

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 446

Introduced by Chambers, 11.

Read first time January 17, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822,
3 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801,
4 29-3205, 29-3920, 29-3928, 29-3929, and 29-3930, Reissue Revised
5 Statutes of Nebraska, 2008, sections 23-3406, 23-3408, 28-105,
6 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of
7 Nebraska, sections 28-1356, 29-1603, and 29-3922, Revised Statutes
8 Cumulative Supplement, 2014, section 29-2261, Revised Statutes
9 Cumulative Supplement, 2014, as amended by Laws 2015, LB504, section
10 1, section 28-201, Revised Statutes Cumulative Supplement, 2014, as
11 amended by Laws 2015, LB605, section 8, and section 29-2204, Revised
12 Statutes Cumulative Supplement, 2014, as amended by Laws 2015,
13 LB605, section 60; to eliminate the death penalty; to change and
14 eliminate provisions relating to murder in the first degree,
15 presentence reports, indeterminate sentences, the Commission on
16 Public Advocacy, and the authority of courts and the Department of
17 Correctional Services; to state intent; to eliminate a homicide-case
18 report, provisions on capital punishment, proportionality review
19 provisions, and obsolete provisions; to harmonize provisions; to
20 repeal the original sections; and to outright repeal sections
21 24-1105, 29-2519, 29-2521, 29-2521.01, 29-2521.03, 29-2521.04,
22 29-2521.05, 29-2523, 29-2524.01, 29-2524.02, 29-2525, 29-2527,
23 29-2528, and 29-2811, Reissue Revised Statutes of Nebraska, 2008,

1 sections 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969,
2 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska,
3 and sections 28-105.01, 29-2520, 29-2521.02, 29-2522, 29-2524,
4 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and
5 29-2546, Revised Statutes Cumulative Supplement, 2014.

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

1 Section 1. Section 23-3406, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-3406 (1) The contract negotiated between the county board and the
4 contracting attorney shall specify the categories of cases in which the
5 contracting attorney is to provide services.

6 (2) The contract negotiated between the county board and the
7 contracting attorney shall be awarded for at least a two-year term.
8 Removal of the contracting attorney short of the agreed term may be for
9 good cause only.

10 (3) The contract between the county board and the contracting
11 attorney may specify a maximum allowable caseload for each full-time or
12 part-time attorney who handles cases under the contract. Caseloads shall
13 allow each lawyer to give every client the time and effort necessary to
14 provide effective representation.

15 (4) The contract between the county board and the contracting
16 attorney shall provide that the contracting attorney be compensated at a
17 minimum rate which reflects the following factors:

18 (a) The customary compensation in the community for similar services
19 rendered by a privately retained counsel to a paying client or by
20 government or other publicly paid attorneys to a public client;

21 (b) The time and labor required to be spent by the attorney; and

22 (c) The degree of professional ability, skill, and experience called
23 for and exercised in the performance of the services.

24 (5) The contract between the county board and the contracting
25 attorney shall provide that the contracting attorney may decline to
26 represent clients with no reduction in compensation if the contracting
27 attorney is assigned more cases which require an extraordinary amount of
28 time and preparation than the contracting attorney can competently
29 handle.

30 (6) The contract between the contracting attorney and the county
31 board shall provide that the contracting attorney shall receive at least

1 ten hours of continuing legal education annually in the area of criminal
2 law. The contract between the county board and the contracting attorney
3 shall provide funds for the continuing legal education of the contracting
4 attorney in the area of criminal law.

5 (7) The contract between the county board and the contracting
6 attorney shall require that the contracting attorney provide legal
7 counsel to all clients in a professional, skilled manner consistent with
8 minimum standards set forth by the American Bar Association and the
9 Canons of Ethics for Attorneys in the State of Nebraska. The contract
10 between the county board and the contracting attorney shall provide that
11 the contracting attorney shall be available to eligible defendants upon
12 their request, or the request of someone acting on their behalf, at any
13 time the Constitution of the United States or the Constitution of
14 Nebraska requires the appointment of counsel.

15 (8) The contract between the county board and the contracting
16 attorney shall provide for reasonable compensation over and above the
17 normal contract price for cases which require an extraordinary amount of
18 time and preparation, ~~including capital cases.~~

19 Sec. 2. Section 23-3408, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 23-3408 In the event that the contracting attorney is appointed to
22 represent an individual charged with a ~~Class I or~~ Class IA felony, the
23 contracting attorney shall immediately apply to the district court for
24 appointment of a second attorney to assist in the case. Upon application
25 from the contracting attorney, the district court shall appoint another
26 attorney with substantial felony trial experience to assist the
27 contracting attorney in the case. Application for fees for the attorney
28 appointed by the district court shall be made to the district court judge
29 who shall allow reasonable fees. Once approved by the court, such fees
30 shall be paid by the county board.

31 Sec. 3. Section 24-1106, Reissue Revised Statutes of Nebraska, 2008,

1 is amended to read:

2 24-1106 (1) In cases which were appealable to the Supreme Court
3 before September 6, 1991, the appeal, if taken, shall be to the Court of
4 Appeals except in ~~capital cases~~, cases in which life imprisonment has
5 been imposed, and cases involving the constitutionality of a statute.

6 (2) Any party to a case appealed to the Court of Appeals may file a
7 petition in the Supreme Court to bypass the review by the Court of
8 Appeals and for direct review by the Supreme Court. The procedure and
9 time for filing the petition shall be as provided by rules of the Supreme
10 Court. In deciding whether to grant the petition, the Supreme Court may
11 consider one or more of the following factors:

12 (a) Whether the case involves a question of first impression or
13 presents a novel legal question;

14 (b) Whether the case involves a question of state or federal
15 constitutional interpretation;

16 (c) Whether the case raises a question of law regarding the validity
17 of a statute;

18 (d) Whether the case involves issues upon which there is an
19 inconsistency in the decisions of the Court of Appeals or of the Supreme
20 Court; and

21 (e) Whether the case is one of significant public interest.

