

AMENDMENTS TO LB173
(Amendments to Final Reading copy)

Introduced by McCoy, 39.

1 1. Strike section 1 and insert the following new section:

2 Section 1. Section 28-105, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 28-105 (1) For purposes of the Nebraska Criminal Code and any
5 statute passed by the Legislature after the date of passage of the code,
6 felonies are divided into ten ~~nine~~ classes which are distinguished from
7 one another by the following penalties which are authorized upon
8 conviction:

9 Class I felony	Death
10 Class IA felony	Life imprisonment
11 Class IB felony	Maximum – life imprisonment
12	Minimum – twenty years imprisonment
13 Class IC felony	Maximum – fifty years imprisonment
14	Mandatory minimum – five years imprisonment
15 Class ID felony	Maximum – fifty years imprisonment
16	Mandatory minimum – three years imprisonment
17 Class II felony	Maximum – fifty years imprisonment
18	Minimum – one year imprisonment
19 <u>Class IIA felony</u>	<u>Maximum – twenty years imprisonment</u>
20	<u>Minimum – none</u>
21 <u>Class III felony</u>	<u>Maximum – four years imprisonment and two years</u>
22	<u>post-release supervision or</u>
23	<u>twenty-five thousand dollars fine, or both</u>
24	<u>Minimum – none for imprisonment and nine months</u>
25	<u>post-release supervision if imprisonment is imposed</u>

- 1 Class IIIA felony Maximum – three years imprisonment
2 and eighteen months post-release supervision or
3 ten thousand dollars fine, or both
4 Minimum – none for imprisonment and nine months
5 post-release supervision if imprisonment is imposed
6 Class IV felony Maximum – two years imprisonment and twelve
7 months post-release supervision or
8 ten thousand dollars fine, or both
9 Minimum – none for imprisonment and nine months
10 post-release supervision if imprisonment is imposed
11 ~~Class III felony~~ ~~Maximum – twenty years imprisonment, or~~
12 ~~twenty-five thousand dollars fine, or both~~
13 ~~Minimum – one year imprisonment~~
14 ~~Class IIIA felony~~ ~~Maximum – five years imprisonment, or~~
15 ~~ten thousand dollars fine, or both~~
16 ~~Minimum – none~~
17 ~~Class IV felony~~ ~~Maximum – five years imprisonment, or~~
18 ~~ten thousand dollars fine, or both~~
19 ~~Minimum – none~~

20 (2) All sentences for maximum terms of imprisonment for ~~Class IA,~~
21 ~~IB, IC, ID, II, and III felonies~~ and sentences of one year or more for
22 ~~Class IIIA and IV felonies~~ shall be served in institutions under the
23 jurisdiction of the Department of Correctional Services. All sentences
24 for maximum terms of imprisonment Sentences of less than one year shall
25 be served in the county jail ~~except as provided in this subsection. If~~
26 ~~the department certifies that it has programs and facilities available~~
27 ~~for persons sentenced to terms of less than one year, the court may order~~
28 ~~that any sentence of six months or more be served in any institution~~
29 ~~under the jurisdiction of the department. Any such certification shall be~~
30 ~~given by the department to the State Court Administrator, who shall~~

1 ~~forward copies thereof to each judge having jurisdiction to sentence in~~
2 ~~felony cases.~~

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

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

8 (5) All sentences of post-release supervision shall be served under
9 the jurisdiction of the Office of Probation Administration and shall be
10 subject to conditions imposed pursuant to section 29-2262 and subject to
11 sanctions authorized pursuant to section 29-2266.

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

16 (7) The changes made to the penalties for Class III, IIIA, and IV
17 felonies by this legislative bill do not apply to any offense committed
18 prior to the effective date of this act.