

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 40**

Introduced by Brashear, 4

Read first time January 7, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-204, Reissue Revised Statutes of Nebraska; to change  
3 penalties relating to being an accessory to felony; and  
4 to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1.   Section 28-204, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-204. (1) A person is guilty of being an accessory to  
4 felony if with intent to interfere with, hinder, delay, or prevent  
5 the discovery, apprehension, prosecution, conviction, or punishment  
6 of another for an offense, he or she:

7           (a) Harbors or conceals the other; ~~or~~

8           (b) Provides or aids in providing a weapon,  
9 transportation, disguise, or other means of effecting escape or  
10 avoiding discovery or apprehension; ~~or~~

11           (c) Conceals or destroys evidence of the crime or tampers  
12 with a witness, informant, document, or other source of  
13 information, regardless of its admissibility in evidence; ~~or~~

14           (d) Warns the other of impending discovery or  
15 apprehension other than in connection with an effort to bring  
16 another into compliance with the law; ~~or~~

17           (e) Volunteers false information to a peace officer; or

18           (f) By force, intimidation, or deception, obstructs  
19 anyone in the performance of any act which might aid in the  
20 discovery, detection, apprehension, prosecution, conviction, or  
21 punishment of such person.

22           (2)(a) Accessory to felony is a Class II felony if the  
23 actor violates subdivision (1)(a), (1)(b), or (1)(c) of this  
24 section, the actor knows of the conduct of the other, and the  
25 conduct of the other constitutes a Class I, IA, IB, IC, or ID  
26 felony.

27           (b) Accessory to felony is a Class III felony if the  
28 actor violates subdivision (1)(a), (1)(b), or (1)(c) of this

1 section, the actor knows of the conduct of the other, and the  
2 conduct of the other constitutes a Class II felony.

3 (c) Accessory to felony is a Class IV felony if the actor  
4 violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the  
5 actor knows of the conduct of the other, and the conduct of the  
6 other constitutes a Class III or Class IIIA felony.

7 (d) Accessory to felony is a Class I misdemeanor if the  
8 actor violates subdivision (1)(a), (1)(b), or (1)(c) of this  
9 section, the actor knows of the conduct of the other, and the  
10 conduct of the other constitutes a Class IV felony.

11 (e) Accessory to felony is a Class IV felony if the actor  
12 violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the  
13 actor knows of the conduct of the other, and the conduct of the  
14 other constitutes a felony of any class. Accessory to crime is a  
15 Class IV felony if the actor knows of the conduct of the other and  
16 such conduct constitutes a felony of any class.

17 Sec. 2. Original section 28-204, Reissue Revised  
18 Statutes of Nebraska, is repealed.