22 When a petition for direct review is granted, the case shall be
23 docketed for hearing before the Supreme Court.

24 (3) The Supreme Court shall by rule provide for the removal of a
25 case from the Court of Appeals to the Supreme Court for decision by the
26 Supreme Court at any time before a final decision has been made on the
27 case by the Court of Appeals. The removal may be on the recommendation of
28 the Court of Appeals or on motion of the Supreme Court. Cases may be
29 removed from the Court of Appeals for decision by the Supreme Court for
30 any one or more of the reasons set forth in subsection (2) of this
31 section or in order to regulate the caseload existing in either the Court

1 of Appeals or the Supreme Court. The Chief Judge of the Court of Appeals
2 and the Chief Justice of the Supreme Court shall regularly inform each
3 other of the number and nature of cases docketed in the respective court.

4 Sec. 4. Section 25-1140.09, Reissue Revised Statutes of Nebraska,
5 2008, is amended to read:

6 25-1140.09 On the application of the county attorney or any party to
7 a suit in which a record of the proceedings has been made, ~~upon receipt~~
8 ~~of the notice provided in section 29-2525,~~ or upon the filing of a
9 praecipe for a bill of exceptions by an appealing party in the office of
10 the clerk of the district court as provided in section 25-1140, the court
11 reporter shall prepare a transcribed copy of the proceedings so recorded
12 or any part thereof. The reporter shall be entitled to receive, in
13 addition to his or her salary, a per-page fee as prescribed by the
14 Supreme Court for the original copy and each additional copy, to be paid
15 by the party requesting the same except as otherwise provided in this
16 section.

17 When the transcribed copy of the proceedings is required by the
18 county attorney, the fee therefor shall be paid by the county in the same
19 manner as other claims are paid. When the defendant in a criminal case,
20 after conviction, makes an affidavit that he or she is unable by reason
21 of his or her poverty to pay for such copy, the court or judge thereof
22 may, by order endorsed on such affidavit, direct delivery of such
23 transcribed copy to such defendant, and the fee shall be paid by the
24 county in the same manner as other claims are allowed and paid. ~~When such~~
25 ~~copy is prepared in any criminal case in which the sentence adjudged is~~
26 ~~capital, the fees therefor shall be paid by the county in the same manner~~
27 ~~as other claims are allowed or paid.~~

28 The fee for preparation of a bill of exceptions and the procedure
29 for preparation, settlement, signature, allowance, certification, filing,
30 and amendment of a bill of exceptions shall be regulated and governed by
31 rules of practice prescribed by the Supreme Court. The fee paid shall be

1 taxed, by the clerk of the district court, to the party against whom the
2 judgment or decree is rendered except as otherwise ordered by the
3 presiding district judge.

4 Sec. 5. Section 28-104, Reissue Revised Statutes of Nebraska, 2008,
5 is amended to read:

6 28-104 The terms offense and crime are synonymous as used in this
7 code and mean a violation of, or conduct defined by, any statute for
8 which a fine, or imprisonment, ~~or death~~ may be imposed.

9 Sec. 6. Section 28-105, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-105 (1) For purposes of the Nebraska Criminal Code and any
12 statute passed by the Legislature after the date of passage of the code,
13 felonies are divided into nine ~~ten~~ classes which are distinguished from
14 one another by the following penalties which are authorized upon
15 conviction:

16	Class I felony	Death
17	Class IA felony	Life imprisonment
18	Class IB felony	Maximum – life imprisonment
19		Minimum – twenty years imprisonment
20	Class IC felony	Maximum – fifty years imprisonment
21		Mandatory minimum – five years imprisonment
22	Class ID felony	Maximum – fifty years imprisonment
23		Mandatory minimum – three years imprisonment
24	Class II felony	Maximum – fifty years imprisonment
25		Minimum – one year imprisonment
26	Class IIA felony	Maximum – twenty years imprisonment
27		Minimum – none
28	Class III felony	Maximum – four years imprisonment and two years
29		post-release supervision or
30		twenty-five thousand dollars fine, or both
31		Minimum – none for imprisonment and nine months

1 post-release supervision if imprisonment is imposed
2 Class IIIA felony Maximum – three years imprisonment
3 and eighteen months post-release supervision or
4 ten thousand dollars fine, or both
5 Minimum – none for imprisonment and nine months
6 post-release supervision if imprisonment is imposed
7 Class IV felony Maximum – two years imprisonment and twelve
8 months post-release supervision or
9 ten thousand dollars fine, or both
10 Minimum – none for imprisonment and nine months
11 post-release supervision if imprisonment is imposed

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

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

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

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

26 (6) Any person who is sentenced to imprisonment for a Class I~~7~~ IA,
27 IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively
28 to imprisonment for a Class III, IIIA, or IV felony shall not be subject
29 to post-release supervision pursuant to subsection (1) of this section.

30 (7) Any person who is sentenced to imprisonment for a Class III,
31 IIIA, or IV felony committed prior to August 30, 2015, and sentenced

1 concurrently or consecutively to imprisonment for a Class III, IIIA, or
2 IV felony committed on or after August 30, 2015, shall not be subject to
3 post-release supervision pursuant to subsection (1) of this section.

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

7 Sec. 7. Section 28-201, Revised Statutes Cumulative Supplement,
8 2014, as amended by Laws 2015, LB605, section 8, is amended to read:

9 28-201 (1) A person shall be guilty of an attempt to commit a crime
10 if he or she:

11 (a) Intentionally engages in conduct which would constitute the
12 crime if the attendant circumstances were as he or she believes them to
13 be; or

14 (b) Intentionally engages in conduct which, under the circumstances
15 as he or she believes them to be, constitutes a substantial step in a
16 course of conduct intended to culminate in his or her commission of the
17 crime.

18 (2) When causing a particular result is an element of the crime, a
19 person shall be guilty of an attempt to commit the crime if, acting with
20 the state of mind required to establish liability with respect to the
21 attendant circumstances specified in the definition of the crime, he or
22 she intentionally engages in conduct which is a substantial step in a
23 course of conduct intended or known to cause such a result.

24 (3) Conduct shall not be considered a substantial step under this
25 section unless it is strongly corroborative of the defendant's criminal
26 intent.

