

LEGISLATIVE BILL 211

Approved by the Governor May 25, 1989

Introduced by Langford, 36; Bernard-Stevens, 42;
Smith, 33

AN ACT relating to criminal procedure; to amend section 29-110, Reissue Revised Statutes of Nebraska, 1943; to change the statute of limitations for certain offenses involving sexual assault; and to repeal the original section.

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

Section 1. That section 29-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-110. ~~No (1) Except as provided in subsection (2) of this section, no person or persons shall be prosecuted for any felony, excepting only treason, murder, arson, and forgery, unless the indictment for the same shall be found by a grand jury within three years next after the offense shall have been done or committed or unless a complaint for the same shall be filed before the magistrate within three years next after the offense shall have been done or committed and a warrant for the arrest of the defendant shall have been issued, nor shall any person be prosecuted, tried, or punished for any misdemeanor or other indictable offense below the grade of felony, or for any fine or forfeiture under any penal statute, unless the indictment, information, or action for the same shall be found or instituted within one year and six months from the time of committing the offense or incurring the fine or forfeiture, or within one year for any offense the punishment of which is restricted by a fine not exceeding one hundred dollars and to imprisonment not exceeding three months. This section ; PROVIDED; nothing herein contained shall not extend to any person fleeing from justice. When ; PROVIDED FURTHER; where any suit, information, or indictment for any crime or misdemeanor is limited by any statute to be brought or exhibited within any other time than is hereby limited by this section, then the same shall be brought or exhibited within the time limited by such statute. If ; AND PROVIDED FURTHER; where any indictment, information, or suit is shall be quashed or the proceedings in the same set aside or reversed on~~

writ of error, the time during the pendency of such indictment, information, or suit so quashed, set aside, or reversed, shall not be reckoned within this statute so as to bar any new indictment, information, or suit for the same offense.

(2) No person or persons shall be prosecuted for sexual assault in the first degree, second degree, or third degree pursuant to section 28-319 or 28-320 when the victim is under sixteen years of age at the time of the offense or for sexual assault of a child pursuant to section 28-320.01 unless the indictment for the same shall be found by a grand jury within five years next after the offense shall have been done or committed or unless a complaint for the same shall be filed before the magistrate within five years next after the offense shall have been done or committed and a warrant for the arrest of the defendant shall have been issued.

Sec. 2. That original section 29-110, Reissue Revised Statutes of Nebraska, 1943, is repealed.