

AMENDMENTS TO LB322

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
6 and sections 3 to 8 of this act shall be known and may be cited as the
7 Nebraska Criminal Code.

8 **Sec. 2.** Section 28-115, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 28-115 (1) Except as provided in subsection (2) of this section, any
11 person who commits any of the following criminal offenses against a
12 pregnant woman shall be punished by the imposition of the next higher
13 penalty classification than the penalty classification prescribed for the
14 criminal offense:

15 (a) Assault in the first degree, section 28-308;

16 (b) Assault in the second degree, section 28-309;

17 (c) Assault in the third degree, section 28-310;

18 (d) Assault by strangulation or suffocation, section 28-310.01;

19 (e) Sexual assault in the first degree, section 28-319;

20 (f) Sexual assault in the second or third degree, section 28-320;

21 (g) Sexual assault of a child in the first degree, section
22 28-319.01;

23 (h) Sexual assault of a child in the second or third degree, section
24 28-320.01;

25 (i) Sexual abuse of an inmate or parolee in the first degree,
26 section 28-322.02;

27 (j) Sexual abuse of an inmate or parolee in the second degree,

1 section 28-322.03;

2 (k) Sexual abuse of a protected individual in the first or second
3 degree, section 28-322.04;

4 (l) Sexual abuse of a detainee under section 28-322.05;

5 (m) Domestic assault in the first, second, or third degree, section
6 28-323;

7 (n) Assault on a public safety officer, health care professional, or
8 pharmacist in the first degree, section 4 of this act; an officer, an
9 emergency responder, a state correctional employee, a Department of
10 Health and Human Services employee, or a health care professional in the
11 first degree, section 28-929;

12 (o) Assault on a public safety officer, health care professional, or
13 pharmacist in the second degree, section 5 of this act; an officer, an
14 emergency responder, a state correctional employee, a Department of
15 Health and Human Services employee, or a health care professional in the
16 second degree, section 28-930;

17 (p) Assault on a public safety officer, health care professional, or
18 pharmacist in the third degree, section 6 of this act; an officer, an
19 emergency responder, a state correctional employee, a Department of
20 Health and Human Services employee, or a health care professional in the
21 third degree, section 28-931;

22 ~~(q) Assault on an officer, an emergency responder, a state~~
23 ~~correctional employee, a Department of Health and Human Services~~
24 ~~employee, or a health care professional using a motor vehicle, section~~
25 ~~28-931.01;~~

26 ~~(q) (r)~~ Assault by a confined person, section 28-932;

27 ~~(r) (s)~~ Confined person committing offenses against another person,
28 section 28-933; and

29 ~~(s) (t)~~ Proximately causing serious bodily injury while operating a
30 motor vehicle, section 60-6,198.

31 (2) The enhancement in subsection (1) of this section does not apply

1 to any criminal offense listed in subsection (1) of this section that is
2 already punishable as a Class I, IA, or IB felony. If any criminal
3 offense listed in subsection (1) of this section is punishable as a Class
4 I misdemeanor, the penalty under this section is a Class IIIA felony.

5 (3) The prosecution shall allege and prove beyond a reasonable doubt
6 that the victim was pregnant at the time of the offense.

7 **Sec. 3.** Section 28-929.01, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 ~~28-929.01~~ For purposes of sections 3 to 8 of this act 28-929,
10 ~~28-929.02, 28-930, 28-931, and 28-931.01:~~

11 (1) Emergency care provider means (a) an emergency medical
12 responder; (b) an emergency medical technician; (c) an advanced emergency
13 medical technician; (d) a community paramedic; (e) a critical care
14 paramedic; or (f) a paramedic, as those persons are licensed and
15 classified under the Emergency Medical Services Practice Act;

16 (2) Health care professional means:

17 (a) A a physician or other health care practitioner who is licensed,
18 certified, or registered to perform specified health services consistent
19 with state law who practices at a hospital or a health clinic; or

20 (b) Any other employee of a hospital or health clinic;

