

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 918**

Introduced by Wayne, 13.

Read first time January 10, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 28-504, 28-514, 28-518, 28-519, 28-603, 28-604, 28-611.01, 28-620,  
3 28-631, 28-638, 28-639, 28-1102, 28-1344, 28-1345, 45-191.03,  
4 66-727, 68-1017, 68-1017.01, 71-2228, and 71-2229, Reissue Revised  
5 Statutes of Nebraska, and sections 9-262, 9-352, 9-434, 9-652,  
6 23-135.01, 28-611, 28-1354, 29-110, and 29-119, Revised Statutes  
7 Cumulative Supplement, 2020; to change dollar amount thresholds for  
8 criminal penalties for certain offenses; to redefine terms; to  
9 provide for applicability of changes; to harmonize provisions; and  
10 to repeal the original sections.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-262, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 9-262 (1) Except when another penalty is specifically provided, any  
4 person, licensee, or permittee, or employee or agent thereof, who  
5 violates any provision of the Nebraska Bingo Act, or who causes, aids,  
6 abets, or conspires with another to cause any person, licensee, or  
7 permittee, or any employee or agent thereof, to violate the act, shall be  
8 guilty of a Class I misdemeanor for the first offense and a Class IV  
9 felony for any second or subsequent violation. Any licensee guilty of  
10 violating any provision of the act more than once in a twelve-month  
11 period may have its license canceled or revoked.

12 (2) Each of the following violations of the Nebraska Bingo Act shall  
13 be a Class IV felony:

14 (a) Giving, providing, or offering to give or provide, directly or  
15 indirectly, to any public official, employee, or agent of this state, or  
16 any agencies or political subdivisions of the state, any compensation or  
17 reward or share of the money for property paid or received through  
18 gambling activities regulated under Chapter 9 in consideration for  
19 obtaining any license, authorization, permission, or privilege to  
20 participate in any gaming operation except as authorized by the Nebraska  
21 Bingo Act or any rules or regulations adopted and promulgated pursuant to  
22 such act;

23 (b) Knowingly filing a false report under the Nebraska Bingo Act; or

24 (c) Knowingly falsifying or making any false entry in any books or  
25 records with respect to any transaction connected with the conduct of  
26 bingo activity.

27 (3) Intentionally employing or possessing any device to facilitate  
28 cheating in a bingo game or using any fraudulent scheme or technique in  
29 connection with any bingo game is a violation of the Nebraska Bingo Act.

30 The offense is a:

31 (a) Class II misdemeanor when the amount gained or intended to be

1 gained through the use of such items, schemes, or techniques is less than  
2 one thousand five hundred dollars;

3 (b) Class I misdemeanor when the amount gained or intended to be  
4 gained through the use of such items, schemes, or techniques is one  
5 thousand five hundred dollars or more but less than three ~~one~~ thousand  
6 ~~five hundred~~ dollars; and

7 (c) Class IV felony when the amount gained or intended to be gained  
8 through the use of such items, schemes, or techniques is three ~~one~~  
9 thousand ~~five hundred~~ dollars or more.

10 (4) In all proceedings initiated in any court or otherwise under the  
11 Nebraska Bingo Act, it shall be the duty of the Attorney General and  
12 appropriate county attorney to prosecute and defend all such proceedings.

13 (5) The failure to do any act required by or under the Nebraska  
14 Bingo Act shall be deemed an act in part in the principal office of the  
15 department. Any prosecution under such act may be conducted in any county  
16 where the defendant resides or has a place of business or in any county  
17 in which any violation occurred.

18 (6) In the enforcement and investigation of any offense committed  
19 under the Nebraska Bingo Act, the department may call to its aid any  
20 sheriff, deputy sheriff, or other peace officer in the state.

21 Sec. 2. Section 9-352, Revised Statutes Cumulative Supplement, 2020,  
22 is amended to read:

23 9-352 (1) Except when another penalty is specifically provided, any  
24 person or licensee, or employee or agent thereof, who violates any  
25 provision of the Nebraska Pickle Card Lottery Act, or who causes, aids,  
26 abets, or conspires with another to cause any person or licensee or any  
27 employee or agent thereof to violate the act, shall be guilty of a Class  
28 I misdemeanor for the first offense and a Class IV felony for any second  
29 or subsequent violation. Any licensee guilty of violating any provision  
30 of the act more than once in a twelve-month period may have its license  
31 canceled or revoked. Such matters may also be referred to any other state

1 licensing agencies for appropriate action.

2 (2) Each of the following violations of the Nebraska Pickle Card  
3 Lottery Act shall be a Class IV felony:

4 (a) Giving, providing, or offering to give or provide, directly or  
5 indirectly, to any public official, employee, or agent of this state, or  
6 any agencies or political subdivisions of this state, any compensation or  
7 reward or share of the money for property paid or received through  
8 gambling activities regulated under Chapter 9 in consideration for  
9 obtaining any license, authorization, permission, or privilege to  
10 participate in any gaming operations except as authorized under Chapter 9  
11 or any rules and regulations adopted and promulgated pursuant to such  
12 chapter;

13 (b) Making or receiving payment of a portion of the purchase price  
14 of pickle cards by a seller of pickle cards to a buyer of pickle cards to  
15 induce the purchase of pickle cards or to improperly influence future  
16 purchases of pickle cards;

17 (c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs,  
18 break opens, punchboards, jar tickets, or any other similar card, board,  
19 or ticket or substituting or using any pickle cards, pull tabs, or jar  
20 tickets that have been marked or tampered with;

21 (d) Knowingly filing a false report under the Nebraska Pickle Card  
22 Lottery Act;

23 (e) Knowingly falsifying or making any false entry in any books or  
24 records with respect to any transaction connected with the conduct of a  
25 lottery by the sale of pickle cards; or

26 (f) Knowingly selling or distributing or knowingly receiving with  
27 intent to sell or distribute pickle cards or pickle card units without  
28 first obtaining a license in accordance with the Nebraska Pickle Card  
29 Lottery Act pursuant to section 9-329, 9-329.03, 9-330, or 9-332.

30 (3) Intentionally employing or possessing any device to facilitate  
31 cheating in any lottery by the sale of pickle cards or use of any

1 fraudulent scheme or technique in connection with any lottery by the sale  
2 of pickle cards is a violation of the Nebraska Pickle Card Lottery Act.  
3 The offense is a:

4 (a) Class II misdemeanor when the amount gained or intended to be  
5 gained through the use of such items, schemes, or techniques is less than  
6 one thousand five hundred dollars;

7 (b) Class I misdemeanor when the amount gained or intended to be  
8 gained through the use of such items, schemes, or techniques is one  
9 thousand five hundred dollars or more but less than three ~~one~~ thousand  
10 ~~five hundred~~ dollars; and

11 (c) Class IV felony when the amount gained or intended to be gained  
12 through the use of such items, schemes, or techniques is three ~~one~~  
13 thousand ~~five hundred~~ dollars or more.

14 (4) In all proceedings initiated in any court or otherwise under the  
15 act, it shall be the duty of the Attorney General and appropriate county  
16 attorney to prosecute and defend all such proceedings.

17 (5) The failure to do any act required by or under the Nebraska  
18 Pickle Card Lottery Act shall be deemed an act in part in the principal  
19 office of the department. Any prosecution under such act may be conducted  
20 in any county where the defendant resides or has a place of business or  
21 in any county in which any violation occurred.

22 (6) In the enforcement and investigation of any offense committed  
23 under the act, the department may call to its aid any sheriff, deputy  
24 sheriff, or other peace officer in the state.

25 Sec. 3. Section 9-434, Revised Statutes Cumulative Supplement, 2020,  
26 is amended to read:

27 9-434 (1) Except when another penalty is specifically provided, any  
28 person, licensee, or permittee, or employee or agent thereof, who  
29 violates any provision of the Nebraska Lottery and Raffle Act, or who  
30 causes, aids, abets, or conspires with another to cause any person,  
31 licensee, or permittee or employee or agent thereof to violate the act,

1 shall be guilty of a Class I misdemeanor for the first offense and a  
2 Class IV felony for any second or subsequent violation. Any licensee  
3 guilty of violating any provision of the act more than once in a twelve-  
4 month period may have its license canceled or revoked.

5 (2) Each of the following violations of the Nebraska Lottery and  
6 Raffle Act shall be a Class IV felony:

7 (a) Giving, providing, or offering to give or provide, directly or  
8 indirectly, to any public official or employee or agent of this state, or  
9 any agencies or political subdivisions of this state, any compensation or  
10 reward or share of the money for property paid or received through  
11 gambling activities authorized under Chapter 9 in consideration for  
12 obtaining any license, authorization, permission, or privileges to  
13 participate in any gaming operations except as authorized under Chapter 9  
14 or any rules and regulations adopted and promulgated pursuant to such  
15 chapter; or

16 (b) Knowingly filing a false report under the Nebraska Lottery and  
17 Raffle Act.

18 (3) Intentionally employing or possessing any device to facilitate  
19 cheating in any lottery or raffle or using any fraudulent scheme or  
20 technique in connection with any lottery or raffle is a violation of the  
21 Nebraska Lottery and Raffle Act. The offense is a:

22 (a) Class II misdemeanor when the amount gained or intended to be  
23 gained through the use of such items, schemes, or techniques is less than  
24 one thousand ~~five hundred~~ dollars;

25 (b) Class I misdemeanor when the amount gained or intended to be  
26 gained through the use of such items, schemes, or techniques is one  
27 thousand ~~five hundred~~ dollars or more but less than three ~~one~~ thousand  
28 ~~five hundred~~ dollars; and

29 (c) Class IV felony when the amount gained or intended to be gained  
30 through the use of such items, schemes, or techniques is three ~~one~~  
31 thousand ~~five hundred~~ dollars or more.

