

One Hundred Fourth Legislature - First Session - 2015

**Introducer's Statement of Intent**

**LB119**

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**Chairperson: Senator Les Seiler**

**Committee: Judiciary**

**Date of Hearing: February 12, 2015**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Nebraska Criminal Code at Neb. Rev. Stat §28-105 sets out penalties for the various classes of felonies which range from Class IV, with the least severe penalty, to Class I, with the most severe. Class IV and Class IIIA felonies have maximum penalties of 5 years imprisonment with no minimum sentences or fines. Section (2)(a) of §28-105 requires sentences of imprisonment of one year or more for convictions of Class IV and Class IIIa felonies be served in a State prison facility and sentences of less than one year be served in the county jail. According to recent reporting on prison overcrowding in Nebraska, many of those incarcerated in State prisons are serving one year sentences. LB119 proposes to give judges the authority to order sentences of imprisonment of one year or less for convictions of Class IIIa and Class IV felonies be served in the county jail. The bill also clarifies that sentences of more than one year with lesser included sentences that are to be served consecutively or concurrently would be served in a State Prison facility.

**Principal Introducer:** \_\_\_\_\_

**Senator Paul Schumacher**