21 (3) Health clinic has the definition found in section 71-416; ~~and~~

22 (4) Hospital has the definition found in section 71-419; ~~-~~

23 (5) Pharmacist means any person who is licensed by the State of
24 Nebraska to practice pharmacy;

25 (6) Pharmacy has the same meaning as in section 71-425; and

26 (7) Public safety officer means:

27 (a) A peace officer;

28 (b) A probation officer;

29 (c) A firefighter;

30 (d) An emergency care provider;

31 (e) An employee of the Department of Correctional Services; or

1 (f) An employee of the Department of Health and Human Services if
2 the person committing the offense is committed as a dangerous sex
3 offender under the Sex Offender Commitment Act.

4 **Sec. 4.** Section 28-929, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 ~~28-929~~ (1) A person commits the offense of assault on ~~an officer, an~~
7 ~~emergency responder, a state correctional employee, a Department of~~
8 ~~Health and Human Services employee, or a public safety officer, health~~
9 ~~care professional, or pharmacist~~ in the first degree if such person
10 intentionally or knowingly causes serious bodily injury to a:

11 (a) Public safety officer while such officer is engaged in the
12 performance of the officer's official duties;

13 (b) Health care professional while such professional is on duty at a
14 hospital or health clinic; or

15 (c) Pharmacist while such pharmacist is on duty at a pharmacy,
16 hospital, or health clinic.

17 ~~(a) He or she intentionally or knowingly causes serious bodily~~
18 ~~injury:~~

19 ~~(i) To a peace officer, a probation officer, a firefighter, an~~
20 ~~emergency care provider, or an employee of the Department of Correctional~~
21 ~~Services;~~

22 ~~(ii) To an employee of the Department of Health and Human Services~~
23 ~~if the person committing the offense is committed as a dangerous sex~~
24 ~~offender under the Sex Offender Commitment Act; or~~

25 ~~(iii) To a health care professional; and~~

26 ~~(b) The offense is committed while such officer, firefighter,~~
27 ~~emergency care provider, or employee is engaged in the performance of his~~
28 ~~or her official duties or while the health care professional is on duty~~
29 ~~at a hospital or a health clinic.~~

30 (2) A violation of this section is Assault on an officer, an
31 emergency responder, a state correctional employee, a Department of

1 ~~Health and Human Services employee, or a health care professional in the~~
2 ~~first degree shall be a Class ID felony.~~

3 **Sec. 5.** Section 28-930, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 ~~28-930~~ (1) A person commits the offense of assault on ~~an officer, an~~
6 ~~emergency responder, a state correctional employee, a Department of~~
7 ~~Health and Human Services employee, or a public safety officer, health~~
8 ~~care professional, or pharmacist in the second degree if such person:~~

9 (a) Intentionally, knowingly, or recklessly causes bodily injury to
10 a public safety officer, health care professional, or pharmacist with a
11 dangerous instrument; and

12 (b) Such offense is committed while such:

13 (i) Public safety officer is engaged in the performance of the
14 officer's official duties;

15 (ii) Health care professional is on duty at a hospital or health
16 clinic; or

17 (iii) Pharmacist is on duty at a pharmacy, hospital, or health
18 clinic.

19 ~~(a) He or she:~~

20 ~~(i) Intentionally or knowingly causes bodily injury with a dangerous~~
21 ~~instrument:~~

22 ~~(A) To a peace officer, a probation officer, a firefighter, an~~
23 ~~emergency care provider, or an employee of the Department of Correctional~~
24 ~~Services;~~

25 ~~(B) To an employee of the Department of Health and Human Services if~~
26 ~~the person committing the offense is committed as a dangerous sex~~
27 ~~offender under the Sex Offender Commitment Act; or~~

28 ~~(C) To a health care professional; or~~

29 ~~(ii) Recklessly causes bodily injury with a dangerous instrument:~~

30 ~~(A) To a peace officer, a probation officer, a firefighter, an~~
31 ~~emergency care provider, or an employee of the Department of Correctional~~

