

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 556

Introduced by Halloran, 33.

Read first time January 18, 2017

Committee:

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.