1 (4) In all proceedings initiated in any court or otherwise under the  
2 act, it shall be the duty of the Attorney General and appropriate county  
3 attorney to prosecute and defend all such proceedings.

4 (5) The failure to do any act required by or under the Nebraska  
5 Lottery and Raffle Act shall be deemed an act in part in the principal  
6 office of the department. Any prosecution under such act may be conducted  
7 in any county where the defendant resides or has a place of business or  
8 in any county in which any violation occurred.

9 (6) In the enforcement and investigation of any offense committed  
10 under the act, the department may call to its aid any sheriff, deputy  
11 sheriff, or other peace officer in the state.

12 Sec. 4. Section 9-652, Revised Statutes Cumulative Supplement, 2020,  
13 is amended to read:

14 9-652 (1) Except when another penalty is specifically provided, any  
15 person or licensee, or employee or agent thereof, who knowingly or  
16 intentionally violates any provision of the Nebraska County and City  
17 Lottery Act, or who causes, aids, abets, or conspires with another to  
18 cause any person or licensee or any employee or agent thereof to violate  
19 the act, shall be guilty of a Class I misdemeanor for the first offense  
20 and a Class IV felony for any second or subsequent violation. Any  
21 licensee guilty of violating the act more than once in a twelve-month  
22 period may have its license canceled or revoked.

23 (2) Each of the following violations of the act shall be a Class IV  
24 felony:

25 (a) Giving, providing, or offering to give or provide, directly or  
26 indirectly, to any public official, employee, or agent of this state or  
27 any agencies or political subdivisions of this state any compensation or  
28 reward or share of the money for property paid or received through  
29 gambling activities regulated under the act in consideration for  
30 obtaining any license, authorization, permission, or privilege to  
31 participate in any gaming operations except as authorized under the act

1 or any rules and regulations adopted and promulgated pursuant to such  
2 act;

3 (b) Knowingly filing a false report under the act; or

4 (c) Knowingly falsifying or making any false entry in any books or  
5 records with respect to any transaction connected with the conduct of a  
6 lottery.

7 (3) Intentionally employing or possessing any device to facilitate  
8 cheating in any lottery or using any fraudulent scheme or technique in  
9 connection with any lottery is a violation of the act. The offense is a:

10 (a) Class II misdemeanor when the amount gained or intended to be  
11 gained through the use of such device, scheme, or technique is less than  
12 one thousand five hundred dollars;

13 (b) Class I misdemeanor when the amount gained or intended to be  
14 gained through the use of such device, scheme, or technique is one  
15 thousand five hundred dollars or more but less than three ~~one~~ thousand  
16 ~~five hundred~~ dollars; and

17 (c) Class IV felony when the amount gained or intended to be gained  
18 through the use of such device, scheme, or technique is three ~~one~~  
19 thousand ~~five hundred~~ dollars or more.

20 (4) It shall be the duty of the Attorney General or appropriate  
21 county attorney to prosecute and defend all proceedings initiated in any  
22 court or otherwise under the act.

23 (5) The failure to do any act required by or under the Nebraska  
24 County and City Lottery Act shall be deemed an act in part in the  
25 principal office of the department. Any prosecution under such act may be  
26 conducted in any county where the defendant resides or has a place of  
27 business or in any county in which any violation occurred.

28 (6) In the enforcement and investigation of any offense committed  
29 under the act, the department may call to its aid any sheriff, deputy  
30 sheriff, or other peace officer in the state.

31 Sec. 5. Section 23-135.01, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 23-135.01 Whoever files any claim against any county as provided in  
3 section 23-135, knowing the claim to contain any false statement or  
4 representation as to a material fact, or whoever obtains or receives any  
5 money or any warrant for money from any county knowing that the claim  
6 therefor was based on a false statement or representation as to a  
7 material fact, if the amount claimed or money obtained or received or if  
8 the face value of the warrant for money shall be three ~~one thousand five~~  
9 ~~hundred~~ dollars or more, shall be guilty of a Class IV felony. If the  
10 amount is one thousand five ~~hundred~~ dollars or more but less than three  
11 ~~one thousand five~~ ~~hundred~~ dollars, the person so offending shall be  
12 guilty of a Class II misdemeanor. If the amount is less than one thousand  
13 ~~five hundred~~ dollars, the person so offending shall be guilty of a Class  
14 III misdemeanor.

15 Sec. 6. Section 28-504, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 28-504 (1) A person commits arson in the third degree if he or she  
18 intentionally sets fire to, burns, causes to be burned, or by the use of  
19 any explosive, damages or destroys, or causes to be damaged or destroyed,  
20 any property of another person without such other person's consent. Such  
21 property shall not be contained within a building and shall not be a  
22 building or occupied structure.

23 (2) Arson in the third degree is a Class IV felony if the damages  
24 amount to three ~~one thousand five hundred~~ dollars or more.

25 (3) Arson in the third degree is a Class I misdemeanor if the  
26 damages are one thousand five ~~hundred~~ dollars or more but less than three  
27 ~~one thousand five hundred~~ dollars.

28 (4) Arson in the third degree is a Class II misdemeanor if the  
29 damages are less than one thousand five ~~hundred~~ dollars.

30 Sec. 7. Section 28-514, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           28-514 (1) A person who comes into control of property of another  
2 that he or she knows to have been lost, mislaid, or delivered under a  
3 mistake as to the nature or amount of the property or the identity of the  
4 recipient commits theft if, with intent to deprive the owner thereof, he  
5 or she fails to take reasonable measures to restore the property to a  
6 person entitled to have it.

7           (2) Any person convicted of violating subsection (1) of this section  
8 shall be punished by the penalty prescribed in the next lower  
9 classification below the value of the item lost, mislaid, or delivered  
10 under a mistake pursuant to section 28-518.

11           (3) Any person convicted of violating subsection (1) of this section  
12 when the value of the property is one thousand ~~five hundred~~ dollars or  
13 less shall be guilty of a Class III misdemeanor for the first conviction,  
14 a Class II misdemeanor for the second conviction, and a Class I  
15 misdemeanor for the third or subsequent conviction.

16           Sec. 8. Section 28-518, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           28-518 (1) Theft constitutes a Class IIA felony when the value of  
19 the thing involved is ten ~~five~~ thousand dollars or more.

20           (2) Theft constitutes a Class IV felony when the value of the thing  
21 involved is three ~~one thousand five hundred~~ dollars or more but less than  
22 ten ~~five~~ thousand dollars.

23           (3) Theft constitutes a Class I misdemeanor when the value of the  
24 thing involved is more than one thousand ~~five hundred~~ dollars but less  
25 than three ~~one thousand five hundred~~ dollars.

26           (4) Theft constitutes a Class II misdemeanor when the value of the  
27 thing involved is one thousand ~~five hundred~~ dollars or less.

28           (5) For any second or subsequent conviction under subsection (3) of  
29 this section, any person so offending shall be guilty of a Class IV  
30 felony.

31           (6) For any second conviction under subsection (4) of this section,

1 any person so offending shall be guilty of a Class I misdemeanor, and for  
2 any third or subsequent conviction under subsection (4) of this section,  
3 the person so offending shall be guilty of a Class IV felony.

4 (7) Amounts taken pursuant to one scheme or course of conduct from  
5 one or more persons may be aggregated in the indictment or information in  
6 determining the classification of the offense, except that amounts may  
7 not be aggregated into more than one offense.

8 (8) In any prosecution for theft under sections 28-509 to 28-518,  
9 value shall be an essential element of the offense that must be proved  
10 beyond a reasonable doubt.

11 Sec. 9. Section 28-519, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 28-519 (1) A person commits criminal mischief if he or she:

14 (a) Damages property of another intentionally or recklessly; or

15 (b) Intentionally tampers with property of another so as to endanger  
16 person or property; or

17 (c) Intentionally or maliciously causes another to suffer pecuniary  
18 loss by deception or threat.

19 (2) Criminal mischief is a Class IV felony if the actor  
20 intentionally or maliciously causes pecuniary loss of ten ~~five~~ thousand  
21 dollars or more, or a substantial interruption or impairment of public  
22 communication, transportation, supply of water, gas, or power, or other  
23 public service.

24 (3) Criminal mischief is a Class I misdemeanor if the actor  
25 intentionally or maliciously causes pecuniary loss of three ~~one~~ thousand  
26 ~~five hundred~~ dollars or more but less than ten ~~five~~ thousand dollars.

27 (4) Criminal mischief is a Class II misdemeanor if the actor  
28 intentionally or maliciously causes pecuniary loss of one thousand ~~five~~  
29 ~~hundred~~ dollars or more but less than three ~~one thousand~~ ~~five hundred~~  
30 dollars.

31 (5) Criminal mischief is a Class III misdemeanor if the actor

1 intentionally, maliciously, or recklessly causes pecuniary loss in an  
2 amount of less than one thousand ~~five hundred~~ dollars, or if his or her  
3 action results in no pecuniary loss.

4 Sec. 10. Section 28-603, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 28-603 (1) Whoever, with intent to deceive or harm, falsely makes,  
7 completes, endorses, alters, or utters any written instrument which is or  
8 purports to be, or which is calculated to become or to represent if  
9 completed, a written instrument which does or may evidence, create,  
10 transfer, terminate, or otherwise affect a legal right, interest,  
11 obligation, or status, commits forgery in the second degree.