1 Services;

2 ~~(B) To an employee of the Department of Health and Human Services if~~
3 ~~the person committing the offense is committed as a dangerous sex~~
4 ~~offender under the Sex Offender Commitment Act; or~~

5 ~~(C) To a health care professional; and~~

6 ~~(b) The offense is committed while such officer, firefighter,~~
7 ~~emergency care provider, or employee is engaged in the performance of his~~
8 ~~or her official duties or while the health care professional is on duty~~
9 ~~at a hospital or a health clinic.~~

10 ~~(2) A violation of this section is Assault on an officer, an~~
11 ~~emergency responder, a state correctional employee, a Department of~~
12 ~~Health and Human Services employee, or a health care professional in the~~
13 ~~second degree shall be a Class II felony.~~

14 **Sec. 6.** Section 28-931, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 ~~28-931~~ (1) A person commits the offense of assault on ~~an officer, an~~
17 ~~emergency responder, a state correctional employee, a Department of~~
18 ~~Health and Human Services employee, or a public safety officer, health~~
19 ~~care professional, or pharmacist in the third degree if such person~~
20 intentionally, knowingly, or recklessly causes bodily injury to a:

21 (a) Public safety officer while such officer is engaged in the
22 performance of the officer's official duties;

23 (b) Health care professional while such professional is on duty at a
24 hospital or health clinic; or

25 (c) Pharmacist while such pharmacist is on duty at a pharmacy,
26 hospital, or health clinic.

27 ~~(a) He or she intentionally, knowingly, or recklessly causes bodily~~
28 ~~injury:~~

29 ~~(i) To a peace officer, a probation officer, a firefighter, an~~
30 ~~emergency care provider, or an employee of the Department of Correctional~~
31 ~~Services;~~

1 ~~(ii) To an employee of the Department of Health and Human Services~~
2 ~~if the person committing the offense is committed as a dangerous sex~~
3 ~~offender under the Sex Offender Commitment Act; or~~

4 ~~(iii) To a health care professional; and~~

5 ~~(b) The offense is committed while such officer, firefighter,~~
6 ~~emergency care provider, or employee is engaged in the performance of his~~
7 ~~or her official duties or while the health care professional is on duty~~
8 ~~at a hospital or a health clinic.~~

9 ~~(2) A violation of this section is Assault on an officer, an~~
10 ~~emergency responder, a state correctional employee, a Department of~~
11 ~~Health and Human Services employee, or a health care professional in the~~
12 ~~third degree shall be a Class IIIA felony.~~

13 **Sec. 7.** Section 28-934, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 ~~28-934 (1) A person commits an offense if such person:~~

16 ~~(a) Knowingly or intentionally strikes a public safety officer,~~
17 ~~health care professional, or pharmacist with a bodily fluid; and~~

18 ~~(b) Such offense is committed while such:~~

19 ~~(i) Public safety officer is engaged in the performance of the~~
20 ~~officer's official duties;~~

21 ~~(ii) Health care professional is on duty at a hospital or health~~
22 ~~clinic; or~~

23 ~~(iii) Pharmacist is on duty at a pharmacy, hospital, or health~~
24 ~~clinic.~~

25 ~~(1) Any person who knowingly and intentionally strikes any public~~
26 ~~safety officer with any bodily fluid is guilty of assault with a bodily~~
27 ~~fluid against a public safety officer.~~

28 ~~(2) Except as provided in subsection (3) of this section, a~~
29 ~~violation of this section assault with a bodily fluid against a public~~
30 ~~safety officer is a Class I misdemeanor.~~

31 ~~(3) A violation of this section Assault with a bodily fluid against~~

1 ~~a public safety officer~~ is a Class IIIA felony if the person committing
2 the offense strikes with a bodily fluid the eyes, mouth, or skin of a
3 public safety officer, health care professional, or pharmacist and knew
4 the source of the bodily fluid was infected with the human
5 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
6 offense was committed.

