LEGISLATIVE BILL 141

Introduced by DeBoer, 10; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; Dorn, 30; Howard, 9; Hunt, 8; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wishart, 27.

Read first time January 11, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 28-310.01, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to strangulation; to prohibit suffocation; to
4 change penalties; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-310.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-310.01 (1) A person commits the offense of assault by strangulation or suffocation if the person intentionally, knowingly, or recklessly:

(a) Impedes intentionally impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person;

(b) Impedes the normal breathing of another person by covering the mouth or nose of the person; or

(c) Otherwise impedes the normal breathing of another person.

(2) An offense is committed under this section regardless of whether a visible injury resulted.

(3) Except as provided in subsection (4) of this section, a violation of this section strangulation is a Class IIIA felony.

(4) A violation of this section strangulation is a Class IIA felony if:

(a) The person used or attempted to use a dangerous instrument while committing the offense;

(b) The person caused serious bodily injury to the other person while committing the offense; or

(c) The person has been previously convicted of a violation of this section; or strangulation.

(d) The offense was committed against a pregnant woman.

(5) It is an affirmative defense that an act constituting strangulation or suffocation was the result of a legitimate medical procedure.

Sec. 2. Original section 28-310.01, Reissue Revised Statutes of Nebraska, is repealed.