

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1062**

Introduced by McGill, 26.

Read first time January 21, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to homicide; to amend sections 28-304 and  
2 28-305, Reissue Revised Statutes of Nebraska, and section  
3 28-101, Revised Statutes Supplement, 2009; to change  
4 provisions relating to murder in the second degree and  
5 manslaughter; to create the offenses of voluntary and  
6 involuntary manslaughter; to harmonize provisions; and to  
7 repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-101, Revised Statutes Supplement,  
2 2009, is amended to read:

3           28-101 Sections 28-101 to 28-1356 and section 3 of this  
4 act shall be known and may be cited as the Nebraska Criminal Code.

5           Sec. 2. Section 28-304, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           28-304 (1) A person commits murder in the second degree  
8 if he or she causes the death of a person intentionally, but  
9 without premeditation.

10           (2) Murder in the second degree is a Class IB felony.

11           Sec. 3. (1) A person commits voluntary manslaughter if he  
12 or she intentionally kills another, upon a sudden quarrel.

13           (2) Voluntary manslaughter is a Class II felony.

14           Sec. 4. Section 28-305, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           28-305 (1) A person commits involuntary manslaughter if  
17 he or she kills another without malice, either upon a sudden  
18 quarrel, or causes the death of another unintentionally while in  
19 the commission of an unlawful act.

20           (2) ~~Manslaughter~~ Involuntary manslaughter is a Class III  
21 felony.

22           (3) For purposes of this section, unlawful act means any  
23 felony offense or any Class I, II, III, or IIIA misdemeanor.

24           Sec. 5. Original sections 28-304 and 28-305, Reissue  
25 Revised Statutes of Nebraska, and section 28-101, Revised Statutes

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1 Supplement, 2009, are repealed.