

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 932

Introduced by Stuthman, 22

Read first time January 5, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to theft; to amend sections 28-516 and 28-518,
2 Reissue Revised Statutes of Nebraska; to change penalty
3 provisions for certain offenses involving propelled
4 vehicles or vehicle fuels; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-516, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-516 (1) A person commits the offense of unauthorized
4 use of a propelled vehicle if he or she intentionally exerts
5 unauthorized control over another's propelled vehicle by operating
6 it without the owner's consent.

7 (2) Propelled vehicle shall mean an automobile, airplane,
8 motorcycle, motorboat, or other motor-propelled vehicle.

9 (3) It is an affirmative defense to prosecution under
10 this section that the defendant reasonably believed that the owner
11 would have authorized the use had he or she known of it.

12 (4) Unauthorized use of a propelled vehicle is a Class
13 III misdemeanor for the first offense, a Class I misdemeanor for
14 the second offense, and a Class IV felony for the third and any
15 subsequent offenses.

16 (5) In addition to any other civil or criminal penalties,
17 the court shall, as part of the judgment of conviction, order
18 that the operator's license of the convicted person be impounded
19 for a period of six months from the date ordered by the court.
20 Such impoundment shall be administered upon sentencing, upon final
21 judgment of any appeal or review, or upon the date that any
22 probation is revoked.

23 Sec. 2. Section 28-518, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 28-518 (1) Theft constitutes a Class III felony when the

1 value of the thing involved is over one thousand five hundred
2 dollars.

3 (2) Theft constitutes a Class IV felony when the value of
4 the thing involved is five hundred dollars or more, but not over
5 one thousand five hundred dollars.

6 (3) Theft constitutes a Class I misdemeanor when the
7 value of the thing involved is more than two hundred dollars, but
8 less than five hundred dollars.

9 (4) Theft constitutes a Class II misdemeanor when the
10 value of the thing involved is two hundred dollars or less.

11 (5) For any second or subsequent conviction under
12 subsection (3) of this section, any person so offending shall be
13 guilty of a Class IV felony.

14 (6) For any second conviction under subsection (4) of
15 this section, any person so offending shall be guilty of a Class
16 I misdemeanor, and for any third or subsequent conviction under
17 subsection (4) of this section, the person so offending shall be
18 guilty of a Class IV felony.

19 (7) Amounts taken pursuant to one scheme or course of
20 conduct from one person may be aggregated in the indictment or
21 information in determining the classification of the offense,
22 except that amounts may not be aggregated into more than one
23 offense.

24 (8) If the theft of the thing involved is motor vehicle
25 fuel, diesel fuel, or compressed fuel, as defined in section

1 66-482, or, if used for the purpose of operating or propelling
2 a motor vehicle, motor boat, or aircraft, electricity, then, in
3 addition to any other civil or criminal penalties, the court shall,
4 as part of the judgment of conviction, order that the operator's
5 license of the convicted person be impounded for a period of six
6 months from the date ordered by the court. Such impoundment shall
7 be administered upon sentencing, upon final judgment of any appeal
8 or review, or upon the date that any probation is revoked.

9 ~~(8)~~ (9) In any prosecution for theft under sections
10 28-509 to 28-518, value shall be an essential element of the
11 offense that must be proved beyond a reasonable doubt.

12 Sec. 3. Original sections 28-516 and 28-518, Reissue
13 Revised Statutes of Nebraska, are repealed.