

AMENDMENTS TO LB 543

(Amendments to AM865)

Introduced by Lautenbaugh

1           1. Insert the following new sections:

2           Sec. 4. Section 28-101, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           28-101 Sections 28-101 to 28-1356 and sections 10 and  
5 11 of this act shall be known and may be cited as the Nebraska  
6 Criminal Code.

7           Sec. 7. Section 28-111, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9           28-111 Any person who commits one or more of the  
10 following criminal offenses against a person or a person's  
11 property because of the person's race, color, religion, ancestry,  
12 national origin, gender, sexual orientation, age, or disability  
13 or because of the person's association with a person of a  
14 certain race, color, religion, ancestry, national origin, gender,  
15 sexual orientation, age, or disability shall be punished by the  
16 imposition of the next higher penalty classification than the  
17 penalty classification prescribed for the criminal offense, unless  
18 such criminal offense is already punishable as a Class IB felony  
19 or higher classification: ~~Manslaughter, section 28-305; Voluntary~~  
20 manslaughter, section 10 of this act; involuntary manslaughter,  
21 section 11 of this act; assault in the first degree, section  
22 28-308; assault in the second degree, section 28-309; assault in

1 the third degree, section 28-310; terroristic threats, section  
2 28-311.01; stalking, section 28-311.03; kidnapping, section 28-313;  
3 false imprisonment in the first degree, section 28-314; false  
4 imprisonment in the second degree, section 28-315; sexual assault  
5 in the first degree, section 28-319; sexual assault in the second  
6 or third degree, section 28-320; sexual assault of a child,  
7 sections 28-319.01 and 28-320.01; arson in the first degree,  
8 section 28-502; arson in the second degree, section 28-503; arson  
9 in the third degree, section 28-504; criminal mischief, section  
10 28-519; unauthorized application of graffiti, section 28-524;  
11 criminal trespass in the first degree, section 28-520; or criminal  
12 trespass in the second degree, section 28-521.

13 Sec. 8. Section 28-302, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 28-302 As used in sections 28-302 to 28-306 and sections  
16 10 and 11 of this act, unless the context otherwise requires:

17 (1) Homicide shall mean the killing of a person by  
18 another;

19 (2) Person, when referring to the victim of a homicide,  
20 shall mean a human being who had been born and was alive at the  
21 time of the homicidal act; and

22 (3) Premeditation shall mean a design formed to do  
23 something before it is done.

24 Sec. 10. (1) (a) A person commits voluntary manslaughter  
25 if he or she intentionally causes the death of another in a sudden  
26 quarrel upon legally sufficient provocation.

27 (b) Voluntary manslaughter is a Class II felony.

1           (2) For purposes of this section:

2           (a) A sudden quarrel means the sudden happening or  
3 occurrence of a provocation that renders a person's mind incapable  
4 of conscious reflection and causes a reasonable person to lose  
5 normal self-control; and

6           (b) Legally sufficient provocation means an event which  
7 excites one's passion, causes more than mere anger, and motivates  
8 a person to want to kill the provoker. The provocation must  
9 obscure and disturb one's power of reasoning to the extent it  
10 would cause a reasonable person to act rashly and from passion,  
11 without due deliberation and reflection, rather than from judgment.  
12 Intoxication, drug impairment, or other qualities peculiar to an  
13 individual which render him or her particularly excitable are not  
14 to be considered legally sufficient provocation.

15           Sec. 11. (1) A person commits involuntary manslaughter if  
16 he or she causes the death of another unintentionally while in the  
17 commission of an unlawful act.

18           (2) Involuntary manslaughter is a Class III felony.

19           Sec. 12. Section 28-1351, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21           28-1351 (1) A person commits the offense of unlawful  
22 membership recruitment into an organization or association when he  
23 or she knowingly and intentionally coerces, intimidates, threatens,  
24 or inflicts bodily harm upon another person in order to entice  
25 that other person to join or prevent that other person from  
26 leaving any organization, group, enterprise, or association whose  
27 members, individually or collectively, engage in or have engaged

1 in any of the following criminal acts for the benefit of, at the  
2 direction of, or on behalf of the organization, group, enterprise,  
3 or association or any of its members:

4 (a) Robbery under section 28-324;

5 (b) Arson in the first, second, or third degree under  
6 section 28-502, 28-503, or 28-504, respectively;

7 (c) Burglary under section 28-507;