7 (4) Upon a showing of probable cause by affidavit to a judge of this
8 state that an offense under ~~as defined in subsection (1) of~~ this section
9 has been committed and that identifies the probable source of the bodily
10 fluid or bodily fluids used to commit the offense, the judge shall grant
11 an order or issue a search warrant authorizing the collection of any
12 evidence, including any bodily fluid or medical records or the
13 performance of any medical or scientific testing or analysis, that may
14 assist with the determination of whether or not the person committing the
15 offense or the person from whom the person committing the offense
16 obtained the bodily fluid or bodily fluids is infected with the human
17 immunodeficiency virus, hepatitis B, or hepatitis C.

18 (5) As used in this section:

19 (a) Bodily fluid means any naturally produced secretion or waste
20 product generated by the human body and shall include, but not be limited
21 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
22 fluid, or feces; and

23 (b) Public safety officer has the same meaning as in section 3 of
24 this act, but as used in this section, also includes an employee of a:
25 ~~includes any of the following persons who are engaged in the performance~~
26 ~~of their official duties at the time of the offense: A peace officer; a~~
27 ~~probation officer; a firefighter; an emergency care provider as defined~~
28 ~~in section 28-929.01; a health care professional as defined in section~~
29 ~~28-929.01; an employee of a county,~~

30 (i) County, city, or village jail; an employee of the Department of
31 Correctional Services; an employee of the secure

1 (ii) Secure youth confinement facility operated by the Department of
2 Correctional Services, if the person committing the offense is committed
3 to such facility; or

4 (iii) Youth rehabilitation and treatment center. an employee of a
5 youth rehabilitation and treatment center; or an employee of the
6 Department of Health and Human Services if the person committing the
7 offense is committed as a dangerous sex offender under the Sex Offender
8 Commitment Act.

9 **Sec. 8.** Section 28-929.02, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 ~~28-929.02~~ (1) Every hospital and health clinic shall display at all
12 times in a prominent place a printed sign with a minimum height of twenty
13 inches and a minimum width of fourteen inches, with each letter to be a
14 minimum of one-fourth inch in height, which shall read as follows:

15 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL OR PHARMACIST WHO IS
16 ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING
17 STRIKING A HEALTH CARE PROFESSIONAL OR PHARMACIST WITH ANY BODILY FLUID,
18 IS A SERIOUS CRIME WHICH MAY BE PUNISHABLE AS A FELONY.

19 (2) Every pharmacy shall display at all times in a prominent place a
20 printed sign with a minimum height of twenty inches and a minimum width
21 of fourteen inches, with each letter to be a minimum of one-fourth inch
22 in height, which shall read as follows:

23 WARNING: ASSAULTING A PHARMACIST WHO IS ENGAGED IN THE PERFORMANCE
24 OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A PHARMACIST WITH ANY
25 BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE PUNISHABLE AS A FELONY.

26 **Sec. 9.** Section 28-1351, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 28-1351 (1) A person commits the offense of unlawful membership
29 recruitment into an organization or association when he or she knowingly
30 and intentionally coerces, intimidates, threatens, or inflicts bodily
31 harm upon another person in order to entice that other person to join or

1 prevent that other person from leaving any organization, group,
2 enterprise, or association whose members, individually or collectively,
3 engage in or have engaged in any of the following criminal acts for the
4 benefit of, at the direction of, or on behalf of the organization, group,
5 enterprise, or association or any of its members:

6 (a) Robbery under section 28-324;

7 (b) Arson in the first, second, or third degree under section
8 28-502, 28-503, or 28-504, respectively;

9 (c) Burglary under section 28-507;

10 (d) Murder in the first degree, murder in the second degree, or
11 manslaughter under section 28-303, 28-304, or 28-305, respectively;

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

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

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

19 (h) Assault on ~~an officer, an emergency responder, a state~~
20 ~~correctional employee, a Department of Health and Human Services~~
21 ~~employee, or a public safety officer, health care professional, or~~
22 pharmacist in the first, second, or third degree under section 4, 5, or 6
23 of this act 28-929, 28-930, or 28-931, respectively, ~~or assault on an~~
24 ~~officer, an emergency responder, a state correctional employee, a~~
25 ~~Department of Health and Human Services employee, or a health care~~
26 ~~professional using a motor vehicle under section 28-931.01;~~

