

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 815

Introduced by Fulton, 29; Brasch, 16.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-1302,
2 Reissue Revised Statutes of Nebraska, and section 29-110,
3 Revised Statutes Cumulative Supplement, 2010; to change
4 the penalty for concealing the death of another person
5 and the statute of limitations for such offense; and to
6 repeal the original sections.

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

1 Section 1. Section 28-1302, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1302 (1) Any person who conceals the death of another
4 person and thereby prevents a determination of the cause or
5 circumstances of death or attempts to prevent the discovery of human
6 remains, as that term is defined in section 71-1356, commits a Class
7 I misdemeanor. III felony.

8 (2) The crime punishable under this section shall be
9 treated as a separate and distinct offense from any other offense
10 arising out of acts alleged to have been committed while the person
11 was in violation of this section and sentences imposed under this
12 section shall be consecutive to any other sentence imposed.

13 Sec. 2. Section 29-110, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

15 29-110 (1) Except as otherwise provided by law, no person
16 shall be prosecuted for any felony unless the indictment is found by
17 a grand jury within three years next after the offense has been done
18 or committed or unless a complaint for the same is filed before the
19 magistrate within three years next after the offense has been done or
20 committed and a warrant for the arrest of the defendant has been
21 issued.

22 (2) Except as otherwise provided by law, no person shall
23 be prosecuted, tried, or punished for any misdemeanor or other
24 indictable offense below the grade of felony or for any fine or
25 forfeiture under any penal statute unless the suit, information, or

1 indictment for such offense is instituted or found within one year
2 and six months from the time of committing the offense or incurring
3 the fine or forfeiture or within one year for any offense the
4 punishment of which is restricted by a fine not exceeding one hundred
5 dollars and to imprisonment not exceeding three months.

6 (3) Except as otherwise provided by law, no person shall
7 be prosecuted for kidnapping under section 28-313, false imprisonment
8 under section 28-314 or 28-315, child abuse under section 28-707,
9 pandering under section 28-802, debauching a minor under section
10 28-805, or an offense under section 28-813, 28-813.01, or 28-1463.03
11 when the victim is under sixteen years of age at the time of the
12 offense (a) unless the indictment for such offense is found by a
13 grand jury within seven years next after the offense has been
14 committed or within seven years next after the victim's sixteenth
15 birthday, whichever is later, or (b) unless a complaint for such
16 offense is filed before the magistrate within seven years next after
17 the offense has been committed or within seven years next after the
18 victim's sixteenth birthday, whichever is later, and a warrant for
19 the arrest of the defendant has been issued.

20 (4) No person shall be prosecuted for a violation of the
21 Securities Act of Nebraska under section 8-1117 unless the indictment
22 for such offense is found by a grand jury within five years next
23 after the offense has been done or committed or unless a complaint
24 for such offense is filed before the magistrate within five years
25 next after the offense has been done or committed and a warrant for

1 the arrest of the defendant has been issued.

2 (5) No person shall be prosecuted for criminal
3 impersonation under section 28-638, identity theft under section
4 28-639, or identity fraud under section 28-640 unless the indictment
5 for such offense is found by a grand jury within five years next
6 after the offense has been done or committed or unless a complaint
7 for such offense is filed before the magistrate within five years
8 next after the offense has been done or committed and a warrant for
9 the arrest of the defendant has been issued.

10 (6) No person shall be prosecuted for a violation of
11 section 68-1017 if the aggregate value of all funds and other
12 benefits obtained or attempted to be obtained is five hundred dollars
13 or more unless the indictment for such offense is found by a grand
14 jury within five years next after the offense has been done or
15 committed or unless a complaint for such offense is filed before the
16 magistrate within five years next after the offense has been done or
17 committed and a warrant for the arrest of the defendant has been
18 issued.

19 (7) There shall not be any time limitations for
20 prosecution or punishment for treason, murder, arson, forgery,
21 concealing the death of another person under section 28-1302, sexual
22 assault in the first or second degree under section 28-319 or 28-320,
23 sexual assault of a child in the second or third degree under section
24 28-320.01, incest under section 28-703, or sexual assault of a child
25 in the first degree under section 28-319.01; nor shall there be any

1 time limitations for prosecution or punishment for sexual assault in
2 the third degree under section 28-320 when the victim is under
3 sixteen years of age at the time of the offense.

4 (8) The time limitations prescribed in this section shall
5 include all inchoate offenses pursuant to the Nebraska Criminal Code
6 and compounding a felony pursuant to section 28-301.

7 (9) The time limitations prescribed in this section shall
8 not extend to any person fleeing from justice.

9 (10) When any suit, information, or indictment for any
10 crime or misdemeanor is limited by any statute to be brought or
11 exhibited within any other time than is limited by this section, then
12 the suit, information, or indictment shall be brought or exhibited
13 within the time limited by such statute.

14 (11) If any suit, information, or indictment is quashed
15 or the proceedings set aside or reversed on writ of error, the time
16 during the pendency of such suit, information, or indictment so
17 quashed, set aside, or reversed shall not be reckoned within this
18 statute so as to bar any new suit, information, or indictment for the
19 same offense.

20 (12) The changes made to this section by Laws 2004, LB
21 943, shall apply to offenses committed prior to April 16, 2004, for
22 which the statute of limitations has not expired as of such date and
23 to offenses committed on or after such date.

24 (13) The changes made to this section by Laws 2005, LB
25 713, shall apply to offenses committed prior to September 4, 2005,

1 for which the statute of limitations has not expired as of such date
2 and to offenses committed on or after such date.

3 (14) The changes made to this section by Laws 2009, LB
4 97, and Laws 2006, LB 1199, shall apply to offenses committed prior
5 to May 21, 2009, for which the statute of limitations has not expired
6 as of such date and to offenses committed on or after such date.

7 (15) The changes made to this section by Laws 2010,
8 LB809, shall apply to offenses committed prior to July 15, 2010, for
9 which the statute of limitations has not expired as of such date and
10 to offenses committed on or after such date.

11 (16) The changes made to this section by this legislative
12 bill shall apply to offenses committed prior to the effective date of
13 this act for which the statute of limitations has not expired as of
14 such date and to offenses committed on or after such date.

15 Sec. 3. Original section 28-1302, Reissue Revised
16 Statutes of Nebraska, and section 29-110, Revised Statutes Cumulative
17 Supplement, 2010, are repealed.