

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 987

Introduced by Bourne, 8; Connealy, 16; Synowiecki, 7

Read first time January 9, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Revised Statutes Supplement, 2003; to create the
3 offense of strangulation; to provide penalties; and to
4 repeal the original section.

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

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2003, is amended to read:

3 28-101. Sections 28-101 to 28-1350 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1) A person commits the offense of
6 strangulation if the person knowingly or intentionally impedes the
7 normal breathing or circulation of the blood of another person by
8 (a) applying pressure on the throat or neck of the other person or
9 (b) blocking the nose or mouth of the other person.

10 (2) Except as provided in subsection (3) of this section,
11 strangulation is a Class IV felony.

12 (3) Strangulation is a Class III felony if:

13 (a) The person used or attempted to use a dangerous
14 instrument while committing the offense;

15 (b) The person caused serious bodily injury to the other
16 person while committing the offense; or

17 (c) The person has been previously convicted of
18 strangulation.

19 (4) It is an affirmative defense that an act constituting
20 strangulation was the result of a legitimate medical procedure.

21 Sec. 3. Original section 28-101, Revised Statutes
22 Supplement, 2003, is repealed.