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

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

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

30 (l) Theft by extortion under section 28-513;

31 (m) Kidnapping under section 28-313;

1 (n) Any forgery offense under sections 28-602 to 28-605;

2 (o) Criminal impersonation under section 28-638;

3 (p) Tampering with a publicly exhibited contest under section
4 28-614;

5 (q) Unauthorized use of a financial transaction device or criminal
6 possession of a financial transaction device under section 28-620 or
7 28-621, respectively;

8 (r) Pandering under section 28-802;

9 (s) Bribery, bribery of a witness, or bribery of a juror under
10 section 28-917, 28-918, or 28-920, respectively;

11 (t) Tampering with a witness or an informant or jury tampering under
12 section 28-919;

13 (u) Unauthorized application of graffiti under section 28-524;

14 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
15 against another under section 28-1005; or

16 (w) Promoting gambling in the first degree under section 28-1102.

17 (2) Unlawful membership recruitment into an organization or
18 association is a Class IV felony.

19 **Sec. 10.** Section 28-1354, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 28-1354 For purposes of the Public Protection Act:

22 (1) Enterprise means any individual, sole proprietorship,
23 partnership, corporation, trust, association, or any legal entity, union,
24 or group of individuals associated in fact although not a legal entity,
25 and shall include illicit as well as licit enterprises as well as other
26 entities;

27 (2) Pattern of racketeering activity means a cumulative loss for one
28 or more victims or gains for the enterprise of not less than one thousand
29 five hundred dollars resulting from at least two acts of racketeering
30 activity, one of which occurred after August 30, 2009, and the last of
31 which occurred within ten years, excluding any period of imprisonment,

1 after the commission of a prior act of racketeering activity;

2 (3) Until January 1, 2017, person means any individual or entity, as
3 defined in section 21-2014, holding or capable of holding a legal,
4 equitable, or beneficial interest in property. Beginning January 1, 2017,
5 person means any individual or entity, as defined in section 21-214,
6 holding or capable of holding a legal, equitable, or beneficial interest
7 in property;

8 (4) Prosecutor includes the Attorney General of the State of
9 Nebraska, the deputy attorney general, assistant attorneys general, a
10 county attorney, a deputy county attorney, or any person so designated by
11 the Attorney General, a county attorney, or a court of the state to carry
12 out the powers conferred by the act;

13 (5) Racketeering activity includes the commission of, criminal
14 attempt to commit, conspiracy to commit, aiding and abetting in the
15 commission of, aiding in the consummation of, acting as an accessory to
16 the commission of, or the solicitation, coercion, or intimidation of
17 another to commit or aid in the commission of any of the following:

18 (a) Offenses against the person which include: Murder in the first
19 degree under section 28-303; murder in the second degree under section
20 28-304; manslaughter under section 28-305; assault in the first degree
21 under section 28-308; assault in the second degree under section 28-309;
22 assault in the third degree under section 28-310; terroristic threats
23 under section 28-311.01; kidnapping under section 28-313; false
24 imprisonment in the first degree under section 28-314; false imprisonment
25 in the second degree under section 28-315; sexual assault in the first
26 degree under section 28-319; and robbery under section 28-324;

27 (b) Offenses relating to controlled substances which include: To
28 unlawfully manufacture, distribute, deliver, dispense, or possess with
29 intent to manufacture, distribute, deliver, or dispense a controlled
30 substance under subsection (1) of section 28-416; possession of marijuana
31 weighing more than one pound under subsection (12) of section 28-416;

1 possession of money used or intended to be used to facilitate a violation
2 of subsection (1) of section 28-416 prohibited under subsection (17) of
3 section 28-416; any violation of section 28-418; to unlawfully
4 manufacture, distribute, deliver, or possess with intent to distribute or
5 deliver an imitation controlled substance under section 28-445;
6 possession of anhydrous ammonia with the intent to manufacture
7 methamphetamine under section 28-451; and possession of ephedrine,
8 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
9 methamphetamine under section 28-452;