27 (4) Criminal attempt is:

28 (a) A Class II felony when the crime attempted is a Class ~~I~~ IA, IB,
29 IC, or ID felony;

30 (b) A Class IIA felony when the crime attempted is a Class II
31 felony;

1 (c) A Class IIIA felony when the crime attempted is a Class IIA
2 felony;

3 (d) A Class IV felony when the crime attempted is a Class III or
4 IIIA felony;

5 (e) A Class I misdemeanor when the crime attempted is a Class IV
6 felony;

7 (f) A Class II misdemeanor when the crime attempted is a Class I
8 misdemeanor; and

9 (g) A Class III misdemeanor when the crime attempted is a Class II
10 misdemeanor.

11 Sec. 8. Section 28-202, Reissue Revised Statutes of Nebraska, 2008,
12 is amended to read:

13 28-202 (1) A person shall be guilty of criminal conspiracy if, with
14 intent to promote or facilitate the commission of a felony:

15 (a) He or she agrees with one or more persons that they or one or
16 more of them shall engage in or solicit the conduct or shall cause or
17 solicit the result specified by the definition of the offense; and

18 (b) He or she or another person with whom he or she conspired
19 commits an overt act in pursuance of the conspiracy.

20 (2) If a person knows that one with whom he or she conspires to
21 commit a crime has conspired with another person or persons to commit the
22 same crime, he or she is guilty of conspiring to commit such crime with
23 such other person or persons whether or not he or she knows their
24 identity.

25 (3) If a person conspires to commit a number of crimes, he or she is
26 guilty of only one conspiracy so long as such multiple crimes are the
27 object of the same agreement or continuous conspiratorial relationship.

28 (4) Conspiracy is a crime of the same class as the most serious
29 offense which is an object of the conspiracy, ~~except that conspiracy to~~
30 ~~commit a Class I felony is a Class II felony.~~

31 A person prosecuted for a criminal conspiracy shall be acquitted if

1 such person proves by a preponderance of the evidence that his or her
2 conduct occurred in response to an entrapment.

3 Sec. 9. Section 28-303, Reissue Revised Statutes of Nebraska, 2008,
4 is amended to read:

5 28-303 (1) A person commits murder in the first degree if he or she
6 kills another person (a) ~~(1)~~ purposely and with deliberate and
7 premeditated malice, (b) ~~or (2)~~ in the perpetration of or attempt to
8 perpetrate any sexual assault in the first degree, arson, robbery,
9 kidnapping, hijacking of any public or private means of transportation,
10 or burglary, or (c) ~~(3)~~ by administering poison or causing the same to be
11 done; ~~or if by willful and corrupt perjury or subornation of the same he~~
12 ~~or she purposely procures the conviction and execution of any innocent~~
13 ~~person. The determination of whether murder in the first degree shall be~~
14 ~~punished as a Class I or Class IA felony shall be made pursuant to~~
15 ~~sections 29-2519 to 29-2524.~~

16 (2) Murder in the first degree is a Class IA felony.

17 Sec. 10. Section 28-1356, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 28-1356 (1) A person who violates section 28-1355 shall be guilty of
20 a Class III felony; however, such person shall be guilty of a Class IB
21 felony if the violation is based upon racketeering activity which is
22 punishable as a Class ~~I~~, ~~IA~~, or IB felony.

23 (2) In lieu of the fine authorized by section 28-105, any person
24 convicted of engaging in conduct in violation of section 28-1355, through
25 which pecuniary value was derived, or by which personal injury or
26 property damage or other loss was caused, may be sentenced to pay a fine
27 that does not exceed three times the gross value gained or three times
28 the gross loss caused, whichever is greater, plus court costs and the
29 costs of investigation and prosecution reasonably incurred. Any fine
30 collected under this subsection shall be remitted to the State Treasurer
31 for distribution in accordance with Article VII, section 5, of the

1 Constitution of Nebraska.

2 Sec. 11. Section 29-1602, Reissue Revised Statutes of Nebraska,
3 2008, is amended to read:

4 29-1602 All informations shall be filed in the court having
5 jurisdiction of the offense specified in the informations therein, by the
6 prosecuting attorney of the proper county as informant. The prosecuting
7 attorney shall subscribe his or her name thereto and endorse thereon the
8 names of the witnesses known to him or her at the time of filing. After
9 the information has been filed, the prosecuting attorney shall endorse on
10 the information the names of such other witnesses as shall then be known
11 to him or her as the court in its discretion may prescribe, ~~except that~~
12 ~~if a notice of aggravation is contained in the information as provided in~~
13 ~~section 29-1603, the prosecuting attorney may endorse additional~~
14 ~~witnesses at any time up to and including the thirtieth day prior to the~~
15 ~~trial of guilt.~~

16 Sec. 12. Section 29-1603, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 29-1603 (1) All informations shall be in writing and signed by the
19 county attorney, complainant, or some other person, and the offenses
20 charged in the informations therein shall be stated with the same
21 fullness and precision in matters of substance as is required in
22 indictments in like cases.

23 ~~(2)(a) Any information charging a violation of section 28-303 and in~~
24 ~~which the death penalty is sought shall contain a notice of aggravation~~
25 ~~which alleges one or more aggravating circumstances, as such aggravating~~
26 ~~circumstances are provided in section 29-2523. The notice of aggravation~~
27 ~~shall be filed as provided in section 29-1602. It shall constitute~~
28 ~~sufficient notice to describe the alleged aggravating circumstances in~~
29 ~~the language provided in section 29-2523.~~

30 ~~(b) The state shall be permitted to add to or amend a notice of~~
31 ~~aggravation at any time up to and including the thirtieth day prior to~~

1 ~~the trial of guilt.~~

2 ~~(c) The existence or contents of a notice of aggravation shall not~~
3 ~~be disclosed to the jury until after the verdict is rendered in the trial~~
4 ~~of guilt.~~

5 ~~(2) (3)~~ Different offenses and different degrees of the same offense
6 may be joined in one information, in all cases in which the same might by
7 different counts be joined in one indictment; and in all cases a
8 defendant or defendants shall have the same right, as to proceedings
9 therein, as the defendant or defendants would have if prosecuted for the
10 same offense upon indictment.