8 (d) Murder in the first degree, murder in the second  
9 degree, ~~or~~ voluntary manslaughter, or involuntary manslaughter  
10 under section 28-303, 28-304, or 28-305, section 10 or 11 of this  
11 act, respectively;

12 (e) Violations of the Uniform Controlled Substances Act  
13 that involve possession with intent to deliver, distribution,  
14 delivery, or manufacture of a controlled substance;

15 (f) Unlawful use, possession, or discharge of a firearm  
16 or other deadly weapon under sections 28-1201 to 28-1212.04;

17 (g) Assault in the first degree or assault in the second  
18 degree under section 28-308 or 28-309, respectively;

19 (h) Assault on an officer in the first, second, or  
20 third degree under section 28-929, 28-930, or 28-931, respectively,  
21 or assault on an officer using a motor vehicle under section  
22 28-931.01;

23 (i) Theft by unlawful taking or disposition under section  
24 28-511;

25 (j) Theft by receiving stolen property under section  
26 28-517;

27 (k) Theft by deception under section 28-512;

- 1                   (1) Theft by extortion under section 28-513;
- 2                   (m) Kidnapping under section 28-313;
- 3                   (n) Any forgery offense under sections 28-602 to 28-605;
- 4                   (o) Criminal impersonation under section 28-638;
- 5                   (p) Tampering with a publicly exhibited contest under
- 6 section 28-614;
- 7                   (q) Unauthorized use of a financial transaction device or
- 8 criminal possession of a financial transaction device under section
- 9 28-620 or 28-621, respectively;
- 10                  (r) Pandering under section 28-802;
- 11                  (s) Bribery, bribery of a witness, or bribery of a juror
- 12 under section 28-917, 28-918, or 28-920, respectively;
- 13                  (t) Tampering with a witness or an informant or jury
- 14 tampering under section 28-919;
- 15                  (u) Unauthorized application of graffiti under section
- 16 28-524;
- 17                  (v) Dogfighting, cockfighting, bearbaiting, or pitting an
- 18 animal against another under section 28-1005; or
- 19                  (w) Promoting gambling in the first degree under section
- 20 28-1102.

21                  (2) Unlawful membership recruitment into an organization

22 or association is a Class IV felony.

23                  Sec. 13. Section 28-1354, Revised Statutes Cumulative

24 Supplement, 2012, is amended to read:

25                  28-1354 For purposes of the Public Protection Act:

26                  (1) Enterprise means any individual, sole proprietorship,

27 partnership, corporation, trust, association, or any legal entity,

1 union, or group of individuals associated in fact although not  
2 a legal entity, and shall include illicit as well as licit  
3 enterprises as well as other entities;

4 (2) Pattern of racketeering activity means a cumulative  
5 loss for one or more victims or gains for the enterprise of not  
6 less than one thousand five hundred dollars resulting from at least  
7 two acts of racketeering activity, one of which occurred after  
8 August 30, 2009, and the last of which occurred within ten years,  
9 excluding any period of imprisonment, after the commission of a  
10 prior act of racketeering activity;

11 (3) Person means any individual or entity, as defined in  
12 section 21-2014, holding or capable of holding a legal, equitable,  
13 or beneficial interest in property;

14 (4) Prosecutor includes the Attorney General of the  
15 State of Nebraska, the deputy attorney general, assistant attorneys  
16 general, a county attorney, a deputy county attorney, or any person  
17 so designated by the Attorney General, a county attorney, or a  
18 court of the state to carry out the powers conferred by the act;

19 (5) Racketeering activity includes the commission of,  
20 criminal attempt to commit, conspiracy to commit, aiding and  
21 abetting in the commission of, aiding in the consummation of,  
22 acting as an accessory to the commission of, or the solicitation,  
23 coercion, or intimidation of another to commit or aid in the  
24 commission of any of the following:

25 (a) Offenses against the person which include: Murder in  
26 the first degree under section 28-303; murder in the second degree  
27 under section 28-304; voluntary manslaughter under section ~~28-305~~;

1 10 of this act; involuntary manslaughter under section 11 of this  
2 act; assault in the first degree under section 28-308; assault in  
3 the second degree under section 28-309; assault in the third degree  
4 under section 28-310; terroristic threats under section 28-311.01;  
5 kidnapping under section 28-313; false imprisonment in the first  
6 degree under section 28-314; false imprisonment in the second  
7 degree under section 28-315; sexual assault in the first degree  
8 under section 28-319; and robbery under section 28-324;