12 (2) Forgery in the second degree is a Class IIA felony when the face  
13 value, or purported face value, or the amount of any proceeds wrongfully  
14 procured or intended to be procured by the use of such instrument, is ten  
15 ~~five~~ thousand dollars or more.

16 (3) Forgery in the second degree is a Class IV felony when the face  
17 value, or purported face value, or the amount of any proceeds wrongfully  
18 procured or intended to be procured by the use of such instrument, is  
19 three ~~one thousand five hundred~~ dollars or more but is less than ten ~~five~~  
20 thousand dollars.

21 (4) Forgery in the second degree is a Class I misdemeanor when the  
22 face value, or purported face value, or the amount of any proceeds  
23 wrongfully procured or intended to be procured by the use of such  
24 instrument, is one thousand ~~five hundred~~ dollars or more but is less than  
25 three ~~one thousand five hundred~~ dollars.

26 (5) Forgery in the second degree is a Class II misdemeanor when the  
27 face value, or purported face value, or the amount of any proceeds  
28 wrongfully procured or intended to be procured by the use of such  
29 instrument, is less than one thousand ~~five hundred~~ dollars.

30 (6) For the purpose of determining the class of penalty for forgery  
31 in the second degree, the face values, or purported face values, or the

1 amounts of any proceeds wrongfully procured or intended to be procured by  
2 the use of more than one such instrument, may be aggregated in the  
3 indictment or information if such instruments were part of the same  
4 scheme or course of conduct which took place within a sixty-day period  
5 and within one county. Such values or amounts shall not be aggregated  
6 into more than one offense.

7 Sec. 11. Section 28-604, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 28-604 (1) Whoever, with knowledge that it is forged and with intent  
10 to deceive or harm, possesses any forged instrument covered by section  
11 28-602 or 28-603 commits criminal possession of a forged instrument.

12 (2) Criminal possession of a forged instrument prohibited by section  
13 28-602 is a Class IV felony.

14 (3) Criminal possession of a forged instrument prohibited by section  
15 28-603, the amount or value of which is ten ~~five~~ thousand dollars or  
16 more, is a Class IV felony.

17 (4) Criminal possession of a forged instrument prohibited by section  
18 28-603, the amount or value of which is three ~~one~~ thousand ~~five~~ ~~hundred~~  
19 dollars or more but less than ten ~~five~~ thousand dollars, is a Class I  
20 misdemeanor.

21 (5) Criminal possession of a forged instrument prohibited by section  
22 28-603, the amount or value of which is one thousand ~~five~~ ~~hundred~~ dollars  
23 or more but less than three ~~one~~ thousand ~~five~~ ~~hundred~~ dollars, is a Class  
24 II misdemeanor.

25 (6) Criminal possession of a forged instrument prohibited by section  
26 28-603, the amount or value of which is less than one thousand ~~five~~  
27 ~~hundred~~ dollars, is a Class III misdemeanor.

28 (7) For the purpose of determining the class of penalty for criminal  
29 possession of a forged instrument prohibited by section 28-603, the  
30 amounts or values of more than one such forged instrument may be  
31 aggregated in the indictment or information if such forged instruments

1 were part of the same scheme or course of conduct which took place within  
2 a sixty-day period and within one county. Such amounts or values shall  
3 not be aggregated into more than one offense.

4 Sec. 12. Section 28-611, Revised Statutes Cumulative Supplement,  
5 2020, is amended to read:

6 28-611 (1) Whoever obtains property, services, child support credit,  
7 spousal support credit, or present value of any kind by issuing or  
8 passing a check, draft, assignment of funds, or similar signed order for  
9 the payment of money, knowing that he or she does not have sufficient  
10 funds in or credit with the drawee for the payment of the check, draft,  
11 assignment of funds, or order in full upon presentation, commits the  
12 offense of issuing a bad check. Issuing a bad check is:

13 (a) A Class IIA felony if the amount of the check, draft, assignment  
14 of funds, or order is ten ~~five~~ thousand dollars or more;

15 (b) A Class IV felony if the amount of the check, draft, assignment  
16 of funds, or order is three ~~one thousand five hundred~~ dollars or more,  
17 but less than ten ~~five~~ thousand dollars;

18 (c) A Class I misdemeanor if the amount of the check, draft,  
19 assignment of funds, or order is one thousand ~~five hundred~~ dollars or  
20 more, but less than three ~~one thousand five hundred~~ dollars; and

21 (d) A Class II misdemeanor if the amount of the check, draft,  
22 assignment of funds, or order is less than one thousand ~~five hundred~~  
23 dollars.

24 (2) The aggregate amount of any series of checks, drafts,  
25 assignments, or orders issued or passed within a sixty-day period in one  
26 county may be used in determining the classification of the offense  
27 pursuant to subsection (1) of this section, except that checks, drafts,  
28 assignments, or orders may not be aggregated into more than one offense.

29 (3) For any second or subsequent offense under subdivision (1)(c) or  
30 (1)(d) of this section, any person so offending shall be guilty of a  
31 Class IV felony.

1 (4) Whoever otherwise issues or passes a check, draft, assignment of  
2 funds, or similar signed order for the payment of money, knowing that he  
3 or she does not have sufficient funds in or credit with the drawee for  
4 the payment of the check, draft, assignment of funds, or order in full  
5 upon its presentation, shall be guilty of a Class II misdemeanor.

6 (5) Any person in violation of this section who makes voluntary  
7 restitution to the injured party for the value of the check, draft,  
8 assignment of funds, or order shall also pay ten dollars to the injured  
9 party and any reasonable handling fee imposed on the injured party by a  
10 financial institution.

11 (6) In any prosecution for issuing a bad check, the person issuing  
12 the check, draft, assignment of funds, or order shall be presumed to have  
13 known that he or she did not have sufficient funds in or credit with the  
14 drawee for the payment of the check, draft, assignment of funds, or order  
15 in full upon presentation if, within thirty days after issuance of the  
16 check, draft, assignment of funds, or order, he or she was notified that  
17 the drawee refused payment for lack of funds and he or she failed within  
18 ten days after such notice to make the check, draft, assignment of funds,  
19 or order good or, in the absence of such notice, he or she failed to make  
20 the check, draft, assignment of funds, or order good within ten days  
21 after notice that such check, draft, assignment of funds, or order has  
22 been returned to the depositor was sent to him or her by the county  
23 attorney or his or her deputy, by United States mail addressed to such  
24 person at his or her last-known address. Upon request of the depositor  
25 and the payment of ten dollars for each check, draft, assignment of  
26 funds, or order, the county attorney or his or her deputy shall be  
27 required to mail notice to the person issuing the check, draft,  
28 assignment of funds, or order as provided in this subsection. The ten-  
29 dollar payment shall be payable to the county treasurer and credited to  
30 the county general fund. No such payment shall be collected from any  
31 county office to which such a check, draft, assignment of funds, or order

1 is issued in the course of the official duties of the office.

2 (7) Any person convicted of violating this section may, in addition  
3 to a fine or imprisonment, be ordered to make restitution to the party  
4 injured for the value of the check, draft, assignment of funds, or order  
5 and to pay ten dollars to the injured party and any reasonable handling  
6 fee imposed on the injured party by a financial institution. If the  
7 court, in addition to sentencing any person to imprisonment under this  
8 section, also enters an order of restitution, the time permitted to make  
9 such restitution shall not be concurrent with the sentence of  
10 imprisonment.

11 (8) The fact that restitution to the party injured has been made and  
12 that ten dollars and any reasonable handling fee imposed on the injured  
13 party by a financial institution have been paid to the injured party  
14 shall be a mitigating factor in the imposition of punishment for any  
15 violation of this section.

16 Sec. 13. Section 28-611.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 28-611.01 (1) Whoever issues or passes a check, draft, assignment of  
19 funds, or similar signed order for the payment of money, knowing that he  
20 or she has no account with the drawee at the time the check, draft,  
21 assignment of funds, or order is issued, commits the offense of issuing a  
22 no-account check. Issuing a no-account check is:

23 (a) A Class III felony if the amount of the check, draft, assignment  
24 of funds, or order is ten ~~five~~ thousand dollars or more;

25 (b) A Class IV felony if the amount of the check, draft, assignment  
26 of funds, or order is three ~~one~~ thousand ~~five~~ ~~hundred~~ dollars or more,  
27 but less than ten ~~five~~ thousand dollars;

28 (c) A Class I misdemeanor if the amount of the check, draft,  
29 assignment of funds, or order is one thousand ~~five~~ ~~hundred~~ dollars or  
30 more, but less than three ~~one~~ thousand ~~five~~ ~~hundred~~ dollars; and

31 (d) A Class II misdemeanor if the amount of the check, draft,

1 assignment of funds, or order is less than one thousand ~~five hundred~~  
2 dollars.

3 (2) The aggregate amount of any series of checks, drafts,  
4 assignments, or orders issued or passed within a sixty-day period in one  
5 county may be used in determining the classification of the offense  
6 pursuant to subsection (1) of this section, except that checks, drafts,  
7 assignments, or orders may not be aggregated into more than one offense.

8 (3) For any second or subsequent offense under this section, any  
9 person so offending shall be guilty of:

10 (a) A Class III felony if the amount of the check, draft, assignment  
11 of funds, or order is three ~~one thousand five hundred~~ dollars or more;  
12 and

13 (b) A Class IV felony if the amount of the check, draft, assignment  
14 of funds, or order is less than three ~~one thousand five hundred~~ dollars.