10 (c) Offenses against property which include: Arson in the first
11 degree under section 28-502; arson in the second degree under section
12 28-503; arson in the third degree under section 28-504; burglary under
13 section 28-507; theft by unlawful taking or disposition under section
14 28-511; theft by shoplifting under section 28-511.01; theft by deception
15 under section 28-512; theft by extortion under section 28-513; theft of
16 services under section 28-515; theft by receiving stolen property under
17 section 28-517; criminal mischief under section 28-519; and unlawfully
18 depriving or obtaining property or services using a computer under
19 section 28-1344;

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

1 28-621; unlawful circulation of a financial transaction device in the
2 first degree under section 28-622; unlawful circulation of a financial
3 transaction device in the second degree under section 28-623; criminal
4 possession of a blank financial transaction device under section 28-624;
5 criminal sale of a blank financial transaction device under section
6 28-625; criminal possession of a financial transaction forgery device
7 under section 28-626; unlawful manufacture of a financial transaction
8 device under section 28-627; laundering of sales forms under section
9 28-628; unlawful acquisition of sales form processing services under
10 section 28-629; unlawful factoring of a financial transaction device
11 under section 28-630; and fraudulent insurance acts under section 28-631;
12 (e) Offenses involving governmental operations which include: Abuse
13 of public records under section 28-911; perjury or subornation of perjury
14 under section 28-915; bribery under section 28-917; bribery of a witness
15 under section 28-918; tampering with a witness or informant or jury
16 tampering under section 28-919; bribery of a juror under section 28-920;
17 assault on a public safety officer, health care professional, or
18 pharmacist in the first degree under section 4 of this act; assault on a
19 public safety officer, health care professional, or pharmacist in the
20 second degree under section 5 of this act; and assault on a public safety
21 officer, health care professional, or pharmacist in the third degree
22 under section 6 of this act; assault on an officer, an emergency
23 responder, a state correctional employee, a Department of Health and
24 Human Services employee, or a health care professional in the first
25 degree under section 28-929; assault on an officer, an emergency
26 responder, a state correctional employee, a Department of Health and
27 Human Services employee, or a health care professional in the second
28 degree under section 28-930; assault on an officer, an emergency
29 responder, a state correctional employee, a Department of Health and
30 Human Services employee, or a health care professional in the third
31 degree under section 28-931; and assault on an officer, an emergency

1 ~~responder, a state correctional employee, a Department of Health and~~
2 ~~Human Services employee, or a health care professional using a motor~~
3 ~~vehicle under section 28-931.01;~~

4 (f) Offenses involving gambling which include: Promoting gambling in
5 the first degree under section 28-1102; possession of gambling records
6 under section 28-1105; gambling debt collection under section 28-1105.01;
7 and possession of a gambling device under section 28-1107;

8 (g) Offenses relating to firearms, weapons, and explosives which
9 include: Carrying a concealed weapon under section 28-1202;
10 transportation or possession of machine guns, short rifles, or short
11 shotguns under section 28-1203; unlawful possession of a handgun under
12 section 28-1204; unlawful transfer of a firearm to a juvenile under
13 section 28-1204.01; possession of a firearm by a prohibited juvenile
14 offender under section 28-1204.05; using a deadly weapon to commit a
15 felony, possession of a deadly weapon during the commission of a felony,
16 or carrying a firearm or destructive device during the commission of a
17 dangerous misdemeanor under section 28-1205; possession of a deadly
18 weapon by a prohibited person under section 28-1206; possession of a
19 defaced firearm under section 28-1207; defacing a firearm under section
20 28-1208; unlawful discharge of a firearm under section 28-1212.02;
21 possession, receipt, retention, or disposition of a stolen firearm under
22 section 28-1212.03; unlawful possession of explosive materials in the
23 first degree under section 28-1215; unlawful possession of explosive
24 materials in the second degree under section 28-1216; unlawful sale of
25 explosives under section 28-1217; use of explosives without a permit
26 under section 28-1218; obtaining an explosives permit through false
27 representations under section 28-1219; possession of a destructive device
28 under section 28-1220; threatening the use of explosives or placing a
29 false bomb under section 28-1221; using explosives to commit a felony
30 under section 28-1222; using explosives to damage or destroy property
31 under section 28-1223; and using explosives to kill or injure any person

