

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 863

Introduced by Howard, 9

Read first time January 5, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-320.01, Revised Statutes Cumulative Supplement, 2004;
3 to increase penalties for sexual assault of a child; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-320.01, Revised Statutes Cumulative
2 Supplement 2004, is amended to read:

3 28-320.01 (1) A person commits sexual assault of a child
4 if he or she subjects another person fourteen years of age or
5 younger to sexual contact and the actor is at least nineteen years
6 of age or older.

7 (2) Sexual assault of a child is a Class ~~IIIA~~ II felony
8 for the first offense.

9 (3) Any person who is found guilty of sexual assault of
10 a child under this section and who has previously been convicted
11 (a) under this section, (b) under section 28-319 of first degree or
12 attempted first degree sexual assault, or (c) in any other state
13 or federal court under laws with essentially the same elements
14 as this section or section 28-319 shall be ~~guilty of a Class IC~~
15 felony sentenced to not less than twenty-five years and shall not
16 be eligible for parole.

17 Sec. 2. Original section 28-320.01, Revised Statutes
18 Cumulative Supplement, 2004, is repealed.

19 Sec. 3. Since an emergency exists, this act takes effect
20 when passed and approved according to law.