15 Sec. 14. Section 28-620, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 28-620 (1) A person commits the offense of unauthorized use of a  
18 financial transaction device if such person uses such device in an  
19 automated banking device, to imprint a sales form, or in any other  
20 manner:

21 (a) For the purpose of obtaining money, credit, property, or  
22 services or for making financial payment, with intent to defraud;

23 (b) With notice that the financial transaction device is expired,  
24 revoked, or canceled;

25 (c) With notice that the financial transaction device is forged,  
26 altered, or counterfeited; or

27 (d) When for any reason his or her use of the financial transaction  
28 device is unauthorized either by the issuer or by the account holder.

29 (2) For purposes of this section, notice shall mean either notice  
30 given in person or notice given in writing to the account holder, by  
31 registered or certified mail, return receipt requested, duly stamped and

1 addressed to such account holder at his or her last address known to the  
2 issuer. Such notice shall be evidenced by a returned receipt signed by  
3 the account holder which shall be prima facie evidence that the notice  
4 was received.

5 (3) Any person committing the offense of unauthorized use of a  
6 financial transaction device shall be guilty of:

7 (a) A Class II misdemeanor if the total value of the money, credit,  
8 property, or services obtained or the financial payments made are less  
9 than one thousand ~~five hundred~~ dollars within a six-month period from the  
10 date of the first unauthorized use;

11 (b) A Class I misdemeanor if the total value of the money, credit,  
12 property, or services obtained or the financial payments made are one  
13 thousand ~~five hundred~~ dollars or more but less than three ~~one thousand~~  
14 ~~five hundred~~ dollars within a six-month period from the date of the first  
15 unauthorized use;

16 (c) A Class IV felony if the total value of the money, credit,  
17 property, or services obtained or the financial payments made are three  
18 ~~one thousand five hundred~~ dollars or more but less than ten ~~five~~ thousand  
19 dollars within a six-month period from the date of the first unauthorized  
20 use; and

21 (d) A Class IIA felony if the total value of the money, credit,  
22 property, or services obtained or the financial payments made are ten  
23 ~~five~~ thousand dollars or more within a six-month period from the date of  
24 the first unauthorized use.

25 (4) Any prosecution under this section may be conducted in any  
26 county where the person committed the offense or any one of a series of  
27 offenses to be aggregated.

28 (5) Once aggregated and filed, no separate prosecution for an  
29 offense arising out of the same series of offenses aggregated and filed  
30 shall be allowed in any county.

31 Sec. 15. Section 28-631, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-631 (1) A person or entity commits a fraudulent insurance act if  
3 he or she:

4 (a) Knowingly and with intent to defraud or deceive presents, causes  
5 to be presented, or prepares with knowledge or belief that it will be  
6 presented to or by an insurer, or any agent of an insurer, any statement  
7 as part of, in support of, or in denial of a claim for payment or other  
8 benefit from an insurer or pursuant to an insurance policy knowing that  
9 the statement contains any false, incomplete, or misleading information  
10 concerning any fact or thing material to a claim;

11 (b) Assists, abets, solicits, or conspires with another to prepare  
12 or make any statement that is intended to be presented to or by an  
13 insurer or person in connection with or in support of any claim for  
14 payment or other benefit from an insurer or pursuant to an insurance  
15 policy knowing that the statement contains any false, incomplete, or  
16 misleading information concerning any fact or thing material to the  
17 claim;

18 (c) Makes any false or fraudulent representations as to the death or  
19 disability of a policy or certificate holder or a covered person in any  
20 statement or certificate for the purpose of fraudulently obtaining money  
21 or benefit from an insurer;

22 (d) Knowingly and willfully transacts any contract, agreement, or  
23 instrument which violates this section;

24 (e) Receives money for the purpose of purchasing insurance and  
25 converts the money to the person's own benefit;

26 (f) Willfully embezzles, abstracts, purloins, misappropriates, or  
27 converts money, funds, premiums, credits, or other property of an insurer  
28 or person engaged in the business of insurance;

29 (g) Knowingly and with intent to defraud or deceive issues fake or  
30 counterfeit insurance policies, certificates of insurance, insurance  
31 identification cards, or insurance binders;

1 (h) Knowingly and with intent to defraud or deceive possesses fake  
2 or counterfeit insurance policies, certificates of insurance, insurance  
3 identification cards, or insurance binders;

4 (i) Knowingly and with intent to defraud or deceive makes any false  
5 entry of a material fact in or pertaining to any document or statement  
6 filed with or required by the Department of Insurance;

7 (j) Knowingly and with the intent to defraud or deceive provides  
8 false, incomplete, or misleading information to an insurer concerning the  
9 number, location, or classification of employees for the purpose of  
10 lessening or reducing the premium otherwise chargeable for workers'  
11 compensation insurance coverage;

12 (k) Knowingly and with intent to defraud or deceive removes,  
13 conceals, alters, diverts, or destroys assets or records of an insurer or  
14 person engaged in the business of insurance or attempts to remove,  
15 conceal, alter, divert, or destroy assets or records of an insurer or  
16 person engaged in the business of insurance;

17 (l) Willfully operates as or aids and abets another operating as a  
18 discount medical plan organization in violation of subsection (1) of  
19 section 44-8306; or

20 (m) Willfully collects fees for purported membership in a discount  
21 medical plan organization but purposefully fails to provide the promised  
22 benefits.

23 (2)(a) A violation of subdivisions (1)(a) through (f) of this  
24 section is a Class III felony when the amount involved is ten ~~five~~  
25 thousand dollars or more.

26 (b) A violation of subdivisions (1)(a) through (f) of this section  
27 is a Class IV felony when the amount involved is three ~~one~~ thousand ~~five~~  
28 ~~hundred~~ dollars or more but less than ten ~~five~~ thousand dollars.

29 (c) A violation of subdivisions (1)(a) through (f) of this section  
30 is a Class I misdemeanor when the amount involved is one thousand ~~five~~  
31 ~~hundred~~ dollars or more but less than three ~~one~~ thousand ~~five~~ ~~hundred~~

1 dollars.

2 (d) A violation of subdivisions (1)(a) through (f) of this section  
3 is a Class II misdemeanor when the amount involved is less than one  
4 thousand ~~five hundred~~ dollars.

5 (e) For any second or subsequent conviction under subdivision (2)(c)  
6 of this section, the violation is a Class IV felony.

7 (f) A violation of subdivisions (1)(g), (i), (j), (k), (l), and (m)  
8 of this section is a Class IV felony.

9 (g) A violation of subdivision (1)(h) of this section is a Class I  
10 misdemeanor.

11 (3) Amounts taken pursuant to one scheme or course of conduct from  
12 one person, entity, or insurer may be aggregated in the indictment or  
13 information in determining the classification of the offense, except that  
14 amounts may not be aggregated into more than one offense.

15 (4) In any prosecution under this section, if the amounts are  
16 aggregated pursuant to subsection (3) of this section, the amount  
17 involved in the offense shall be an essential element of the offense that  
18 must be proved beyond a reasonable doubt.

19 (5) A prosecution under this section shall be in lieu of an action  
20 under section 44-6607.

21 (6) For purposes of this section:

22 (a) Insurer means any person or entity transacting insurance as  
23 defined in section 44-102 with or without a certificate of authority  
24 issued by the Director of Insurance. Insurer also means health  
25 maintenance organizations, legal service insurance corporations, prepaid  
26 limited health service organizations, dental and other similar health  
27 service plans, discount medical plan organizations, and entities licensed  
28 pursuant to the Intergovernmental Risk Management Act and the  
29 Comprehensive Health Insurance Pool Act. Insurer also means an employer  
30 who is approved by the Nebraska Workers' Compensation Court as a self-  
31 insurer; and

1 (b) Statement includes, but is not limited to, any notice,  
2 statement, proof of loss, bill of lading, receipt for payment, invoice,  
3 account, estimate of property damages, bill for services, diagnosis,  
4 prescription, hospital or medical records, X-rays, test result, or other  
5 evidence of loss, injury, or expense, whether oral, written, or computer-  
6 generated.

7 Sec. 16. Section 28-638, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 28-638 (1) A person commits the crime of criminal impersonation if  
10 he or she:

11 (a) Pretends to be a representative of some person or organization  
12 and does an act in his or her fictitious capacity with the intent to gain  
13 a pecuniary benefit for himself, herself, or another and to deceive or  
14 harm another;

15 (b) Carries on any profession, business, or any other occupation  
16 without a license, certificate, or other authorization required by law;

17 (c) Knowingly provides false personal identifying information or a  
18 false personal identification document to a court or a law enforcement  
19 officer; or

20 (d) Knowingly provides false personal identifying information or a  
21 false personal identification document to an employer for the purpose of  
22 obtaining employment.

23 (2)(a) Criminal impersonation, as described in subdivisions (1)(a)  
24 and (1)(b) of this section, is a Class III felony if the credit, money,  
25 goods, services, or other thing of value that was gained or was attempted  
26 to be gained was ten five thousand dollars or more. Any second or  
27 subsequent conviction under this subdivision is a Class II felony.

28 (b) Criminal impersonation, as described in subdivisions (1)(a) and  
29 (1)(b) of this section, is a Class IV felony if the credit, money, goods,  
30 services, or other thing of value that was gained or was attempted to be  
31 gained was three ~~one~~ thousand ~~five~~ hundred dollars or more but less than

1 ~~ten~~ five thousand dollars. Any second or subsequent conviction under this  
2 subdivision is a Class III felony.

3 (c) Criminal impersonation, as described in subdivisions (1)(a) and  
4 (1)(b) of this section, is a Class I misdemeanor if the credit, money,  
5 goods, services, or other thing of value that was gained or was attempted  
6 to be gained was one thousand ~~five hundred~~ dollars or more but less than  
7 three ~~one thousand five hundred~~ dollars. Any second or subsequent  
8 conviction under this subdivision is a Class IV felony.

