it in a container other than which it was delivered to him by the practitioner; or

(i) To be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. In a prosecution under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled substance.

(2) Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 2. That section 28-523, Revised Statutes Supplement, 1977, be amended to read as follows:

28-523. (1) Any person who deposits, throws, or leaves any litter on any public or private property, or in any waters, commits the offense of littering unless:

(a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(b) The litter is placed in a receptacle or container installed on such property for such purpose.

(2) The word litter as used in this section means all rubbish, refuse, waste material, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this section, the operator of such motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped, or dumped therefrom.

(4) Littering is a Class ~~IV~~ V misdemeanor.

Sec. 3. That section 28-706, Revised Statutes Supplement, 1977, be amended to read as follows:

28-706. (1) Any person who intentionally fails, refuses, or neglects to provide proper support which he knows or reasonably should know he is legally obliged to provide to a spouse, minor child, minor stepchild, or other dependent, commits criminal nonsupport.

(2) A parent or guardian who refuses to pay hospital costs, medical costs, or any other costs arising out of or in connection with an abortion procedure performed on a minor child or minor stepchild does not commit criminal nonsupport if:

(a) Such parent or guardian was not consulted prior to the abortion procedure; or

(b) After consultation, such parent or guardian refused to grant consent for such procedure, and the abortion procedure was not necessary to preserve the minor child or stepchild from an imminent peril that substantially endangered her life or health.

(3) Support includes but is not limited to food, clothing, medical care, and shelter.

(4) This section does not exclude any applicable civil remedy.

(5) Criminal nonsupport is a Class II misdemeanor.

(6) Criminal nonsupport is a ~~Class I--misdemeanor~~ Class IV felony if it is in violation of any order of any court.

Sec. 4. That original sections 28-417, 28-523, and 28-706, Revised Statutes Supplement, 1977, are repealed.