9 (b) Offenses relating to controlled substances which  
10 include: To unlawfully manufacture, distribute, deliver, dispense,  
11 or possess with intent to manufacture, distribute, deliver, or  
12 dispense a controlled substance under subsection (1) of section  
13 28-416; possession of marijuana weighing more than one pound  
14 under subsection (12) of section 28-416; possession of money  
15 used or intended to be used to facilitate a violation of  
16 subsection (1) of section 28-416 prohibited under subsection  
17 (17) of section 28-416; any violation of section 28-418; to  
18 unlawfully manufacture, distribute, deliver, or possess with intent  
19 to distribute or deliver an imitation controlled substance under  
20 section 28-445; possession of anhydrous ammonia with the intent to  
21 manufacture methamphetamine under section 28-451; and possession of  
22 ephedrine, pseudoephedrine, or phenylpropanolamine with the intent  
23 to manufacture methamphetamine under section 28-452;

24 (c) Offenses against property which include: Arson in  
25 the first degree under section 28-502; arson in the second degree  
26 under section 28-503; arson in the third degree under section  
27 28-504; burglary under section 28-507; theft by unlawful taking

1 or disposition under section 28-511; theft by shoplifting under  
2 section 28-511.01; theft by deception under section 28-512; theft  
3 by extortion under section 28-513; theft of services under section  
4 28-515; theft by receiving stolen property under section 28-517;  
5 criminal mischief under section 28-519; and unlawfully depriving  
6 or obtaining property or services using a computer under section  
7 28-1344;

8 (d) Offenses involving fraud which include: Burning  
9 to defraud an insurer under section 28-505; forgery in the  
10 first degree under section 28-602; forgery in the second degree  
11 under section 28-603; criminal possession of a forged instrument  
12 under section 28-604; criminal possession of forgery devices  
13 under section 28-605; criminal impersonation under section 28-638;  
14 identity theft under section 28-639; identity fraud under section  
15 28-640; false statement or book entry under section 28-612;  
16 tampering with a publicly exhibited contest under section 28-614;  
17 issuing a false financial statement for purposes of obtaining a  
18 financial transaction device under section 28-619; unauthorized use  
19 of a financial transaction device under section 28-620; criminal  
20 possession of a financial transaction device under section 28-621;  
21 unlawful circulation of a financial transaction device in the first  
22 degree under section 28-622; unlawful circulation of a financial  
23 transaction device in the second degree under section 28-623;  
24 criminal possession of a blank financial transaction device under  
25 section 28-624; criminal sale of a blank financial transaction  
26 device under section 28-625; criminal possession of a forgery  
27 device under section 28-626; unlawful manufacture of a financial



1 transaction device under section 28-627; laundering of sales forms  
2 under section 28-628; unlawful acquisition of sales form processing  
3 services under section 28-629; unlawful factoring of a financial  
4 transaction device under section 28-630; and fraudulent insurance  
5 acts under section 28-631;

6 (e) Offenses involving governmental operations which  
7 include: Abuse of public records under section 28-911; perjury or  
8 subornation of perjury under section 28-915; bribery under section  
9 28-917; bribery of a witness under section 28-918; tampering with  
10 a witness or informant or jury tampering under section 28-919;  
11 bribery of a juror under section 28-920; assault on an officer in  
12 the first degree under section 28-929; assault on an officer in the  
13 second degree under section 28-930; assault on an officer in the  
14 third degree under section 28-931; and assault on an officer using  
15 a motor vehicle under section 28-931.01;

16 (f) Offenses involving gambling which include: Promoting  
17 gambling in the first degree under section 28-1102; possession of  
18 gambling records under section 28-1105; gambling debt collection  
19 under section 28-1105.01; and possession of a gambling device under  
20 section 28-1107;

21 (g) Offenses relating to firearms, weapons, and  
22 explosives which include: Carrying a concealed weapon under  
23 section 28-1202; transportation or possession of machine guns,  
24 short rifles, or short shotguns under section 28-1203; unlawful  
25 possession of a handgun under section 28-1204; unlawful transfer of  
26 a firearm to a juvenile under section 28-1204.01; using a deadly  
27 weapon to commit a felony or possession of a deadly weapon during

