A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to eliminate certain mandatory minimum penalties; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-105, Revised Statutes Cumulative Supplement, 2018, is amended to read:

28-105 (1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into ten classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony

Death

Class IA felony

Life imprisonment

Class IB felony

Maximum—life imprisonment

Minimum—twenty years imprisonment

Class IC felony

Maximum—fifty years imprisonment

Minimum Mandatory minimum—five years imprisonment

Class ID felony

Maximum—fifty years imprisonment

Minimum Mandatory minimum—three years imprisonment

Class II felony

Maximum—fifty years imprisonment

Minimum—one year imprisonment

Class IIA felony

Maximum—twenty years imprisonment

Minimum—none

Class III felony

Maximum—four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both

Minimum—none for imprisonment and nine months post-release supervision if imprisonment is imposed

Class IIIA felony

Maximum—three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both

Minimum—none for imprisonment and nine months post-release supervision if imprisonment is imposed

Class IV felony

Maximum—two years imprisonment and twelve months post-release supervision or
ten thousand dollars fine, or both
Minimum—none for imprisonment and nine months
post-release supervision if imprisonment is imposed

(2) All sentences for maximum terms of imprisonment for one year or more for felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. All sentences for maximum terms of imprisonment of less than one year shall be served in the county jail.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222 to increase sentences for habitual criminals.

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

(5) All sentences of post-release supervision shall be served under the jurisdiction of the Office of Probation Administration and shall be subject to conditions imposed pursuant to section 29-2262 and subject to sanctions authorized pursuant to section 29-2266.02.

(6) Any person who is sentenced to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony shall not be subject to post-release supervision pursuant to subsection (1) of this section.

(7) Any person who is sentenced to imprisonment for a Class III, IIIA, or IV felony committed prior to August 30, 2015, and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony committed on or after August 30, 2015, shall not be subject to post-release supervision pursuant to subsection (1) of this section.

(8) The changes made to the penalties for Class III, IIIA, and IV felonies by Laws 2015, LB605, do not apply to any offense committed prior to August 30, 2015, as provided in section 28-116.

Sec. 2. Original section 28-105, Revised Statutes Cumulative Supplement, 2018, is repealed.