



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 155

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: January 28, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 155 is an attempt to protect the public from three criminal threats: organized crime, wide spread theft schemes and identity theft.

The federal government and a majority of states have some form of Racketeering Influenced and Corrupt Organizations (RICO) statutes to address organized criminal enterprises.

The proposed bill sets forth prohibited activities which mirror the federal provisions. The bill makes it illegal to use funds obtained from racketeering activities in the operation of any legal or illegal enterprise. Essentially, this addresses the money laundering of illegally obtained proceeds. The Public Protection Act further addresses loan sharking, strong arm protection and other traditional organized crime activities.

The punishment aspect of the Act makes it a class III felony for a violation unless the underlying racketeering activity is a class 1, 1A or 1B felony. The penalty is then increased to a class 1B felony. The Act further creates the additional court option to increase the maximum fine to an amount equal to 3 times of either the value gained by the violating enterprise or gross loss caused to the victims. Finally, the Act provides the State with the ability to pursue forfeiture of ill-gotten gains or items used in the course of the offense.

The bill also amends the theft "grading" statute to allow the aggregation of multiple victims' losses from one scheme thereby raising the applicable level of punishment.

Sections 9-13 amend the current offense of Criminal Impersonation and create the crimes of Identity Theft and Identify Fraud which better address the nature of modern criminal tactics. The bill refines the definition of Criminal Impersonation and creates, for the first time, statutory crimes to address incidents of Identity Theft and Identity Fraud in Nebraska.

It also outlines the criminal penalties. Criminal Impersonation & Identity Theft follow the same grading scheme as other theft cases. The offenses are enhanceable one classification level for second and subsequent offenses. Identity Fraud is Class I Misdemeanor with each subsequent offense being a Class IV felony.

Prosecution may occur in any county in which an element of the offense occurred, including the county where a victim resides. Prosecution must commence within 5 years after the offense occurred.

Principal Introducer: _____
Senator Kent Rogert