1 the commission of a felony under section 28-1205; possession of  
2 a deadly weapon by a prohibited person under section 28-1206;  
3 possession of a defaced firearm under section 28-1207; defacing  
4 a firearm under section 28-1208; unlawful discharge of a firearm  
5 under section 28-1212.02; possession, receipt, retention, or  
6 disposition of a stolen firearm under section 28-1212.03; unlawful  
7 possession of explosive materials in the first degree under  
8 section 28-1215; unlawful possession of explosive materials in the  
9 second degree under section 28-1216; unlawful sale of explosives  
10 under section 28-1217; use of explosives without a permit under  
11 section 28-1218; obtaining an explosives permit through false  
12 representations under section 28-1219; possession of a destructive  
13 device under section 28-1220; threatening the use of explosives or  
14 placing a false bomb under section 28-1221; using explosives to  
15 commit a felony under section 28-1222; using explosives to damage  
16 or destroy property under section 28-1223; and using explosives to  
17 kill or injure any person under section 28-1224;

18 (h) Any violation of the Securities Act of Nebraska  
19 pursuant to section 8-1117;

20 (i) Any violation of the Nebraska Revenue Act of 1967  
21 pursuant to section 77-2713;

22 (j) Offenses relating to public health and morals which  
23 include: Prostitution under section 28-801; pandering under section  
24 28-802; keeping a place of prostitution under section 28-804; human  
25 trafficking or forced labor or services under section 28-831; a  
26 violation of section 28-1005; and any act relating to the visual  
27 depiction of sexually explicit conduct prohibited in the Child

1 Pornography Prevention Act; and

2 (k) A violation of the Computer Crimes Act;

3 (6) State means the State of Nebraska or any political  
4 subdivision or any department, agency, or instrumentality thereof;  
5 and

6 (7) Unlawful debt means a debt of at least one thousand  
7 five hundred dollars:

8 (a) Incurred or contracted in gambling activity which was  
9 in violation of federal law or the law of the state or which is  
10 unenforceable under state or federal law in whole or in part as to  
11 principal or interest because of the laws relating to usury; or

12 (b) Which was incurred in connection with the business  
13 of gambling in violation of federal law or the law of the state  
14 or the business of lending money or a thing of value at a rate  
15 usurious under state law if the usurious rate is at least twice the  
16 enforceable rate.

17 Sec. 36. Section 29-4003, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19 29-4003 (1) (a) The Sex Offender Registration Act applies  
20 to any person who on or after January 1, 1997:

21 (i) Has ever pled guilty to, pled nolo contendere to, or  
22 been found guilty of any of the following:

23 (A) Kidnapping of a minor pursuant to section 28-313,  
24 except when the person is the parent of the minor and was not  
25 convicted of any other offense in this section;

26 (B) False imprisonment of a minor pursuant to section  
27 28-314 or 28-315;

- 1 (C) Sexual assault pursuant to section 28-319 or 28-320;
- 2 (D) Sexual assault of a child in the second or third  
3 degree pursuant to section 28-320.01;
- 4 (E) Sexual assault of a child in the first degree  
5 pursuant to section 28-319.01;
- 6 (F) Sexual abuse of a vulnerable adult pursuant to  
7 subdivision (1)(c) of section 28-386;
- 8 (G) Incest of a minor pursuant to section 28-703;
- 9 (H) Pandering of a minor pursuant to section 28-802;
- 10 (I) Visual depiction of sexually explicit conduct of a  
11 child pursuant to section 28-1463.03 or 28-1463.05;
- 12 (J) Knowingly possessing any visual depiction of sexually  
13 explicit conduct which has a child as one of its participants or  
14 portrayed observers pursuant to section 28-813.01;
- 15 (K) Criminal child enticement pursuant to section 28-311;
- 16 (L) Child enticement by means of an electronic  
17 communication device pursuant to section 28-320.02;
- 18 (M) Debauching a minor pursuant to section 28-805; or
- 19 (N) Attempt, solicitation, aiding or abetting, being  
20 an accessory, or conspiracy to commit an offense listed in  
21 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;
- 22 (ii) Has ever pled guilty to, pled nolo contendere to, or  
23 been found guilty of any offense that is substantially equivalent  
24 to a registrable offense under subdivision (1)(a)(i) of this  
25 section by any village, town, city, state, territory, commonwealth,  
26 or other jurisdiction of the United States, by the United States  
27 Government, by court-martial or other military tribunal, or by

1 a foreign jurisdiction, notwithstanding a procedure comparable  
2 in effect to that described under section 29-2264 or any other  
3 procedure to nullify a conviction other than by pardon;

4 (iii) Is incarcerated in a jail, a penal or correctional  
5 facility, or any other public or private institution or is under  
6 probation or parole as a result of pleading guilty to or being  
7 found guilty of a registrable offense under subdivision (1)(a)(i)  
8 or (ii) of this section prior to January 1, 1997; or

9 (iv) Enters the state and is required to register as  
10 a sex offender under the laws of another village, town, city,  
11 state, territory, commonwealth, or other jurisdiction of the United  
12 States.

