

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 319

Introduced by Cavanaugh, J., 9.

Read first time January 13, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-518, Reissue Revised Statutes of Nebraska; to change penalties
- 3 for theft offenses as prescribed; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-518, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-518 (1) Theft constitutes a Class IIA felony when the value of
4 the thing involved is five thousand dollars or more.

5 (2) Theft constitutes a Class IV felony when the value of the thing
6 involved is one thousand five hundred dollars or more but less than five
7 thousand dollars.

8 (3) Theft constitutes a Class I misdemeanor when the value of the
9 thing involved is more than five hundred dollars but less than one
10 thousand five hundred dollars.

11 (4) Theft constitutes a Class II misdemeanor when the value of the
12 thing involved is five hundred dollars or less.

13 (5) For any second or subsequent conviction under subsection (3) of
14 this section, any person so offending shall be guilty of a Class IV
15 felony.

16 (6) For any second conviction under subsection (4) of this section,
17 any person so offending shall be guilty of a Class I misdemeanor, and for
18 any third or subsequent conviction under subsection (4) of this section,
19 the person so offending shall be guilty of a Class IV felony.

20 (7) A prior conviction shall only be used to enhance a sentence as
21 provided in subsection (5) or (6) of this section if such conviction was
22 for an offense committed within fifteen years prior to commission of the
23 offense for which the sentence is being imposed.

24 (8) (~~7~~) Amounts taken pursuant to one scheme or course of conduct
25 from one or more persons may be aggregated in the indictment or
26 information in determining the classification of the offense, except that
27 amounts may not be aggregated into more than one offense.

28 (9) (~~8~~) In any prosecution for theft under sections 28-509 to
29 28-518, value shall be an essential element of the offense that must be
30 proved beyond a reasonable doubt.

31 Sec. 2. Original section 28-518, Reissue Revised Statutes of

1 Nebraska, is repealed.