11 Sec. 13. Section 29-1822, Reissue Revised Statutes of Nebraska,
12 2008, is amended to read:

13 29-1822 A person who becomes mentally incompetent after the
14 commission of a crime or misdemeanor shall not be tried for the offense
15 during the continuance of the incompetency. If, after the verdict of
16 guilty and before judgment is pronounced, such person becomes mentally
17 incompetent, then no judgment shall be given while such incompetency
18 continues ~~shall continue; and if, after judgment and before execution of~~
19 ~~the sentence, such person shall become mentally incompetent, then in case~~
20 ~~the punishment be capital, the execution thereof shall be stayed until~~
21 ~~the recovery of such person from the incompetency.~~

22 Sec. 14. Section 29-2004, Reissue Revised Statutes of Nebraska,
23 2008, is amended to read:

24 29-2004 (1) All parties may stipulate that the jury may be selected
25 up to thirty-one days prior to the date of trial. The stipulation must be
26 unanimous among all parties and evidenced by a joint stipulation to the
27 county court.

28 (2) In all cases, except as may be otherwise expressly provided, the
29 accused shall be tried by a jury drawn, summoned, and impaneled according
30 to provisions of the code of civil procedure, except that whenever in the
31 opinion of the court the trial is likely to be a protracted one, the

1 court may, immediately after the jury is impaneled and sworn, direct the
2 calling of one or two additional jurors, to be known as alternate jurors.
3 Such jurors shall be drawn from the same source and in the same manner,
4 and have the same qualifications as regular jurors, and be subject to
5 examination and challenge as such jurors, except that each party shall be
6 allowed one peremptory challenge to each alternate juror. The alternate
7 jurors shall take the proper oath or affirmation and shall be seated near
8 the regular jurors with equal facilities for seeing and hearing the
9 proceedings in the cause, and shall attend at all times upon the trial of
10 the cause in company with the regular jurors. They shall obey all orders
11 and admonitions of the court, and if the regular jurors are ordered to be
12 kept in the custody of an officer during the trial of the cause, the
13 alternate jurors shall also be kept with the other jurors and, ~~except as~~
14 ~~hereinafter provided,~~ shall be discharged upon the final submission of
15 the cause to the jury. ~~If an information charging a violation of section~~
16 ~~28-303 and in which the death penalty is sought contains a notice of~~
17 ~~aggravation, the alternate jurors shall be retained as provided in~~
18 ~~section 29-2520.~~ If, before the final submission of the cause a regular
19 juror dies or is discharged, the court shall order the alternate juror,
20 if there is but one, to take his or her place in the jury box. If there
21 are two alternate jurors the court shall select one by lot, who shall
22 then take his or her place in the jury box. After an alternate juror is
23 in the jury box he or she shall be subject to the same rules as a regular
24 juror.

25 Sec. 15. Section 29-2005, Reissue Revised Statutes of Nebraska,
26 2008, is amended to read:

27 29-2005 Every person arraigned for any crime punishable by with
28 ~~death, or imprisonment for life,~~ shall be admitted on his or her trial to
29 a peremptory challenge of twelve jurors. Every , ~~and no more;~~ every
30 person arraigned for any offense that may be punishable by imprisonment
31 for a term exceeding eighteen months and less than life, shall be

1 admitted to a peremptory challenge of six jurors. ~~In ; and in~~ all other
2 criminal trials, the defendant shall be allowed a peremptory challenge of
3 three jurors. The attorney prosecuting on behalf of the state shall be
4 admitted to a peremptory challenge of twelve jurors in all cases when the
5 offense is punishable by ~~with death or~~ imprisonment for life, six jurors
6 when the offense is punishable by imprisonment for a term exceeding
7 eighteen months and less than life, and three jurors in all other cases.
8 ~~If ; Provided, that in all cases where~~ alternate jurors are called
9 pursuant to , ~~as provided in~~ section 29-2004, then ~~in that case~~ both the
10 defendant and the attorney prosecuting for the state shall each be
11 allowed one added peremptory challenge to each alternate juror.

12 Sec. 16. Section 29-2006, Reissue Revised Statutes of Nebraska,
13 2008, is amended to read:

14 29-2006 (1) The following shall be good causes for challenge to any
15 person called as a juror or alternate juror, on the trial of any
16 indictment:

17 (a) ~~(1)~~ That he or she was a member of the grand jury which found
18 the indictment;

19 (b) ~~(2) that~~ he or she has formed or expressed an opinion as to
20 the guilt or innocence of the accused. ~~However, ; Provided,~~ if a juror or
21 alternate juror states ~~shall state~~ that he or she has formed or expressed
22 an opinion as to the guilt or innocence of the accused, the court shall
23 thereupon proceed to examine, on oath, such juror or alternate juror as
24 to the ground of such opinion; and if it appears ~~shall appear~~ to have
25 been founded upon reading newspaper statements, communications, comments
26 or reports, or upon rumor or hearsay, and not upon conversations with
27 witnesses of the transactions or reading reports of their testimony or
28 hearing them testify, and the juror or alternate juror says ~~shall say~~ on
29 oath that he or she feels able, notwithstanding such opinion, to render
30 an impartial verdict upon the law and the evidence, the court, if
31 satisfied that such juror or alternate juror is impartial and will render

1 such verdict, may, in its discretion, admit such juror or alternate juror
2 as competent to serve in such case; ~~(3) in indictments for an offense the~~
3 ~~punishment whereof is capital, that his opinions are such as to preclude~~
4 ~~him from finding the accused guilty of an offense punishable with death;~~

5 (c) That ~~(4) that~~ he or she is a relation within the fifth degree to
6 the person alleged to be injured or attempted to be injured, or to the
7 person on whose complaint the prosecution was instituted, or to the
8 defendant;

9 (d) That ~~(5) that~~ he or she has served on the petit jury which was
10 sworn in the same cause against the same defendant and which jury either
11 rendered a verdict which was set aside or was discharged, after hearing
12 the evidence;

13 (e) That ~~(6) that~~ he or she has served as a juror in a civil case
14 brought against the defendant for the same act;

15 (f) That ~~(7) that~~ he or she has been in good faith subpoenaed as a
16 witness in the case; or

17 (g) That ~~(8) that~~ he or she is a habitual drunkard. ;

18 (2) In addition, ~~(9) the same challenges as are shall be allowed in~~
19 ~~criminal prosecutions that are allowed to parties in civil cases shall be~~
20 ~~allowed in criminal prosecutions.~~

21 Sec. 17. Section 29-2020, Reissue Revised Statutes of Nebraska,
22 2008, is amended to read:

23 29-2020 ~~In Except as provided in section 29-2525 for cases when the~~
24 ~~punishment is capital, in~~ all criminal cases when a defendant feels
25 aggrieved by any opinion or decision of the court, he or she may order a
26 bill of exceptions. The ordering, preparing, signing, filing, correcting,
27 and amending of the bill of exceptions shall be governed by the rules
28 established in such matters in civil cases.