13 (b) In addition to the registrable offenses under  
14 subdivision (1)(a) of this section, the Sex Offender Registration  
15 Act applies to any person who on or after January 1, 2010:

16 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
17 this section, has ever pled guilty to, pled nolo contendere to, or  
18 been found guilty of any of the following:

19 (I) Murder in the first degree pursuant to section  
20 28-303;

21 (II) Murder in the second degree pursuant to section  
22 28-304;

23 ~~(III) Manslaughter pursuant to section 28-305;~~

24 (III) Voluntary manslaughter pursuant to section 10 of  
25 this act;

26 (IV) Involuntary manslaughter pursuant to section 11 of  
27 this act;

1           ~~(IV)~~ (V) Assault in the first degree pursuant to section  
2 28-308;  
3           ~~(V)~~ (VI) Assault in the second degree pursuant to section  
4 28-309;  
5           ~~(VI)~~ (VII) Assault in the third degree pursuant to  
6 section 28-310;  
7           ~~(VII)~~ (VIII) Stalking pursuant to section 28-311.03;  
8           ~~(VIII)~~ (IX) Unlawful intrusion pursuant to subsection (4)  
9 of section 28-311.08;  
10           ~~(IX)~~ (X) Kidnapping pursuant to section 28-313;  
11           ~~(X)~~ (XI) False imprisonment pursuant to section 28-314 or  
12 28-315;  
13           ~~(XI)~~ (XII) Sexual abuse of an inmate or parolee in the  
14 first degree pursuant to section 28-322.02;  
15           ~~(XII)~~ (XIII) Sexual abuse of an inmate or parolee in the  
16 second degree pursuant to section 28-322.03;  
17           ~~(XIII)~~ (XIV) Sexual abuse of a protected individual  
18 pursuant to section 28-322.04;  
19           ~~(XIV)~~ (XV) Incest pursuant to section 28-703;  
20           ~~(XV)~~ (XVI) Child abuse pursuant to subdivision (1)(d) or  
21 (e) of section 28-707;  
22           ~~(XVI)~~ (XVII) Enticement by electronic communication  
23 device pursuant to section 28-833; or  
24           ~~(XVII)~~ (XVIII) Attempt, solicitation, aiding or  
25 abetting, being an accessory, or conspiracy to commit an offense  
26 listed in subdivisions (1)(b)(i)(A)(I) through ~~(1)(b)(i)(A)(XVI)~~  
27 (1)(b)(i)(A)(XVII) of this section.

1 (B) In order for the Sex Offender Registration Act to  
2 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
3 (III), (IV), (V), (VI), (VII), ~~(IX)~~ and ~~(X)~~ (VIII), (X), and  
4 (XI) of this section, a court shall have found that evidence of  
5 sexual penetration or sexual contact, as those terms are defined  
6 in section 28-318, was present in the record, which shall include  
7 consideration of the factual basis for a plea-based conviction and  
8 information contained in the presentence report;

9 (ii) Has ever pled guilty to, pled nolo contendere to, or  
10 been found guilty of any offense that is substantially equivalent  
11 to a registrable offense under subdivision (1)(b)(i) of this  
12 section by any village, town, city, state, territory, commonwealth,  
13 or other jurisdiction of the United States, by the United States  
14 Government, by court-martial or other military tribunal, or by  
15 a foreign jurisdiction, notwithstanding a procedure comparable  
16 in effect to that described under section 29-2264 or any other  
17 procedure to nullify a conviction other than by pardon; or

18 (iii) Enters the state and is required to register as  
19 a sex offender under the laws of another village, town, city,  
20 state, territory, commonwealth, or other jurisdiction of the United  
21 States.

22 (2) A person appealing a conviction of a registrable  
23 offense under this section shall be required to comply with the act  
24 during the appeals process.