1 under section 28-1224;

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

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

6 (j) Offenses relating to public health and morals which include:
7 Prostitution under section 28-801; pandering under section 28-802;
8 keeping a place of prostitution under section 28-804; labor trafficking,
9 sex trafficking, labor trafficking of a minor, or sex trafficking of a
10 minor under section 28-831; a violation of section 28-1005; and any act
11 relating to the visual depiction of sexually explicit conduct prohibited
12 in the Child Pornography Prevention Act; and

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

14 (6) State means the State of Nebraska or any political subdivision
15 or any department, agency, or instrumentality thereof; and

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

18 (a) Incurred or contracted in gambling activity which was in
19 violation of federal law or the law of the state or which is
20 unenforceable under state or federal law in whole or in part as to
21 principal or interest because of the laws relating to usury; or

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

26 **Sec. 11.** Section 29-2221, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
29 and committed to prison, in this or any other state or by the United
30 States or once in this state and once at least in any other state or by
31 the United States, for terms of not less than one year each shall, upon

1 conviction of a felony committed in this state, be deemed to be a
2 habitual criminal and shall be punished by imprisonment in a Department
3 of Correctional Services adult correctional facility for a mandatory
4 minimum term of ten years and a maximum term of not more than sixty
5 years, except that:

6 (a) If the felony committed is in violation of section 28-303,
7 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, ~~28-929~~, or 28-1222 or
8 section 4 of this act, and at least one of the habitual criminal's prior
9 felony convictions was for a violation of one of the sections listed in
10 this subdivision or of a similar statute in another state or of the
11 United States, the mandatory minimum term shall be twenty-five years and
12 the maximum term not more than sixty years;

13 (b) If the felony committed is in violation of subsection (3) of
14 section 28-306 and at least one of the prior convictions is in violation
15 of subsection (3) of section 28-306 and the other is in violation of one
16 of the sections set forth in subdivision (a) of this subsection or if the
17 felony committed is in violation of one of the sections set forth in
18 subdivision (a) of this subsection and both of the prior convictions are
19 in violation of subsection (3) of section 28-306, the mandatory minimum
20 term shall be twenty-five years and the maximum term not more than sixty
21 years;

22 (c) If the felony committed and at least one of the prior felony
23 convictions do not involve sexual contact, sexual penetration, the threat
24 to inflict serious bodily injury or death on another person, the
25 infliction of serious bodily injury on another person, a deadly or
26 dangerous weapon, or a firearm, the mandatory minimum term shall be three
27 years and the maximum term not more than the maximum term for the felony
28 committed or twenty years, whichever is greater. For this subdivision (1)
29 (c) to apply, no prior felony conviction may be a violation described in
30 subdivision (1)(a) of this section; and

31 (d) If a greater punishment is otherwise provided by statute, the

1 law creating the greater punishment shall govern.

2 (2) When punishment of an accused as a habitual criminal is sought,
3 the facts with reference thereto shall be charged in the indictment or
4 information which contains the charge of the felony upon which the
5 accused is prosecuted, but the fact that the accused is charged with
6 being a habitual criminal shall not be an issue upon the trial of the
7 felony charge and shall not in any manner be disclosed to the jury. If
8 the accused is convicted of a felony, before sentence is imposed a
9 hearing shall be had before the court alone as to whether such person has
10 been previously convicted of prior felonies. The court shall fix a time
11 for the hearing and notice thereof shall be given to the accused at least
12 three days prior thereto. At the hearing, if the court finds from the
13 evidence submitted that the accused has been convicted two or more times
14 of felonies and sentences imposed therefor by the courts of this or any
15 other state or by the United States, the court shall sentence such person
16 so convicted as a habitual criminal.