29 Sec. 18. Section 29-2027, Reissue Revised Statutes of Nebraska,
30 2008, is amended to read:

31 29-2027 In all trials for murder the jury before whom such trial is

1 had, if they find the prisoner guilty thereof, shall ascertain in their
2 verdict whether it is murder in the first or second degree or
3 manslaughter. If ~~;~~ ~~and~~ if such person is convicted by confession in open
4 court, the court shall proceed by examination of witnesses in open court,
5 to determine the degree of the crime, and shall pronounce sentence
6 accordingly ~~or as provided in sections 29-2519 to 29-2524 for murder in~~
7 ~~the first degree.~~

8 Sec. 19. Section 29-2204, Revised Statutes Cumulative Supplement,
9 2014, as amended by Laws 2015, LB605, section 60, is amended to read:

10 29-2204 (1) Except when the defendant is found guilty of a Class IA
11 felony ~~a term of life imprisonment is required by law~~, in imposing a
12 sentence upon an offender for any class of felony other than a Class III,
13 IIIA, or IV felony, the court shall fix the minimum and the maximum terms
14 of the sentence to be served within the limits provided by law. The
15 maximum term shall not be greater than the maximum limit provided by law,
16 and:

17 (a) The minimum term fixed by the court shall be any term of years
18 less than the maximum term imposed by the court; or

19 (b) The minimum term shall be the minimum limit provided by law.

20 (2) When a maximum term of life is imposed by the court for a Class
21 IB felony, the minimum term fixed by the court shall be:

22 (a) Any term of years not less than the minimum limit provided by
23 law; or

24 (b) A term of life imprisonment.

25 (3) When a maximum term of life is imposed by the court for a Class
26 IA felony, the minimum term fixed by the court shall be:

27 (a) A term of life imprisonment; or

28 (b) Any term of years not less than the minimum limit provided by
29 law after consideration of the mitigating factors in section 28-105.02,
30 if the defendant was under eighteen years of age at the time he or she
31 committed the crime for which he or she was convicted.

1 (4) When the court is of the opinion that imprisonment may be
2 appropriate but desires more detailed information as a basis for
3 determining the sentence to be imposed than has been provided by the
4 presentence report required by section 29-2261, the court may commit an
5 offender to the Department of Correctional Services. During that time,
6 the department shall conduct a complete study of the offender as provided
7 in section 29-2204.03.

8 (5) Except when the defendant is found guilty of a Class IA felony a
9 ~~term of life is required by law~~, whenever the defendant was under
10 eighteen years of age at the time he or she committed the crime for which
11 he or she was convicted, the court may, in its discretion, instead of
12 imposing the penalty provided for the crime, make such disposition of the
13 defendant as the court deems proper under the Nebraska Juvenile Code.

14 (6)(a) When imposing an indeterminate sentence upon an offender
15 under this section, the court shall:

16 (i) Advise the offender on the record the time the offender will
17 serve on his or her minimum term before attaining parole eligibility
18 assuming that no good time for which the offender will be eligible is
19 lost; and

20 (ii) Advise the offender on the record the time the offender will
21 serve on his or her maximum term before attaining mandatory release
22 assuming that no good time for which the offender will be eligible is
23 lost.

24 (b) If any discrepancy exists between the statement of the minimum
25 limit of the sentence and the statement of parole eligibility or between
26 the statement of the maximum limit of the sentence and the statement of
27 mandatory release, the statements of the minimum limit and the maximum
28 limit shall control the calculation of the offender's term.

29 (c) If the court imposes more than one sentence upon an offender or
30 imposes a sentence upon an offender who is at that time serving another
31 sentence, the court shall state whether the sentences are to be

1 concurrent or consecutive.

2 Sec. 20. Section 29-2261, Revised Statutes Cumulative Supplement,
3 2014, as amended by Laws 2015, LB504, section 1, is amended to read:

4 29-2261 (1) Unless it is impractical to do so, when an offender has
5 been convicted of a felony ~~other than murder in the first degree~~, the
6 court shall not impose sentence without first ordering a presentence
7 investigation of the offender and according due consideration to a
8 written report of such investigation. ~~When an offender has been convicted~~
9 ~~of murder in the first degree and (a) a jury renders a verdict finding~~
10 ~~the existence of one or more aggravating circumstances as provided in~~
11 ~~section 29-2520 or (b)(i) the information contains a notice of~~
12 ~~aggravation as provided in section 29-1603 and (ii) the offender waives~~
13 ~~his or her right to a jury determination of the alleged aggravating~~
14 ~~circumstances, the court shall not commence the sentencing determination~~
15 ~~proceeding as provided in section 29-2521 without first ordering a~~
16 ~~presentence investigation of the offender and according due consideration~~
17 ~~to a written report of such investigation.~~

18 (2) A court may order a presentence investigation in any case,
19 except in cases in which an offender has been convicted of a Class IIIA
20 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
21 infraction, or any corresponding city or village ordinance.

22 (3) The presentence investigation and report shall include, when
23 available, an analysis of the circumstances attending the commission of
24 the crime, the offender's history of delinquency or criminality, physical
25 and mental condition, family situation and background, economic status,
26 education, occupation, and personal habits, and any other matters that
27 the probation officer deems relevant or the court directs to be included.
28 All local and state police agencies and Department of Correctional
29 Services adult correctional facilities shall furnish to the probation
30 officer copies of such criminal records, in any such case referred to the
31 probation officer by the court of proper jurisdiction, as the probation

1 officer shall require without cost to the court or the probation officer.

2 Such investigation shall also include:

3 (a) Any written statements submitted to the county attorney by a
4 victim; and

5 (b) Any written statements submitted to the probation officer by a
6 victim.