25 Sec. 38. Section 60-6,210, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 60-6,210 (1) If the driver of a motor vehicle involved

1 in an accident is transported to a hospital within or outside of  
2 Nebraska and a sample of the driver's blood is withdrawn by a  
3 physician, registered nurse, qualified technician, or hospital for  
4 the purpose of medical treatment, the results of a chemical test  
5 of the sample shall be admissible in a criminal prosecution for  
6 a violation punishable under subdivision (3)(b) or (c) of section  
7 28-306 or a violation of section ~~28-305~~, 60-6,196~~7~~ or 60-6,198 or  
8 section 10 or 11 of this act to show the alcoholic content of or  
9 the presence of drugs or both in the blood at the time of the  
10 accident regardless of whether (a) a peace officer requested the  
11 driver to submit to a test as provided in section 60-6,197 or (b)  
12 the driver had refused a chemical test.

13 (2) Any physician, registered nurse, qualified  
14 technician, or hospital in this state performing a chemical test  
15 to determine the alcoholic content of or the presence of drugs in  
16 such blood for the purpose of medical treatment of the driver of  
17 a vehicle involved in a motor vehicle accident shall disclose the  
18 results of the test (a) to a prosecuting attorney who requests  
19 the results for use in a criminal prosecution under subdivision  
20 (3)(b) or (c) of section 28-306 or section ~~28-305~~, 60-6,196~~7~~ or  
21 60-6,198 or section 10 or 11 of this act and (b) to any prosecuting  
22 attorney in another state who requests the results for use in a  
23 criminal prosecution for driving while intoxicated, driving under  
24 the influence, or motor vehicle homicide under the laws of the  
25 other state if the other state requires a similar disclosure by  
26 any hospital or person in such state to any prosecuting attorney  
27 in Nebraska who requests the results for use in such a criminal



1 prosecution under the laws of Nebraska.

2           Sec. 40. Section 83-961, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           83-961 For purposes of the Correctional System  
5 Overcrowding Emergency Act:

6           (1) Board means the Board of Parole;

7           (2) Committed offender has the definition found in  
8 section 83-170;

9           (3) Department means the Department of Correctional  
10 Services;

11           (4) Design capacity means the total designed bed space  
12 in facilities operated by the department, as certified by the  
13 director;

14           (5) Director means the Director of Correctional Services;

15           (6) Operational capacity means one hundred twenty-five  
16 percent of design capacity;

17           (7) Population means the actual number of inmates  
18 assigned to facilities operated by the department and does  
19 not include inmates assigned to county-operated correctional  
20 institutions; and

21           (8) Violent offense means any one or more of the  
22 following crimes: Murder in the first degree, murder in the  
23 second degree, voluntary manslaughter, involuntary manslaughter,  
24 assault in the first degree, kidnapping, sexual assault in the  
25 first degree, or robbery.

26           Sec. 41. Section 84-205, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1                   84-205 The duties of the Attorney General shall be:

2                   (1) To appear and defend actions and claims against the  
3 state;

4                   (2) To investigate, commence, and prosecute any and all  
5 actions resulting from violations of sections 32-1401 to 32-1417;

6                   (3) To consult with and advise the county attorneys, when  
7 requested by them, in all criminal matters and in matters relating  
8 to the public revenue. He or she shall have authority to require  
9 aid and assistance of the county attorney in all matters pertaining  
10 to the duties of the Attorney General in the county of such county  
11 attorney and may, in any case brought to the Court of Appeals or  
12 Supreme Court from any county, demand and receive the assistance of  
13 the county attorney from whose county such case is brought;

14                   (4) To give, when required, without fee, his or her  
15 opinion in writing upon all questions of law submitted to him or  
16 her by the Governor, head of any executive department, Secretary  
17 of State, State Treasurer, Auditor of Public Accounts, Board of  
18 Educational Lands and Funds, State Department of Education, Public  
19 Service Commission, or Legislature;

20                   (5) At the request of the Governor, head of any executive  
21 department, Secretary of State, State Treasurer, Auditor of Public  
22 Accounts, Board of Educational Lands and Funds, State Department of  
23 Education, or Public Service Commission, to prosecute any official  
24 bond or any contract in which the state is interested which is  
25 deposited with any of them and to prosecute or defend for the  
26 state all civil or criminal actions and proceedings relating to  
27 any matter connected with any of such officers' departments if,

