

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 781

Introduced by Pansing Brooks, 28; Baker, 30; Ebke, 32; Howard, 9; Krist,
10; McCollister, 20; Morfeld, 46; Schumacher, 22; Vargas,
7; Wayne, 13.

Read first time January 03, 2018

Committee:

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-105, Revised Statutes Supplement, 2017; to change provisions
- 3 relating to certain penalties for persons under nineteen years of
- 4 age; to harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-105, Revised Statutes Supplement, 2017, is
2 amended to read:

3 28-105 (1) For purposes of the Nebraska Criminal Code and any
4 statute passed by the Legislature after the date of passage of the code,
5 felonies are divided into ten classes which are distinguished from one
6 another by the following penalties which are authorized upon conviction:

7	Class I felony	Death
8	Class IA felony	Life imprisonment
9	Class IB felony	Maximum—life imprisonment
10		Minimum—twenty years imprisonment
11	Class IC felony	Maximum—fifty years imprisonment
12		Mandatory minimum—five years imprisonment
13	Class ID felony	Maximum—fifty years imprisonment
14		Mandatory minimum—three years imprisonment
15	Class II felony	Maximum—fifty years imprisonment
16		Minimum—one year imprisonment
17	Class IIA felony	Maximum—twenty years imprisonment
18		Minimum—none
19	Class III felony	Maximum—four years imprisonment and two years
20		post-release supervision or
21		twenty-five thousand dollars fine, or both
22		Minimum—none for imprisonment and nine months
23		post-release supervision if imprisonment is imposed
24	Class IIIA felony	Maximum—three years imprisonment
25		and eighteen months post-release supervision or
26		ten thousand dollars fine, or both
27		Minimum—none for imprisonment and nine months
28		post-release supervision if imprisonment is imposed
29	Class IV felony	Maximum—two years imprisonment and twelve
30		months post-release supervision or

1 ten thousand dollars fine, or both
2 Minimum—none for imprisonment and nine months
3 post-release supervision if imprisonment is imposed

4 (2) All sentences for maximum terms of imprisonment for one year or
5 more for felonies shall be served in institutions under the jurisdiction
6 of the Department of Correctional Services. All sentences for maximum
7 terms of imprisonment of less than one year shall be served in the county
8 jail.

9 (3) Nothing in this section shall limit the authority granted in
10 sections 29-2221 and 29-2222 to increase sentences for habitual
11 criminals.

12 (4) The minimum term for any person convicted of a Class IC or Class
13 ID felony for an offense committed when such person was under nineteen
14 years of age shall not be a mandatory minimum but a minimum term only.

15 (5) (4) A person convicted of a felony for which a mandatory minimum
16 sentence is prescribed shall not be eligible for probation.

17 (6) (5) All sentences of post-release supervision shall be served
18 under the jurisdiction of the Office of Probation Administration and
19 shall be subject to conditions imposed pursuant to section 29-2262 and
20 subject to sanctions authorized pursuant to section 29-2266.02.

21 (7) (6) Any person who is sentenced to imprisonment for a Class I,
22 IA, IB, IC, ID, II, or IIA felony and sentenced concurrently or
23 consecutively to imprisonment for a Class III, IIIA, or IV felony shall
24 not be subject to post-release supervision pursuant to subsection (1) of
25 this section.

26 (8) (7) Any person who is sentenced to imprisonment for a Class III,
27 IIIA, or IV felony committed prior to August 30, 2015, and sentenced
28 concurrently or consecutively to imprisonment for a Class III, IIIA, or
29 IV felony committed on or after August 30, 2015, shall not be subject to
30 post-release supervision pursuant to subsection (1) of this section.

31 (9) (8) The changes made to the penalties for Class III, IIIA, and

1 IV felonies by Laws 2015, LB605, do not apply to any offense committed
2 prior to August 30, 2015, as provided in section 28-116.

3 Sec. 2. Original section 28-105, Revised Statutes Supplement, 2017,
4 is repealed.