7 (4) If there are no written statements submitted to the probation
8 officer, he or she shall certify to the court that:

9 (a) He or she has attempted to contact the victim; and

10 (b) If he or she has contacted the victim, such officer offered to
11 accept the written statements of the victim or to reduce such victim's
12 oral statements to writing.

13 For purposes of subsections (3) and (4) of this section, the term
14 victim shall be as defined in section 29-119.

15 (5) Before imposing sentence, the court may order the offender to
16 submit to psychiatric observation and examination for a period of not
17 exceeding sixty days or such longer period as the court determines to be
18 necessary for that purpose. The offender may be remanded for this purpose
19 to any available clinic or mental hospital, or the court may appoint a
20 qualified psychiatrist to make the examination. The report of the
21 examination shall be submitted to the court.

22 (6) Any presentence report, substance abuse evaluation, or
23 psychiatric examination shall be privileged and shall not be disclosed
24 directly or indirectly to anyone other than a judge, probation officers
25 to whom an offender's file is duly transferred, the probation
26 administrator or his or her designee, alcohol and drug counselors, mental
27 health practitioners, psychiatrists, and psychologists licensed or
28 certified under the Uniform Credentialing Act to conduct substance abuse
29 evaluations and treatment, or others entitled by law to receive such
30 information, including personnel and mental health professionals for the
31 Nebraska State Patrol specifically assigned to sex offender registration

1 and community notification for the sole purpose of using such report,
2 evaluation, or examination for assessing risk and for community
3 notification of registered sex offenders. For purposes of this
4 subsection, mental health professional means (a) a practicing physician
5 licensed to practice medicine in this state under the Medicine and
6 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
7 the practice of psychology in this state as provided in section 38-3111,
8 or (c) a practicing mental health professional licensed or certified in
9 this state as provided in the Mental Health Practice Act.

10 (7) The court shall permit inspection of the presentence report,
11 substance abuse evaluation, or psychiatric examination or parts of the
12 report, evaluation, or examination, as determined by the court, by the
13 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
14 inspection shall be by electronic access only unless the court determines
15 such access is not available to the prosecuting attorney or defense
16 counsel. The State Court Administrator shall determine and develop the
17 means of electronic access to such presentence reports, evaluations, and
18 examinations. Upon application by the prosecuting attorney or defense
19 counsel, the court may order that addresses, telephone numbers, and other
20 contact information for victims or witnesses named in the report,
21 evaluation, or examination be redacted upon a showing by a preponderance
22 of the evidence that such redaction is warranted in the interests of
23 public safety. The court may permit inspection of the presentence report,
24 substance abuse evaluation, or psychiatric examination or examination of
25 parts of the report, evaluation, or examination by any other person
26 having a proper interest therein whenever the court finds it is in the
27 best interest of a particular offender. The court may allow fair
28 opportunity for an offender to provide additional information for the
29 court's consideration.

30 (8) If an offender is sentenced to imprisonment, a copy of the
31 report of any presentence investigation, substance abuse evaluation, or

1 psychiatric examination shall be transmitted immediately to the
2 Department of Correctional Services. Upon request, the Board of Parole or
3 the Office of Parole Administration may receive a copy of the report from
4 the department.

5 (9) Notwithstanding subsections (6) and (7) of this section, the
6 Supreme Court or an agent of the Supreme Court acting under the direction
7 and supervision of the Chief Justice shall have access to psychiatric
8 examinations, substance abuse evaluations, and presentence investigations
9 and reports for research purposes. The Supreme Court and its agent shall
10 treat such information as confidential, and nothing identifying any
11 individual shall be released.

12 Sec. 21. Section 29-2407, Reissue Revised Statutes of Nebraska,
13 2008, is amended to read:

14 29-2407 Judgments for fines and costs in criminal cases shall be a
15 lien upon all the property of the defendant within the county from the
16 time of docketing the case by the clerk of the proper court, and
17 judgments upon forfeited recognizance shall be a like lien from the time
18 of forfeiture. No property of any convict shall be exempt from execution
19 issued upon any such judgment as set out in this section against such
20 convict except in cases when the convict is sentenced to a Department of
21 Correctional Services adult correctional facility for a period of more
22 than two years ~~or to suffer death~~, in which cases there shall be the same
23 exemptions as at the time may be provided by law for civil cases. The
24 lien on real estate of any such judgment for costs shall terminate as
25 provided in section 25-1716.

26 Sec. 22. The changes made by this legislative bill shall not (1)
27 limit the discretionary authority of the sentencing court to order
28 restitution as part of any sentence or (2) alter the discretion and
29 authority of the Department of Correctional Services to determine the
30 appropriate security measures and conditions during the confinement of
31 any committed offender.

1 Sec. 23. It is the intent of the Legislature that in any criminal
2 proceeding in which the death penalty has been imposed but not carried
3 out prior to the effective date of this act, such penalty shall be
4 changed to life imprisonment.

5 Sec. 24. Section 29-2801, Reissue Revised Statutes of Nebraska,
6 2008, is amended to read:

7 29-2801 If any person, except persons convicted of some crime or
8 offense for which they stand committed, ~~or persons committed for treason~~
9 ~~or felony, the punishment whereof is capital, plainly and specially~~
10 ~~expressed in the warrant of commitment, now or in the future, is or shall~~
11 ~~be confined in any jail of this state, or is shall be unlawfully deprived~~
12 ~~of his or her liberty, and makes shall make application, either by~~
13 ~~himself him or herself or by any person on his or her behalf, to any one~~
14 ~~of the judges of the district court, or to any county judge, and does at~~
15 ~~the same time produce to such judge a copy of the commitment or cause of~~
16 ~~detention of such person, or if the person so imprisoned or detained is~~
17 ~~imprisoned or detained without any legal authority, upon making the same~~
18 ~~appear to such judge, by oath or affirmation, it is the duty of the judge~~
19 ~~shall be his duty forthwith to allow a writ of habeas corpus, which writ~~
20 ~~shall be issued forthwith by the clerk of the district court, or by the~~
21 ~~county judge, as the case may require, under the seal of the court~~
22 ~~whereof the person allowing such writ is a judge, directed to the proper~~
23 ~~officer, person, or persons who detain detains such prisoner.~~

24 Sec. 25. Section 29-3205, Reissue Revised Statutes of Nebraska,
25 2008, is amended to read:

26 29-3205 The Uniform Rendition of Prisoners as Witnesses in Criminal
27 Proceedings Act shall Sections 29-3201 to 29-3210 do not apply to any
28 person in this state confined as mentally ill or under sentence of death.