1 after investigation, he or she is convinced there is sufficient  
2 legal merit to justify the proceeding. Such officers shall not  
3 pay or contract to pay from the funds of the state any money for  
4 special attorneys or counselors-at-law unless the employment of  
5 such special counsel is made upon the written authorization of the  
6 Governor or the Attorney General;

7 (6) To enforce the proper application of money  
8 appropriated by the Legislature to the various funds of the state  
9 and prosecute breaches of trust in the administration of such  
10 funds;

11 (7) To prepare, when requested by the Governor, Secretary  
12 of State, State Treasurer, or Auditor of Public Accounts or any  
13 other executive department, proper drafts for contracts, forms, or  
14 other writings which may be wanted for the use of the state and  
15 report to the Legislature, whenever requested, upon any business  
16 pertaining to the duties of his or her office. The report submitted  
17 to the Legislature shall be submitted electronically;

18 (8) To pay all money received, belonging to the people  
19 of the state, immediately upon receipt thereof, into the state  
20 treasury;

21 (9) To keep a record in proper books provided for that  
22 purpose at the expense of the state, a register of all actions and  
23 demands prosecuted or defended by him or her in behalf of the state  
24 and all proceedings had in relation thereto, and deliver the same  
25 to his or her successor in office;

26 (10) To appear for the state and prosecute and defend all  
27 civil or criminal actions and proceedings in the Court of Appeals

1 or Supreme Court in which the state is interested or a party. When  
2 requested by the Governor or the Legislature, the Attorney General  
3 shall appear for the state and prosecute or defend any action or  
4 conduct any investigation in which the state is interested or a  
5 party before any court, officer, board, tribunal, or commission;

6 (11) To prepare and promulgate model rules of procedure  
7 appropriate for use by as many agencies as possible. The Attorney  
8 General shall add to, amend, or revise the model rules as necessary  
9 for the proper guidance of agencies;

10 (12) To include within the budget of the office  
11 sufficient funding to assure oversight and representation of the  
12 State of Nebraska for district court appeals of administrative  
13 license revocation proceedings under section 60-498.04; and

14 (13) To create a Child Protection Division to be staffed  
15 by at least three assistant attorneys general who each have five or  
16 more years of experience in the prosecution or defense of felonies  
17 or misdemeanors, including two years in the prosecution or defense  
18 of crimes against children. Upon the written request of a county  
19 attorney, the division shall provide consultation and advise and  
20 assist in the preparation of the trial of any case involving a  
21 crime against a child, including, but not limited to, the following  
22 offenses:

23 (a) Murder as defined in sections 28-303 and 28-304;

24 (b) ~~Manslaughter~~ Voluntary manslaughter as defined in  
25 section ~~28-305~~, 10 of this act;

26 (c) Involuntary manslaughter as defined in section 11 of  
27 this act;

- 1           ~~(e)~~ (d) Kidnapping as defined in section 28-313;
- 2           ~~(d)~~ (e) False imprisonment as defined in sections 28-314
- 3 and 28-315;
- 4           ~~(e)~~ (f) Child abuse as defined in section 28-707;
- 5           ~~(f)~~ (g) Pandering as defined in section 28-802;
- 6           ~~(g)~~ (h) Debauching a minor as defined in section 28-805;
- 7 and
- 8           ~~(h)~~ (i) Offenses listed in sections 28-813, 28-813.01,
- 9 and 28-1463.03.

10           Any offense listed in subdivisions (a) through ~~(h)~~ (i)

11 of this subdivision shall include all inchoate offenses pursuant

12 to the Nebraska Criminal Code and compounding a felony pursuant

13 to section 28-301. Such crimes shall not include matters involving

14 dependent and neglected children, infraction violations, custody,

15 parenting time, visitation, or other access matters, or child

16 support. If the county attorney declines in writing to prosecute

17 a case involving a crime against a child because of an ethical

18 consideration, including the presence or appearance of a conflict

19 of interest, or for any other reason, the division shall, upon the

20 receipt of a written request of the county attorney, the Department

21 of Health and Human Services, the minor child, the parents of

22 the minor child, or any other interested party, investigate the

23 matter and either decline to prosecute the matter or initiate the

24 appropriate criminal proceedings in a court of proper jurisdiction.

25           For purposes of this subdivision, child or children shall

26 mean an individual or individuals sixteen years of age or younger.

27           2. On page 32, line 24, after the second comma insert

1 "28-305, 29-2027,".

2 3. Renumber the remaining sections and correct the

3 repealer accordingly.