

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SPECIAL SESSION

LEGISLATIVE BILL 51

Introduced by Chambers, 11

Read first time August 1, 2002

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section 29-110,
2 Reissue Revised Statutes of Nebraska; to eliminate the
3 time limitation on prosecution for sexual assault of a
4 child as prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-110, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-110. (1) Except as provided in subsections (2) and
4 (3) of this section, no person or persons shall be prosecuted for
5 any felony, excepting only treason, murder, arson, ~~and~~ forgery, and
6 sexual assault of a child pursuant to section 28-320.01, unless the
7 indictment for the same shall be found by a grand jury within three
8 years next after the offense shall have been done or committed or
9 unless a complaint for the same shall be filed before the
10 magistrate within three years next after the offense shall have
11 been done or committed and a warrant for the arrest of the
12 defendant shall have been issued nor shall any person be
13 prosecuted, tried, or punished for any misdemeanor or other
14 indictable offense below the grade of felony or for any fine or
15 forfeiture under any penal statute unless the indictment,
16 information, or action for the same shall be found or instituted
17 within one year and six months from the time of committing the
18 offense or incurring the fine or forfeiture or within one year for
19 any offense the punishment of which is restricted by a fine not
20 exceeding one hundred dollars and to imprisonment not exceeding
21 three months. This section shall not extend to any person fleeing
22 from justice. When any suit, information, or indictment for any
23 crime or misdemeanor is limited by any statute to be brought or
24 exhibited within any other time than is limited by this section,
25 then the same shall be brought or exhibited within the time limited
26 by such statute. If any indictment, information, or suit is
27 quashed or the proceedings in the same set aside or reversed on
28 writ of error, the time during the pendency of such indictment,

1 information, or suit so quashed, set aside, or reversed shall not
2 be reckoned within this statute so as to bar any new indictment,
3 information, or suit for the same offense.

4 (2) No person or persons shall be prosecuted for sexual
5 assault in the first degree, second degree, or third degree
6 pursuant to section 28-319 or 28-320, ~~sexual assault of a child~~
7 ~~pursuant to section 28-320.01~~, kidnapping pursuant to section
8 28-313, false imprisonment pursuant to section 28-314 or 28-315,
9 child abuse pursuant to section 28-707, pandering pursuant to
10 section 28-802, debauching a minor pursuant to section 28-805, or
11 an offense pursuant to section 28-813, 28-813.01, or 28-1463.03
12 when the victim is under sixteen years of age at the time of the
13 offense (a) unless the indictment for the same shall be found by a
14 grand jury within seven years next after the offense has been
15 committed or within seven years next after the victim's sixteenth
16 birthday, whichever is later, or (b) unless a complaint for the
17 same shall be filed before the magistrate within seven years next
18 after the offense has been committed or within seven years next
19 after the victim's sixteenth birthday, whichever is later, and a
20 warrant for the arrest of the defendant shall have been issued.
21 The limitations prescribed in this subsection shall include all
22 inchoate offenses pursuant to the Nebraska Criminal Code and
23 compounding a felony pursuant to section 28-301.

24 (3) No person or persons shall be prosecuted for a
25 violation of the Securities Act of Nebraska pursuant to section
26 8-1117 unless the indictment for the same shall be found by a grand
27 jury within five years next after the offense shall have been done
28 or committed or unless a complaint for the same shall be filed

1 before the magistrate within five years next after the offense
2 shall have been done or committed and a warrant for the arrest of
3 the defendant shall have been issued.

4 (4) The changes made to this section by Laws 1990, LB
5 1246, shall apply to offenses which occurred prior to April 15,
6 1990, or which occur on or after such date.

7 (5) The changes made to this section by Laws 1993, LB
8 216, shall apply to offenses which occurred prior to September 9,
9 1993, or which occur on or after such date.

10 (6) The changes made to this section by this legislative
11 bill shall apply to offenses which occurred prior to the effective
12 date of this act or which occur on or after such date.

13 Sec. 2. Original section 29-110, Reissue Revised
14 Statutes of Nebraska, is repealed.