29 Sec. 26. Section 29-3920, Reissue Revised Statutes of Nebraska,
30 2008, is amended to read:

31 29-3920 The Legislature finds that:

1 (1) County property owners should be given some relief from the
2 obligation of providing mandated indigent defense services which in most
3 instances are required because of state laws establishing crimes and
4 penalties;

5 (2) Property tax relief can be accomplished if the state begins to
6 assist the counties with the obligation of providing indigent defense
7 services required by state laws establishing crimes and penalties;

8 (3) Property tax relief in the form of state assistance to the
9 counties of Nebraska in providing for indigent defense services will also
10 increase accountability because the state, which is the governmental
11 entity responsible for passing criminal statutes, will likewise be
12 responsible for paying some of the costs;

13 (4) Property tax relief in the form of state assistance to the
14 counties of Nebraska in providing for indigent defense services will also
15 improve inconsistent and inadequate funding of indigent defense services
16 by the counties;

17 (5) Property tax relief in the form of state assistance to the
18 counties of Nebraska in providing for indigent defense services will also
19 lessen the impact on county property taxpayers of the cost of a high
20 profile first-degree murder ~~death-penalty~~ case which can significantly
21 affect the finances of the counties; and

22 (6) To accomplish property tax relief in the form of the state
23 assisting the counties of Nebraska in providing for indigent defense
24 services, the Commission on Public Advocacy Operations Cash Fund should
25 be established to fund the operation of the Commission on Public Advocacy
26 and to fund reimbursement requests as determined by section 29-3933.

27 Sec. 27. Section 29-3922, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 29-3922 For purposes of the County Revenue Assistance Act:

30 (1) Chief counsel means an attorney appointed to be the primary
31 administrative officer of the commission pursuant to section 29-3928;

1 (2) Commission means the Commission on Public Advocacy;

2 (3) Commission staff means attorneys, investigators, and support
3 staff who are performing work for the first-degree murder ~~capital~~
4 litigation division, appellate division, DNA testing division, and major
5 case resource center;

6 (4) Contracting attorney means an attorney contracting to act as a
7 public defender pursuant to sections 23-3404 to 23-3408;

8 (5) Court-appointed attorney means an attorney other than a
9 contracting attorney or a public defender appointed by the court to
10 represent an indigent person;

11 (6) Indigent defense services means legal services provided to
12 indigent persons by an indigent defense system in first-degree murder
13 ~~capital~~ cases, felony cases, misdemeanor cases, juvenile cases, mental
14 health commitment cases, child support enforcement cases, and paternity
15 establishment cases;

16 (7) Indigent defense system means a system of providing services,
17 including any services necessary for litigating a case, by a contracting
18 attorney, court-appointed attorney, or public defender;

19 (8) Indigent person means a person who is indigent and unable to
20 obtain legal counsel as determined pursuant to subdivision (3) of section
21 29-3901; and

22 (9) Public defender means an attorney appointed or elected pursuant
23 to sections 23-3401 to 23-3403.

24 Sec. 28. Section 29-3928, Reissue Revised Statutes of Nebraska,
25 2008, is amended to read:

26 29-3928 The commission shall appoint a chief counsel. The
27 responsibilities and duties of the chief counsel shall be defined by the
28 commission and shall include the overall supervision of the workings of
29 the various divisions of the commission. The chief counsel shall be
30 qualified for his or her position, shall have been licensed to practice
31 law in the State of Nebraska for at least five years prior to the

1 effective date of the appointment, and shall be experienced in the
2 practice of criminal defense, including the defense of first-degree
3 murder ~~capital~~ cases. The chief counsel shall serve at the pleasure of
4 the commission. The salary of the chief counsel shall be set by the
5 commission.

6 Sec. 29. Section 29-3929, Reissue Revised Statutes of Nebraska,
7 2008, is amended to read:

8 29-3929 The primary duties of the chief counsel shall be to provide
9 direct legal services to indigent defendants, and the chief counsel
10 shall:

11 (1) Supervise the operations of the appellate division, the first-
12 degree murder ~~capital~~ litigation division, the DNA testing division, and
13 the major case resource center;

14 (2) Prepare a budget and disburse funds for the operations of the
15 commission;

16 (3) Present to the commission an annual report on the operations of
17 the commission, including an accounting of all funds received and
18 disbursed, an evaluation of the cost-effectiveness of the commission, and
19 recommendations for improvement;

20 (4) Convene or contract for conferences and training seminars
21 related to criminal defense;

22 (5) Perform other duties as directed by the commission;

23 (6) Establish and administer projects and programs for the operation
24 of the commission;

25 (7) Appoint and remove employees of the commission and delegate
26 appropriate powers and duties to them;

27 (8) Adopt and promulgate rules and regulations for the management
28 and administration of policies of the commission and the conduct of
29 employees of the commission;

30 (9) Transmit monthly to the commission a report of the operations of
31 the commission for the preceding calendar month;

1 (10) Execute and carry out all contracts, leases, and agreements
2 authorized by the commission with agencies of federal, state, or local
3 government, corporations, or persons; and

4 (11) Exercise all powers and perform all duties necessary and proper
5 in carrying out his or her responsibilities.

6 Sec. 30. Section 29-3930, Reissue Revised Statutes of Nebraska,
7 2008, is amended to read:

8 29-3930 The following divisions are established within the
9 commission:

10 (1) The first-degree murder ~~capital~~ litigation division shall be
11 available to assist in the defense of first-degree murder ~~capital~~ cases
12 in Nebraska, subject to caseload standards of the commission;

13 (2) The appellate division shall be available to prosecute appeals
14 to the Court of Appeals and the Supreme Court, subject to caseload
15 standards of the commission;

16 (3) The violent crime and drug defense division shall be available
17 to assist in the defense of certain violent and drug crimes as defined by
18 the commission, subject to the caseload standards of the commission;

19 (4) The DNA testing division shall be available to assist in
20 representing persons who are indigent who have filed a motion pursuant to
21 the DNA Testing Act, subject to caseload standards; and

22 (5) The major case resource center shall be available to assist
23 public defenders, contracting attorneys, or court-appointed attorneys
24 with the defense of a felony offense, subject to caseload standards of
25 the commission.