9 (d) Criminal impersonation, as described in subdivisions (1)(a) and  
10 (1)(b) of this section, is a Class II misdemeanor if no credit, money,  
11 goods, services, or other thing of value was gained or was attempted to  
12 be gained, or if the credit, money, goods, services, or other thing of  
13 value that was gained or was attempted to be gained was less than one  
14 thousand ~~five hundred~~ dollars. Any second conviction under this  
15 subdivision is a Class I misdemeanor, and any third or subsequent  
16 conviction under this subdivision is a Class IV felony.

17 (e) Criminal impersonation, as described in subdivision (1)(c) of  
18 this section, is a Class IV felony. Any second conviction under this  
19 subdivision is a Class III felony, and any third or subsequent conviction  
20 under this subdivision is a Class II felony.

21 (f) Criminal impersonation, as described in subdivision (1)(d) of  
22 this section, is a Class II misdemeanor. Any second or subsequent  
23 conviction under this subdivision is a Class I misdemeanor.

24 (g) A person found guilty of violating this section may, in addition  
25 to the penalties under this subsection, be ordered to make restitution  
26 pursuant to sections 29-2280 to 29-2289.

27 Sec. 17. Section 28-639, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 28-639 (1) A person commits the crime of identity theft if he or she  
30 knowingly takes, purchases, manufactures, records, possesses, or uses any  
31 personal identifying information or entity identifying information of

1 another person or entity without the consent of that other person or  
2 entity or creates personal identifying information for a fictional person  
3 or entity, with the intent to obtain or use the other person's or  
4 entity's identity for any unlawful purpose or to cause loss to a person  
5 or entity whether or not the person or entity actually suffers any  
6 economic loss as a result of the offense, or with the intent to obtain or  
7 continue employment or with the intent to gain a pecuniary benefit for  
8 himself, herself, or another.

9 (2) Identity theft is not:

10 (a) The lawful obtaining of credit information in the course of a  
11 bona fide consumer or commercial transaction;

12 (b) The lawful, good faith exercise of a security interest or a  
13 right of setoff by a creditor or a financial institution;

14 (c) The lawful, good faith compliance by any person when required by  
15 any warrant, levy, garnishment, attachment, court order, or other  
16 judicial or administrative order, decree, or directive; or

17 (d) The investigative activities of law enforcement.

18 (3)(a) Identity theft is a Class IIA felony if the credit, money,  
19 goods, services, or other thing of value that was gained or was attempted  
20 to be gained was ten ~~five~~ thousand dollars or more. Any second or  
21 subsequent conviction under this subdivision is a Class II felony.

22 (b) Identity theft is a Class IV felony if the credit, money, goods,  
23 services, or other thing of value that was gained or was attempted to be  
24 gained was three ~~one~~ thousand ~~five~~ ~~hundred~~ dollars or more but less than  
25 ten ~~five~~ thousand dollars. Any second or subsequent conviction under this  
26 subdivision is a Class III felony.

27 (c) Identity theft is a Class I misdemeanor if the credit, money,  
28 goods, services, or other thing of value that was gained or was attempted  
29 to be gained was one thousand ~~five~~ ~~hundred~~ dollars or more but less than  
30 three ~~one~~ thousand ~~five~~ ~~hundred~~ dollars. Any second or subsequent  
31 conviction under this subdivision is a Class IV felony.

1 (d) Identity theft is a Class II misdemeanor if no credit, money,  
2 goods, services, or other thing of value was gained or was attempted to  
3 be gained, or if the credit, money, goods, services, or other thing of  
4 value that was gained or was attempted to be gained was less than one  
5 thousand ~~five~~~~hundred~~ dollars. Any second conviction under this  
6 subdivision is a Class I misdemeanor, and any third or subsequent  
7 conviction under this subdivision is a Class IV felony.

8 (e) A person found guilty of violating this section may, in addition  
9 to the penalties under this subsection, be ordered to make restitution  
10 pursuant to sections 29-2280 to 29-2289.

11 Sec. 18. Section 28-1102, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 28-1102 (1) A person commits the offense of promoting gambling in  
14 the first degree if he or she knowingly advances or profits from unlawful  
15 gambling activity by:

16 (a) Engaging in bookmaking to the extent that he or she receives or  
17 accepts in any one day one or more bets totaling three ~~one~~ thousand ~~five~~  
18 ~~hundred~~ dollars or more; or

19 (b) Receiving, in connection with any unlawful gambling scheme or  
20 enterprise, three ~~one~~ thousand ~~five~~~~hundred~~ dollars or more of money  
21 played in the scheme or enterprise in any one day.

22 (2) Promoting gambling in the first degree is, for the first  
23 offense, a Class I misdemeanor, for the second offense, a Class IV  
24 felony, and for the third and all subsequent offenses, a Class III  
25 felony. No person shall be charged with a second or subsequent offense  
26 under this section unless the prior offense or offenses occurred after  
27 August 24, 1979.

28 Sec. 19. Section 28-1344, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 28-1344 (1) Any person who intentionally accesses or causes to be  
31 accessed, directly or indirectly, any computer, computer system, computer

1 software, or computer network without authorization or who, having  
2 accessed any computer, computer system, computer software, or computer  
3 network with authorization, knowingly and intentionally exceeds the  
4 limits of such authorization shall be guilty of an offense if he or she  
5 intentionally: (a) Deprives another of property or services; or (b)  
6 obtains property or services of another.

7 (2) The offense constitutes a Class III felony when the value of the  
8 property or services involved is ten ~~five~~ thousand dollars or more.

9 (3) The offense constitutes a Class IV felony when the value of the  
10 property or services involved is three ~~one thousand five hundred~~ dollars  
11 or more, but less than ten ~~five~~ thousand dollars.

12 (4) The offense constitutes a Class I misdemeanor when the value of  
13 the property or services involved is one thousand ~~five hundred~~ dollars or  
14 more, but less than three ~~one thousand five hundred~~ dollars.

15 (5) The offense constitutes a Class II misdemeanor when the value of  
16 the property or services involved is less than one thousand ~~five hundred~~  
17 dollars.

18 Sec. 20. Section 28-1345, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1345 (1) Any person who accesses or causes to be accessed any  
21 computer, computer system, computer software, or computer network without  
22 authorization or who, having accessed any computer, computer system,  
23 computer software, or computer network with authorization, knowingly and  
24 intentionally exceeds the limits of such authorization shall be guilty of  
25 an offense if he or she intentionally: (a) Alters, damages, deletes, or  
26 destroys any computer, computer system, computer software, computer  
27 network, computer program, data, or other property; (b) disrupts the  
28 operation of any computer, computer system, computer software, or  
29 computer network; or (c) distributes a destructive computer program with  
30 intent to damage or destroy any computer, computer system, computer  
31 network, or computer software.

1           (2) The offense constitutes a Class III felony when the value of the  
2 loss caused is ten ~~five~~ thousand dollars or more.

3           (3) The offense constitutes a Class IV felony when the value of the  
4 loss caused is three ~~one thousand five hundred~~ dollars or more, but less  
5 than ten ~~five~~ thousand dollars.

6           (4) The offense constitutes a Class I misdemeanor when the value of  
7 the loss caused is one thousand ~~five hundred~~ dollars or more, but less  
8 than three ~~one thousand five hundred~~ dollars.

9           (5) The offense constitutes a Class II misdemeanor when the value of  
10 the loss caused is less than one thousand ~~five hundred~~ dollars.

11           Sec. 21. Section 28-1354, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:

13           28-1354 For purposes of the Public Protection Act:

14           (1) Enterprise means any individual, sole proprietorship,  
15 partnership, corporation, trust, association, or any legal entity, union,  
16 or group of individuals associated in fact although not a legal entity,  
17 and shall include illicit as well as licit enterprises as well as other  
18 entities;

19           (2) Pattern of racketeering activity means a cumulative loss for one  
20 or more victims or gains for the enterprise of not less than three ~~one~~  
21 thousand ~~five hundred~~ dollars resulting from at least two acts of  
22 racketeering activity, one of which occurred after August 30, 2009, and  
23 the last of which occurred within ten years, excluding any period of  
24 imprisonment, after the commission of a prior act of racketeering  
25 activity;

26           (3) ~~Person~~ ~~Until January 1, 2017, person~~ means any individual or  
27 entity, as defined in section 21-2014, holding or capable of holding a  
28 legal, equitable, or beneficial interest in property. Beginning January  
29 1, 2017, ~~person~~ means any individual or entity, as defined in section  
30 21-214, holding or capable of holding a legal, equitable, or beneficial  
31 interest in property;

1 (4) Prosecutor includes the Attorney General of the State of  
2 Nebraska, the deputy attorney general, assistant attorneys general, a  
3 county attorney, a deputy county attorney, or any person so designated by  
4 the Attorney General, a county attorney, or a court of the state to carry  
5 out the powers conferred by the act;

6 (5) Racketeering activity includes the commission of, criminal  
7 attempt to commit, conspiracy to commit, aiding and abetting in the  
8 commission of, aiding in the consummation of, acting as an accessory to  
9 the commission of, or the solicitation, coercion, or intimidation of  
10 another to commit or aid in the commission of any of the following:

11 (a) Offenses against the person which include: Murder in the first  
12 degree under section 28-303; murder in the second degree under section  
13 28-304; manslaughter under section 28-305; assault in the first degree  
14 under section 28-308; assault in the second degree under section 28-309;  
15 assault in the third degree under section 28-310; terroristic threats  
16 under section 28-311.01; kidnapping under section 28-313; false  
17 imprisonment in the first degree under section 28-314; false imprisonment  
18 in the second degree under section 28-315; sexual assault in the first  
19 degree under section 28-319; and robbery under section 28-324;

