

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB162

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: January 27, 2017

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

Bribery of a witness (Neb.Rev.Stat. § 28-918) or juror (Neb.Rev.Stat. § 28-920), as well as tampering with a witness, informant or juror (Neb.Rev.Stat. § 28-919) remained a Class IV felony after enactment of LB605 in 2015. LB605 created a statutory presumption of probation for Class IV felonies. The effect is that those who interfere with prosecution of significant felonies face significantly reduced likelihood of just prosecution themselves. LB162 amends the penalty for each of these offenses from a Class IV to a Class III felony, except when the bribery or tampering occurs in a case in which the underlying crime was a Class IIA felony or higher in which case the penalty for tampering or bribery is raised to a Class IIA felony.

LB162 also amends Neb.Rev.Stat. § 28-519 to redefine criminal mischief more accurately as criminal damage to property and adds a reckless means rea element to each gradation of this crime. Under the current statute if one acts recklessly, such as in the case of a reckless driver, in causing any amount of property damage, the maximum penalty is a Class III misdemeanor. LB162 allows for one acting recklessly to be charged with up to a Class IV felony depending upon the monetary loss caused by the reckless actor.

Principal Introducer: _____

Senator Bob Krist, District 10