17 (3) If the person so convicted shows to the satisfaction of the
18 court before which the conviction was had that he or she was released
19 from imprisonment upon either of such sentences upon a pardon granted for
20 the reason that he or she was innocent, such conviction and sentence
21 shall not be considered as such under this section and section 29-2222.

22 **Sec. 12.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 84-941.01 Potentially disqualifying conviction includes a conviction
25 for:

26 (1) Criminal attempt as provided in section 28-201, conspiracy as
27 provided in section 28-202, or aiding and abetting as provided in section
28 28-206, to commit an offense listed in this section;

29 (2) Murder as provided in sections 28-303 or 28-304;

30 (3) Manslaughter as provided in section 28-305;

31 (4) Motor vehicle homicide as provided in section 28-306;

1 (5) Assault in the first or second degree as provided in sections
2 28-308 and 28-309;

3 (6) Terroristic threats as provided in section 28-311.01;

4 (7) Stalking as provided in section 28-311.03;

5 (8) Kidnapping as provided in section 28-313;

6 (9) False imprisonment as provided in sections 28-314 and 28-315;

7 (10) A sexual act subject to criminal penalties as provided in
8 sections 28-317 to 28-322.05;

9 (11) Domestic assault as provided in section 28-323;

10 (12) Robbery as provided in section 28-324;

11 (13) Arson as provided in sections 28-502, 28-503, and 28-504;

12 (14) Fraud subject to criminal penalties as provided in sections
13 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

14 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
15 28-515;

16 (16) Forgery as provided in sections 28-602 and 28-603;

17 (17) Incest as provided in section 28-703;

18 (18) Child abuse as provided in section 28-707;

19 (19) Human trafficking, labor trafficking, sex trafficking, labor
20 trafficking of a minor, or sex trafficking of a minor as provided in
21 section 28-831;

22 (20) False reporting as provided in section 28-907;

23 (21) Perjury as provided in section 28-915;

24 (22) Assault on a public safety officer, health care professional,
25 or pharmacist in the first degree, section 4 of this act; an officer, an
26 emergency responder, certain employees, or a health care professional in
27 the first degree as provided in section 28-929;

28 (23) Assault on a public safety officer, health care professional,
29 or pharmacist in the second degree, section 5 of this act; an officer, an
30 emergency responder, certain employees, or a health care professional in
31 the second degree as provided in section 28-930;

1 (24) Assault on a public safety officer, health care professional,
2 or pharmacist in the third degree, section 6 of this act; an officer, an
3 emergency responder, certain employees, or a health care professional in
4 the third degree as provided in section 28-931;

5 ~~(25) Assault on an officer, an emergency responder, certain~~
6 ~~employees, or a health care professional using a motor vehicle as~~
7 ~~provided in section 28-931.01;~~

8 (25) ~~(26)~~ An offense that has as an element the threat to inflict
9 serious bodily injury as defined in section 28-109 or death on another
10 person, the intentional infliction of serious bodily injury as defined in
11 section 28-109 on another person, or intentionally causing the death of
12 another person;

13 ~~(26)~~ ~~(27)~~ An offense for which registration is required under the
14 Sex Offender Registration Act; or

15 (27) ~~(28)~~ Any offense under the laws of another jurisdiction that is
16 substantially equivalent to any of the offenses listed in this section.

17 **Sec. 13.** Original section 84-941.01, Reissue Revised Statutes of
18 Nebraska, and sections 28-101, 28-115, 28-929, 28-929.01, 28-929.02,
19 28-930, 28-931, 28-934, 28-1351, 28-1354, and 29-2221, Revised Statutes
20 Cumulative Supplement, 2024, are repealed.

21 **Sec. 14.** The following section is outright repealed: Section
22 28-931.01, Revised Statutes Cumulative Supplement, 2024.