20 (b) Offenses relating to controlled substances which include: To  
21 unlawfully manufacture, distribute, deliver, dispense, or possess with  
22 intent to manufacture, distribute, deliver, or dispense a controlled  
23 substance under subsection (1) of section 28-416; possession of marijuana  
24 weighing more than one pound under subsection (12) of section 28-416;  
25 possession of money used or intended to be used to facilitate a violation  
26 of subsection (1) of section 28-416 prohibited under subsection (17) of  
27 section 28-416; any violation of section 28-418; to unlawfully  
28 manufacture, distribute, deliver, or possess with intent to distribute or  
29 deliver an imitation controlled substance under section 28-445;  
30 possession of anhydrous ammonia with the intent to manufacture  
31 methamphetamine under section 28-451; and possession of ephedrine,

1 pseudoephedrine, or phenylpropanolamine with the intent to manufacture  
2 methamphetamine under section 28-452;

3 (c) Offenses against property which include: Arson in the first  
4 degree under section 28-502; arson in the second degree under section  
5 28-503; arson in the third degree under section 28-504; burglary under  
6 section 28-507; theft by unlawful taking or disposition under section  
7 28-511; theft by shoplifting under section 28-511.01; theft by deception  
8 under section 28-512; theft by extortion under section 28-513; theft of  
9 services under section 28-515; theft by receiving stolen property under  
10 section 28-517; criminal mischief under section 28-519; and unlawfully  
11 depriving or obtaining property or services using a computer under  
12 section 28-1344;

13 (d) Offenses involving fraud which include: Burning to defraud an  
14 insurer under section 28-505; forgery in the first degree under section  
15 28-602; forgery in the second degree under section 28-603; criminal  
16 possession of a forged instrument under section 28-604; criminal  
17 possession of written instrument forgery devices under section 28-605;  
18 criminal impersonation under section 28-638; identity theft under section  
19 28-639; identity fraud under section 28-640; false statement or book  
20 entry under section 28-612; tampering with a publicly exhibited contest  
21 under section 28-614; issuing a false financial statement for purposes of  
22 obtaining a financial transaction device under section 28-619;  
23 unauthorized use of a financial transaction device under section 28-620;  
24 criminal possession of a financial transaction device under section  
25 28-621; unlawful circulation of a financial transaction device in the  
26 first degree under section 28-622; unlawful circulation of a financial  
27 transaction device in the second degree under section 28-623; criminal  
28 possession of a blank financial transaction device under section 28-624;  
29 criminal sale of a blank financial transaction device under section  
30 28-625; criminal possession of a financial transaction forgery device  
31 under section 28-626; unlawful manufacture of a financial transaction

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

5 (e) Offenses involving governmental operations which include: Abuse  
6 of public records under section 28-911; perjury or subornation of perjury  
7 under section 28-915; bribery under section 28-917; bribery of a witness  
8 under section 28-918; tampering with a witness or informant or jury  
9 tampering under section 28-919; bribery of a juror under section 28-920;  
10 assault on an officer, an emergency responder, a state correctional  
11 employee, a Department of Health and Human Services employee, or a health  
12 care professional in the first degree under section 28-929; assault on an  
13 officer, an emergency responder, a state correctional employee, a  
14 Department of Health and Human Services employee, or a health care  
15 professional in the second degree under section 28-930; assault on an  
16 officer, an emergency responder, a state correctional employee, a  
17 Department of Health and Human Services employee, or a health care  
18 professional in the third degree under section 28-931; and assault on an  
19 officer, an emergency responder, a state correctional employee, a  
20 Department of Health and Human Services employee, or a health care  
21 professional using a motor vehicle under section 28-931.01;

22 (f) Offenses involving gambling which include: Promoting gambling in  
23 the first degree under section 28-1102; possession of gambling records  
24 under section 28-1105; gambling debt collection under section 28-1105.01;  
25 and possession of a gambling device under section 28-1107;

26 (g) Offenses relating to firearms, weapons, and explosives which  
27 include: Carrying a concealed weapon under section 28-1202;  
28 transportation or possession of machine guns, short rifles, or short  
29 shotguns under section 28-1203; unlawful possession of a handgun under  
30 section 28-1204; unlawful transfer of a firearm to a juvenile under  
31 section 28-1204.01; possession of a firearm by a prohibited juvenile

1 offender under section 28-1204.05; using a deadly weapon to commit a  
2 felony or possession of a deadly weapon during the commission of a felony  
3 under section 28-1205; possession of a deadly weapon by a prohibited  
4 person under section 28-1206; possession of a defaced firearm under  
5 section 28-1207; defacing a firearm under section 28-1208; unlawful  
6 discharge of a firearm under section 28-1212.02; possession, receipt,  
7 retention, or disposition of a stolen firearm under section 28-1212.03;  
8 unlawful possession of explosive materials in the first degree under  
9 section 28-1215; unlawful possession of explosive materials in the second  
10 degree under section 28-1216; unlawful sale of explosives under section  
11 28-1217; use of explosives without a permit under section 28-1218;  
12 obtaining an explosives permit through false representations under  
13 section 28-1219; possession of a destructive device under section  
14 28-1220; threatening the use of explosives or placing a false bomb under  
15 section 28-1221; using explosives to commit a felony under section  
16 28-1222; using explosives to damage or destroy property under section  
17 28-1223; and using explosives to kill or injure any person under section  
18 28-1224;

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

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

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

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

31 (6) State means the State of Nebraska or any political subdivision

1 or any department, agency, or instrumentality thereof; and

2 (7) Unlawful debt means a debt of at least three ~~one thousand five~~  
3 ~~hundred~~ dollars:

4 (a) Incurred or contracted in gambling activity which was in  
5 violation of federal law or the law of the state or which is  
6 unenforceable under state or federal law in whole or in part as to  
7 principal or interest because of the laws relating to usury; or

8 (b) Which was incurred in connection with the business of gambling  
9 in violation of federal law or the law of the state or the business of  
10 lending money or a thing of value at a rate usurious under state law if  
11 the usurious rate is at least twice the enforceable rate.

12 Sec. 22. Section 29-110, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 29-110 (1) Except as otherwise provided by law, no person shall be  
15 prosecuted for any felony unless the indictment is found by a grand jury  
16 within three years next after the offense has been done or committed or  
17 unless a complaint for the same is filed before the magistrate within  
18 three years next after the offense has been done or committed and a  
19 warrant for the arrest of the defendant has been issued.

20 (2) Except as otherwise provided by law, no person shall be  
21 prosecuted, tried, or punished for any misdemeanor or other indictable  
22 offense below the grade of felony or for any fine or forfeiture under any  
23 penal statute unless the suit, information, or indictment for such  
24 offense is instituted or found within one year and six months from the  
25 time of committing the offense or incurring the fine or forfeiture or  
26 within one year for any offense the punishment of which is restricted by  
27 a fine not exceeding one hundred dollars and to imprisonment not  
28 exceeding three months.

29 (3) Except as otherwise provided by law, no person shall be  
30 prosecuted for kidnapping under section 28-313, false imprisonment under  
31 section 28-314 or 28-315, child abuse under section 28-707, pandering

1 under section 28-802, debauching a minor under section 28-805, or an  
2 offense under section 28-813 when the victim is under sixteen years of  
3 age at the time of the offense (a) unless the indictment for such offense  
4 is found by a grand jury within seven years next after the offense has  
5 been committed or within seven years next after the victim's sixteenth  
6 birthday, whichever is later, or (b) unless a complaint for such offense  
7 is filed before the magistrate within seven years next after the offense  
8 has been committed or within seven years next after the victim's  
9 sixteenth birthday, whichever is later, and a warrant for the arrest of  
10 the defendant has been issued.

11 (4) Except as otherwise provided by law, no person shall be  
12 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)  
13 unless the indictment for such offense is found by a grand jury within  
14 seven years next after the offense has been committed or within seven  
15 years next after the victim's eighteenth birthday, whichever is later, or  
16 (b) unless a complaint for such offense is filed before the magistrate  
17 within seven years next after the offense has been committed or within  
18 seven years next after the victim's eighteenth birthday, whichever is  
19 later, and a warrant for the arrest of the defendant has been issued.

20 (5) Except as otherwise provided by law, no person shall be  
21 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)  
22 unless the indictment for such offense is found by a grand jury within  
23 seven years next after the offense has been committed or within seven  
24 years next after the victim's eighteenth birthday, whichever is later, or  
25 (b) unless a complaint for such offense is filed before the magistrate  
26 within seven years next after the offense has been committed or within  
27 seven years next after the victim's eighteenth birthday, whichever is  
28 later, and a warrant for the arrest of the defendant has been issued.

29 (6) No person shall be prosecuted for a violation of the Securities  
30 Act of Nebraska under section 8-1117 unless the indictment for such  
31 offense is found by a grand jury within five years next after the offense

1 has been done or committed or unless a complaint for such offense is  
2 filed before the magistrate within five years next after the offense has  
3 been done or committed and a warrant for the arrest of the defendant has  
4 been issued.

5 (7) No person shall be prosecuted for criminal impersonation under  
6 section 28-638, identity theft under section 28-639, or identity fraud  
7 under section 28-640 unless the indictment for such offense is found by a  
8 grand jury within five years next after the offense has been done or  
9 committed or unless a complaint for such offense is filed before the  
10 magistrate within five years next after the offense has been done or  
11 committed and a warrant for the arrest of the defendant has been issued.