26 Sec. 31. Section 55-480, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 55-480 Though not specifically mentioned in the Nebraska Code of
29 Military Justice ~~this code~~, all disorders and neglects to the prejudice
30 of good order and discipline in the armed forces, all conduct of a nature
31 to bring discredit upon the armed forces, and all crimes and offenses ~~not~~

1 ~~capital~~, of which persons subject to the ~~this~~ code may be guilty, shall
2 be taken cognizance of by a court-martial, according to the nature and
3 degree of the offense, and shall be punished at the discretion of that
4 court.

5 Sec. 32. Section 83-1,110.02, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 83-1,110.02 (1) A committed offender who is otherwise eligible for
8 parole, who is not under sentence of ~~death or of~~ life imprisonment, and
9 who because of an existing medical or physical condition is determined by
10 the department to be terminally ill or permanently incapacitated may be
11 considered for medical parole by the board. A committed offender may be
12 eligible for medical parole in addition to any other parole. The
13 department shall identify committed offenders who may be eligible for
14 medical parole based upon their medical records.

15 (2) The board shall decide to grant medical parole only after a
16 review of the medical, institutional, and criminal records of the
17 committed offender and such additional medical evidence from board-
18 ordered examinations or investigations as the board in its discretion
19 determines to be necessary. The decision to grant medical parole and to
20 establish conditions of release on medical parole in addition to the
21 conditions stated in subsection (3) of this section is within the sole
22 discretion of the board.

23 (3) As conditions of release on medical parole, the board shall
24 require that the committed offender agree to placement for medical
25 treatment and that he or she be placed for a definite or indefinite
26 period of time in a hospital, a hospice, or another housing accommodation
27 suitable to his or her medical condition, including, but not limited to,
28 his or her family's home, as specified by the board.

29 (4) The parole term of a medical parolee shall be for the remainder
30 of his or her sentence as reduced by any adjustment for good conduct
31 pursuant to the Nebraska Treatment and Corrections Act.

1 Sec. 33. Section 83-4,143, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-4,143 (1) It is the intent of the Legislature that the court
4 target the felony offender (a) who is eligible and by virtue of his or
5 her criminogenic needs is suitable to be sentenced to intensive
6 supervision probation with placement at the incarceration work camp, (b)
7 for whom the court finds that other conditions of a sentence of intensive
8 supervision probation, in and of themselves, are not suitable, and (c)
9 who, without the existence of an incarceration work camp, would, in all
10 likelihood, be sentenced to prison.

11 (2) When the court is of the opinion that imprisonment is
12 appropriate, but that a brief and intensive period of regimented,
13 structured, and disciplined programming within a secure facility may
14 better serve the interests of society, the court may place an offender in
15 an incarceration work camp for a period not to exceed one hundred eighty
16 days as a condition of a sentence of intensive supervision probation. The
17 court may consider such placement if the offender (a) is a male or female
18 offender convicted of a felony offense in a district court, (b) is
19 medically and mentally fit to participate, with allowances given for
20 reasonable accommodation as determined by medical and mental health
21 professionals, and (c) has not previously been incarcerated for a violent
22 felony crime. Offenders convicted of a crime under section 28-303 or
23 sections 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to
24 be placed in an incarceration work camp.

25 (3) It is also the intent of the Legislature that the Board of
26 Parole may recommend placement of felony offenders at the incarceration
27 work camp. The offenders recommended by the board shall be offenders
28 currently housed at other Department of Correctional Services adult
29 correctional facilities and shall complete the incarceration work camp
30 programming prior to release on parole.

31 (4) When the Board of Parole is of the opinion that a felony

1 offender currently incarcerated in a Department of Correctional Services
2 adult correctional facility may benefit from a brief and intensive period
3 of regimented, structured, and disciplined programming immediately prior
4 to release on parole, the board may direct placement of such an offender
5 in an incarceration work camp for a period not to exceed one hundred
6 eighty days as a condition of release on parole. The board may consider
7 such placement if the felony offender (a) is medically and mentally fit
8 to participate, with allowances given for reasonable accommodation as
9 determined by medical and mental health professionals, and (b) has not
10 previously been incarcerated for a violent felony crime. Offenders
11 convicted of a crime under section 28-303 or sections 28-319 to 28-322.04
12 ~~or of any capital crime~~ are not eligible to be placed in an incarceration
13 work camp.

14 (5) The Director of Correctional Services may assign a felony
15 offender to an incarceration work camp if he or she believes it is in the
16 best interests of the felony offender and of society, except that
17 offenders convicted of a crime under section 28-303 or sections 28-319 to
18 28-321 ~~or of any capital crime~~ are not eligible to be assigned to an
19 incarceration work camp pursuant to this subsection.

20 Sec. 34. Original sections 24-1106, 25-1140.09, 28-104, 28-202,
21 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027,
22 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, and 29-3930,
23 Reissue Revised Statutes of Nebraska, 2008, sections 23-3406, 23-3408,
24 28-105, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of
25 Nebraska, sections 28-1356, 29-1603, and 29-3922, Revised Statutes
26 Cumulative Supplement, 2014, section 29-2261, Revised Statutes Cumulative
27 Supplement, 2014, as amended by Laws 2015, LB504, section 1, section
28 28-201, Revised Statutes Cumulative Supplement, 2014, as amended by Laws
29 2015, LB605, section 8, and section 29-2204, Revised Statutes Cumulative
30 Supplement, 2014, as amended by Laws 2015, LB605, section 60, are
31 repealed.

1 Sec. 35. The following sections are outright repealed: Sections
2 24-1105, 29-2519, 29-2521, 29-2521.01, 29-2521.03, 29-2521.04,
3 29-2521.05, 29-2523, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528,
4 and 29-2811, Reissue Revised Statutes of Nebraska, 2008, sections
5 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971,
6 and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01,
7 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539,
8 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes
9 Cumulative Supplement, 2014.