

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 822

Introduced by Lautenbaugh, 18.

Read first time January 13, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-320.01, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to sexual assault of a child
4 in the second or third degree; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-320.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-320.01 (1) A person commits sexual assault of a child
4 in the second or third degree: if

5 (a) When he or she subjects another person under fourteen
6 years of age or younger to sexual contact and the actor is at least
7 nineteen years of age or older; or -

8 (b) When he or she subjects another person who is at
9 least fourteen years of age but less than sixteen years of age to
10 sexual contact and the actor is twenty-five years of age or older.

11 (2) Sexual assault of a child is in the second degree if
12 the actor causes serious personal injury to the victim. Sexual
13 assault of a child in the second degree is a Class II felony for the
14 first offense.

15 (3) Sexual assault of a child is in the third degree if
16 the actor does not cause serious personal injury to the victim.
17 Sexual assault of a child in the third degree is a Class IIIA felony
18 for the first offense.

19 (4) Any person who is found guilty of second degree
20 sexual assault of a child under this section and who has previously
21 been convicted (a) under this section, (b) under section 28-319 of
22 first degree or attempted first degree sexual assault, (c) under
23 section 28-319.01 for first degree or attempted first degree sexual
24 assault of a child, or (d) in any other state or federal court under
25 laws with essentially the same elements as this section, section

1 28-319, or section 28-319.01 shall be guilty of a Class IC felony and
2 shall be sentenced to a mandatory minimum term of twenty-five years
3 in prison.

4 (5) Any person who is found guilty of third degree sexual
5 assault of a child under this section and who has previously been
6 convicted (a) under this section, (b) under section 28-319 of first
7 degree or attempted first degree sexual assault, (c) under section
8 28-319.01 for first degree or attempted first degree sexual assault
9 of a child, or (d) in any other state or federal court under laws
10 with essentially the same elements as this section, section 28-319,
11 or 28-319.01 shall be guilty of a Class IC felony.

12 Sec. 2. Original section 28-320.01, Reissue Revised
13 Statutes of Nebraska, is repealed.