12 (8) No person shall be prosecuted for a violation of section 68-1017  
13 if the aggregate value of all funds and other benefits obtained or  
14 attempted to be obtained is one thousand ~~five hundred~~ dollars or more  
15 unless the indictment for such offense is found by a grand jury within  
16 five years next after the offense has been done or committed or unless a  
17 complaint for such offense is filed before the magistrate within five  
18 years next after the offense has been done or committed and a warrant for  
19 the arrest of the defendant has been issued.

20 (9) No person shall be prosecuted for knowing and intentional abuse,  
21 neglect, or exploitation of a vulnerable adult or senior adult under  
22 section 28-386 unless the indictment for such offense is found by a grand  
23 jury within six years next after the offense has been done or committed  
24 or unless a complaint for such offense is filed before the magistrate  
25 within six years next after the offense has been done or committed and a  
26 warrant for the arrest of the defendant has been issued.

27 (10) Except as otherwise provided by law, no person shall be  
28 prosecuted for an offense under section 28-717 (a) unless the indictment  
29 for such offense is found by a grand jury within one year and six months  
30 next after the offense has been committed or within one year and six  
31 months next after the child reaches the age of majority, whichever is

1 later, or (b) unless a complaint for such offense is filed before the  
2 magistrate within one year and six months next after the offense has been  
3 committed or within one year and six months next after the child reaches  
4 the age of majority, whichever is later, and a warrant for the arrest of  
5 the defendant has been issued.

6 (11) There shall not be any time limitations for prosecution or  
7 punishment for treason, murder, arson, forgery, sexual assault in the  
8 first or second degree under section 28-319 or 28-320, sexual assault of  
9 a child in the second or third degree under section 28-320.01, incest  
10 under section 28-703, sexual assault of a child in the first degree under  
11 section 28-319.01, labor trafficking of a minor or sex trafficking of a  
12 minor under subsection (1) of section 28-831, or an offense under section  
13 28-1463.03; nor shall there be any time limitations for prosecution or  
14 punishment for sexual assault in the third degree under section 28-320  
15 when the victim is under sixteen years of age at the time of the offense.

16 (12) The time limitations prescribed in this section shall include  
17 all inchoate offenses pursuant to the Nebraska Criminal Code and  
18 compounding a felony pursuant to section 28-301.

19 (13) The time limitations prescribed in this section shall not  
20 extend to any person fleeing from justice.

21 (14) When any suit, information, or indictment for any crime or  
22 misdemeanor is limited by any statute to be brought or exhibited within  
23 any other time than is limited by this section, then the suit,  
24 information, or indictment shall be brought or exhibited within the time  
25 limited by such statute.

26 (15) If any suit, information, or indictment is quashed or the  
27 proceedings set aside or reversed on writ of error, the time during the  
28 pendency of such suit, information, or indictment so quashed, set aside,  
29 or reversed shall not be reckoned within this statute so as to bar any  
30 new suit, information, or indictment for the same offense.

31 (16) The changes made to this section by Laws 2004, LB 943, shall

1 apply to offenses committed prior to April 16, 2004, for which the  
2 statute of limitations has not expired as of such date and to offenses  
3 committed on or after such date.

4 (17) The changes made to this section by Laws 2005, LB 713, shall  
5 apply to offenses committed prior to September 4, 2005, for which the  
6 statute of limitations has not expired as of such date and to offenses  
7 committed on or after such date.

8 (18) The changes made to this section by Laws 2009, LB 97, and Laws  
9 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,  
10 for which the statute of limitations has not expired as of such date and  
11 to offenses committed on or after such date.

12 (19) The changes made to this section by Laws 2010, LB809, shall  
13 apply to offenses committed prior to July 15, 2010, for which the statute  
14 of limitations has not expired as of such date and to offenses committed  
15 on or after such date.

16 (20) The changes made to this section by Laws 2016, LB934, shall  
17 apply to offenses committed prior to April 19, 2016, for which the  
18 statute of limitations has not expired as of such date and to offenses  
19 committed on or after such date.

20 (21) The changes made to this section by Laws 2019, LB519, shall  
21 apply to offenses committed prior to September 1, 2019, for which the  
22 statute of limitations has not expired as of such date and to offenses  
23 committed on or after such date.

24 Sec. 23. Section 29-119, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:

26 29-119 For purposes of this section and sections 23-1201, 29-120,  
27 and 29-2261, unless the context otherwise requires:

28 (1) A plea agreement means that as a result of a discussion between  
29 the defense counsel and the prosecuting attorney:

30 (a) A charge is to be dismissed or reduced; or

31 (b) A defendant, if he or she pleads guilty to a charge, may receive

1 less than the maximum penalty permitted by law; and

2 (2)(a) Victim means a person who has had a personal confrontation  
3 with an offender as a result of a homicide under sections 28-302 to  
4 28-306, a first degree assault under section 28-308, a second degree  
5 assault under section 28-309, a third degree assault under section 28-310  
6 when the victim is an intimate partner as defined in section 28-323, a  
7 first degree false imprisonment under section 28-314, a first degree  
8 sexual assault under section 28-319, a sexual assault of a child in the  
9 first degree under section 28-319.01, a second or third degree sexual  
10 assault under section 28-320, a sexual assault of a child in the second  
11 or third degree under section 28-320.01, domestic assault in the first,  
12 second, or third degree under section 28-323, or a robbery under section  
13 28-324. Victim also includes a person who has suffered serious bodily  
14 injury as defined in section 28-109 as a result of a motor vehicle  
15 accident when the driver was charged with a violation of section 60-6,196  
16 or 60-6,197 or with a violation of a city or village ordinance enacted in  
17 conformance with either section.

18 (b) In the case of a homicide, victim means the nearest surviving  
19 relative under the law as provided by section 30-2303 but does not  
20 include the alleged perpetrator of the homicide.

21 (c) In the case of a violation of section 28-813.01, 28-1463.03,  
22 28-1463.04, or 28-1463.05, victim means a person who was a child as  
23 defined in section 28-1463.02 and a participant or portrayed observer in  
24 the visual depiction of sexually explicit conduct which is the subject of  
25 the violation and who has been identified and can be reasonably notified.

26 (d) In the case of a sexual assault of a child, a possession offense  
27 of a visual depiction of sexually explicit conduct, or a distribution  
28 offense of a visual depiction of sexually explicit conduct, victim means  
29 the child victim and the parents, guardians, or duly appointed legal  
30 representative of the child victim but does not include the alleged  
31 perpetrator of the crime.

1 (e) Victim also includes a person who was the victim of a theft  
2 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the  
3 thing involved is ten ~~five~~ thousand dollars or more and (ii) the victim  
4 and perpetrator were intimate partners as defined in section 28-323.

5 (f) Victim also includes a sexual assault victim as defined in  
6 section 29-4309.

7 Sec. 24. Section 45-191.03, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 45-191.03 (1) A loan broker who fails to make accurate and timely  
10 filings as required by section 45-191.02 shall be guilty of a Class I  
11 misdemeanor.

12 (2) A loan broker who willfully violates subdivision (1) of section  
13 45-191 shall be guilty of:

14 (a) A Class IV felony if the advance fee assessed or collected is  
15 greater than six ~~three~~ hundred dollars; or

16 (b) A Class I misdemeanor if the advance fee assessed or collected  
17 is six ~~three~~ hundred dollars or less.

18 (3) A willful violation of any other provision of sections 45-189 to  
19 45-191.11 by a loan broker shall be a Class IV felony.

20 Sec. 25. Section 66-727, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 66-727 (1) It shall be unlawful for any person to:

23 (a) Knowingly import, distribute, sell, produce, refine, compound,  
24 blend, or use any motor vehicle fuel, diesel fuel, or compressed fuel in  
25 the State of Nebraska without remitting the full amount of tax imposed by  
26 the provisions of the motor fuel laws;

27 (b) Refuse or knowingly and intentionally fail to make and file any  
28 return, report, or statement required by the motor fuel laws in the  
29 manner or within the time required;

30 (c) Knowingly and with intent to evade or to aid or abet any other  
31 person in the evasion of the tax imposed by the motor fuel laws (i) make

1 any false or incomplete report, return, or statement, (ii) conceal any  
2 material fact in any record, report, return, or affidavit provided for in  
3 the motor fuel laws, (iii) improperly claim any exemption from tax  
4 imposed by the motor fuel laws, or (iv) create or submit any false  
5 documentation purporting to show that tax-free fuel has been purchased or  
6 sold tax paid or that tax-paid fuel has been used for a tax-exempt  
7 purpose;

8 (d) Knowingly conduct any activities requiring a license under the  
9 provisions of the Petroleum Release Remedial Action Act, the Compressed  
10 Fuel Tax Act, and Chapter 66, articles 4, 5, and 7, without a license or  
11 after a license has been surrendered, suspended, or canceled;

12 (e) Knowingly conduct any activities requiring a permit under the  
13 provisions of the motor fuel laws without such permit or after such  
14 permit has been surrendered, suspended, or canceled;

15 (f) Knowingly assign or attempt to assign a license or permit;

16 (g) Knowingly fail to keep and maintain books and records required  
17 by the motor fuel laws;

18 (h) Knowingly fail or refuse to pay a fuel tax when due;

19 (i) Knowingly make any false statement in connection with an  
20 application for the refund of any money or tax;

21 (j) Fail or refuse to produce for inspection any license or permit  
22 issued under the motor fuel laws; or

23 (k) Knowingly violate any of the motor fuel laws or any rule or  
24 regulation under the motor fuel laws.

25 (2) Any person who violates subdivision (1)(b), (f), (h), or (k) of  
26 this section shall be guilty of a Class IV felony. Failing to report or  
27 pay taxes due shall constitute a separate offense for each reporting  
28 period.

29 (3) Any person who violates subdivision (1)(a), (c), (d), (g), or  
30 (i) of this section shall be guilty of a Class IV felony if the amount of  
31 tax involved is less than ten ~~five~~ thousand dollars and a Class III

1 felony if the amount of tax is ten ~~five~~ thousand dollars or more. Failing  
2 to report or pay taxes due shall constitute a separate offense for each  
3 reporting period.

4 (4) Any person who violates subdivision (1)(e) or (j) of this  
5 section shall be guilty of a separate Class IV misdemeanor for each day  
6 of operation.

7 Sec. 26. Section 68-1017, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 68-1017 (1) Any person, including vendors and providers of medical  
10 assistance and social services, who, by means of a willfully false  
11 statement or representation, or by impersonation or other device, obtains  
12 or attempts to obtain, or aids or abets any person to obtain or to  
13 attempt to obtain (a) an assistance certificate of award to which he or  
14 she is not entitled, (b) any commodity, any foodstuff, any food  
15 instrument, any Supplemental Nutrition Assistance Program benefit or  
16 electronic benefit card, or any payment to which such individual is not  
17 entitled or a larger payment than that to which he or she is entitled,  
18 (c) any payment made on behalf of a recipient of medical assistance or  
19 social services, or (d) any other benefit administered by the Department  
20 of Health and Human Services, or who violates any statutory provision  
21 relating to assistance to the aged, blind, or disabled, aid to dependent  
22 children, social services, or medical assistance, commits an offense.

23 (2) Any person who commits an offense under subsection (1) of this  
24 section shall upon conviction be punished as follows: (a) If the  
25 aggregate value of all funds or other benefits obtained or attempted to  
26 be obtained is less than one thousand ~~five hundred~~ dollars, the person so  
27 convicted shall be guilty of a Class IV misdemeanor; (b) if the aggregate  
28 value of all funds or other benefits obtained or attempted to be obtained  
29 is one thousand ~~five hundred~~ dollars or more but less than three ~~one~~  
30 thousand ~~five hundred~~ dollars, the person so convicted shall be guilty of  
31 a Class III misdemeanor; or (c) if the aggregate value of all funds and

1 other benefits obtained or attempted to be obtained is three ~~one~~ thousand  
2 ~~five hundred~~ dollars or more, the person so convicted shall be guilty of  
3 a Class IV felony.

4 Sec. 27. Section 68-1017.01, Reissue Revised Statutes of Nebraska,  
5 is amended to read:

6 68-1017.01 (1) A person commits an offense if he or she knowingly  
7 uses, alters, or transfers any Supplemental Nutrition Assistance Program  
8 benefits or electronic benefit cards or any authorizations to participate  
9 in the Supplemental Nutrition Assistance Program in any manner not  
10 authorized by law. An offense under this subsection shall be a Class IV  
11 misdemeanor if the value of the Supplemental Nutrition Assistance Program  
12 benefits, electronic benefit cards, or authorizations is less than one  
13 thousand ~~five hundred~~ dollars, shall be a Class III misdemeanor if the  
14 value is one thousand ~~five hundred~~ dollars or more but less than three  
15 ~~one thousand five hundred~~ dollars, and shall be a Class IV felony if the  
16 value is three ~~one thousand five hundred~~ dollars or more.

17 (2) A person commits an offense if he or she knowingly (a) possesses  
18 any Supplemental Nutrition Assistance Program benefits or electronic  
19 benefit cards or any authorizations to participate in the Supplemental  
20 Nutrition Assistance Program when such individual is not authorized by  
21 law to possess them, (b) redeems Supplemental Nutrition Assistance  
22 Program benefits or electronic benefit cards when he or she is not  
23 authorized by law to redeem them, or (c) redeems Supplemental Nutrition  
24 Assistance Program benefits or electronic benefit cards for purposes not  
25 authorized by law. An offense under this subsection shall be a Class IV  
26 misdemeanor if the value of the Supplemental Nutrition Assistance Program  
27 benefits, electronic benefit cards, or authorizations is less than one  
28 thousand ~~five hundred~~ dollars, shall be a Class III misdemeanor if the  
29 value is one thousand ~~five hundred~~ dollars or more but less than three  
30 ~~one thousand five hundred~~ dollars, and shall be a Class IV felony if the  
31 value is three ~~one thousand five hundred~~ dollars or more.

1 (3) A person commits an offense if he or she knowingly possesses  
2 blank authorizations to participate in the Supplemental Nutrition  
3 Assistance Program when such possession is not authorized by law. An  
4 offense under this subsection shall be a Class IV felony.

5 (4) When any Supplemental Nutrition Assistance Program benefits or  
6 electronic benefit cards or any authorizations to participate in the  
7 Supplemental Nutrition Assistance Program of various values are obtained  
8 in violation of this section pursuant to one scheme or a continuing  
9 course of conduct, whether from the same or several sources, such conduct  
10 may be considered as one offense, and the values aggregated in  
11 determining the grade of the offense.

12 Sec. 28. Section 71-2228, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 71-2228 Any person who by means of a willfully false statement or  
15 representation, by impersonation, or by other device obtains or attempts  
16 to obtain or aids or abets any person to obtain or to attempt to obtain  
17 (1) a food instrument to which he, she, or it is not entitled, (2) any  
18 supplemental foods to which such person is not entitled, or (3) any other  
19 benefit administered by the Department of Health and Human Services under  
20 sections 71-2226 and 71-2227 commits an offense and shall, upon  
21 conviction, be punished as follows: (a) If the aggregate value of all  
22 funds and other benefits obtained or attempted to be obtained is less  
23 than one thousand five hundred dollars, the person so convicted shall be  
24 guilty of a Class IV misdemeanor; (b) if the aggregate value of all funds  
25 and other benefits obtained or attempted to be obtained is one thousand  
26 ~~five hundred~~ dollars or more but less than three ~~one thousand five~~  
27 ~~hundred~~ dollars, the person so convicted shall be guilty of a Class III  
28 misdemeanor; or (c) if the aggregate value of all funds and other  
29 benefits obtained or attempted to be obtained is three ~~one thousand five~~  
30 ~~hundred~~ dollars or more, the person so convicted shall be guilty of a  
31 Class IV felony.

1           Sec. 29. Section 71-2229, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-2229 (1) A person commits an offense if he, she, or it knowingly  
4 and unlawfully uses, alters, or transfers a food instrument or  
5 supplemental food. An offense under this subsection shall be a Class IV  
6 misdemeanor if the value of the food instrument or benefit is less than  
7 one thousand five hundred dollars, shall be a Class III misdemeanor if  
8 the value of the food instrument or benefit is one thousand five hundred  
9 dollars or more but less than three ~~one thousand five hundred~~ dollars,  
10 and shall be a Class IV felony if the value of the food instrument or  
11 benefit is three ~~one thousand five hundred~~ dollars or more.

12           (2) A person commits an offense if he, she, or it (a) knowingly and  
13 unlawfully possesses a food instrument or supplemental food, (b)  
14 knowingly and unlawfully redeems a food instrument, (c) knowingly  
15 falsifies or misapplies a food instrument, or (d) fraudulently obtains a  
16 food instrument. An offense under this subsection shall be a Class IV  
17 misdemeanor if the value of the food instrument or benefit is less than  
18 one thousand five hundred dollars, shall be a Class III misdemeanor if  
19 the value of the food instrument or benefit is one thousand five hundred  
20 dollars or more but less than three ~~one thousand five hundred~~ dollars,  
21 and shall be a Class IV felony if the value of the food instrument or  
22 benefit is three ~~one thousand five hundred~~ dollars or more.

23           (3) A person commits an offense if he, she, or it knowingly and  
24 unlawfully possesses a blank authorization to participate in the WIC  
25 program or CSF program. An offense under this subsection shall be a Class  
26 IV felony.

27           (4) When food instruments or supplemental foods are obtained in  
28 violation of this section pursuant to one scheme or a continuing course  
29 of conduct, whether from the same or several sources, such conduct may be  
30 considered as one offense and the values aggregated in determining the  
31 grade of the offense.

1           Sec. 30.   (1) The changes made to the sections listed in this  
2 section by this legislative bill apply to offenses committed before, on,  
3 or after the effective date of this act for which a final judgment has  
4 not been entered as of the effective date of this act.

5           (2) The sections subject to this section are: 9-262, 9-352, 9-434,  
6 9-652, 23-135.01, 28-504, 28-514, 28-518, 28-519, 28-603, 28-604, 28-611,  
7 28-611.01, 28-620, 28-631, 28-638, 28-639, 28-1102, 28-1344, 28-1345,  
8 28-1354, 29-110, 29-119, 45-191.03, 66-727, 68-1017, 68-1017.01, 71-2228,  
9 and 71-2229.

10           Sec. 31.   Original sections 28-504, 28-514, 28-518, 28-519, 28-603,  
11 28-604, 28-611.01, 28-620, 28-631, 28-638, 28-639, 28-1102, 28-1344,  
12 28-1345, 45-191.03, 66-727, 68-1017, 68-1017.01, 71-2228, and 71-2229,  
13 Reissue Revised Statutes of Nebraska, and sections 9-262, 9-352, 9-434,  
14 9-652, 23-135.01, 28-611, 28-1354, 29-110, and 29-119, Revised Statutes  
15 Cumulative Supplement, 2020, are repealed.