

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 817**

Introduced by Storer, 43; Andersen, 49; Bosn, 25; Brandt, 32; Hallstrom, 1; Lonowski, 33; Sanders, 45.

Read first time January 07, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 28-416, 28-1354, and 28-1701, Revised Statutes Supplement, 2025; to  
3 provide a penalty enhancement for certain offenses involving  
4 fentanyl; to harmonize provisions; and to repeal the original  
5 sections.

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

1       **Section 1.** Section 28-416, Revised Statutes Supplement, 2025, is  
2 amended to read:

3           28-416 (1) Except as authorized by the Uniform Controlled Substances  
4 Act, it shall be unlawful for any person knowingly or intentionally: (a)  
5 To manufacture, distribute, deliver, dispense, or possess with intent to  
6 manufacture, distribute, deliver, or dispense a controlled substance; or  
7 (b) to create, distribute, or possess with intent to distribute a  
8 counterfeit controlled substance.

9           (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
10 (10), and (11) of this section, any person who violates subsection (1) of  
11 this section with respect to: (a) A controlled substance classified in  
12 Schedule I, II, or III of section 28-405 which is an exceptionally  
13 hazardous drug shall be guilty of a Class II felony; (b) any other  
14 controlled substance classified in Schedule I, II, or III of section  
15 28-405 shall be guilty of a Class IIA felony; or (c) a controlled  
16 substance classified in Schedule IV or V of section 28-405 shall be  
17 guilty of a Class IIIA felony.

18           (3) A person knowingly or intentionally possessing a controlled  
19 substance, except marijuana or any substance containing a quantifiable  
20 amount of the substances, chemicals, or compounds described, defined, or  
21 delineated in subdivision (c)(28) of Schedule I of section 28-405, unless  
22 such substance was obtained directly or pursuant to a medical order  
23 issued by a practitioner authorized to prescribe while acting in the  
24 course of his or her professional practice, or except as otherwise  
25 authorized by the act, shall be guilty of a Class IV felony. A person  
26 shall not be in violation of this subsection if section 28-472 or 28-1701  
27 applies.

28           (4)(a) Except as authorized by the Uniform Controlled Substances  
29 Act, any person eighteen years of age or older who knowingly or  
30 intentionally manufactures, distributes, delivers, dispenses, or  
31 possesses with intent to manufacture, distribute, deliver, or dispense a

1 controlled substance or a counterfeit controlled substance (i) to a  
2 person under the age of eighteen years, (ii) in, on, or within one  
3 thousand feet of the real property comprising a public or private  
4 elementary, vocational, or secondary school, a community college, a  
5 public or private college, junior college, or university, or a  
6 playground, or (iii) within one hundred feet of a public or private youth  
7 center, public swimming pool, or video arcade facility shall be punished  
8 by the next higher penalty classification than the penalty prescribed in  
9 subsection (2), (7), (8), (9), or (10), or (11) of this section,  
10 depending upon the controlled substance involved, for the first violation  
11 and for a second or subsequent violation shall be punished by the next  
12 higher penalty classification than that prescribed for a first violation  
13 of this subsection, but in no event shall such person be punished by a  
14 penalty greater than a Class IB felony.

15 (b) For purposes of this subsection:

16 (i) Playground means any outdoor facility, including any parking lot  
17 appurtenant to the facility, intended for recreation, open to the public,  
18 and with any portion containing three or more apparatus intended for the  
19 recreation of children, including sliding boards, swingsets, and  
20 teeterboards;

21 (ii) Video arcade facility means any facility legally accessible to  
22 persons under eighteen years of age, intended primarily for the use of  
23 pinball and video machines for amusement, and containing a minimum of ten  
24 pinball or video machines; and

25 (iii) Youth center means any recreational facility or gymnasium,  
26 including any parking lot appurtenant to the facility or gymnasium,  
27 intended primarily for use by persons under eighteen years of age which  
28 regularly provides athletic, civic, or cultural activities.

29 (5)(a) Except as authorized by the Uniform Controlled Substances  
30 Act, it shall be unlawful for any person eighteen years of age or older  
31 to knowingly and intentionally employ, hire, use, cause, persuade, coax,

1 induce, entice, seduce, or coerce any person under the age of eighteen  
2 years to manufacture, transport, distribute, carry, deliver, dispense,  
3 prepare for delivery, offer for delivery, or possess with intent to do  
4 the same a controlled substance or a counterfeit controlled substance.

5 (b) Except as authorized by the Uniform Controlled Substances Act,  
6 it shall be unlawful for any person eighteen years of age or older to  
7 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
8 induce, entice, seduce, or coerce any person under the age of eighteen  
9 years to aid and abet any person in the manufacture, transportation,  
10 distribution, carrying, delivery, dispensing, preparation for delivery,  
11 offering for delivery, or possession with intent to do the same of a  
12 controlled substance or a counterfeit controlled substance.

13 (c) Any person who violates subdivision (a) or (b) of this  
14 subsection shall be punished by the next higher penalty classification  
15 than the penalty prescribed in subsection (2), (7), (8), (9), or (10), or  
16 (11) of this section, depending upon the controlled substance involved,  
17 for the first violation and for a second or subsequent violation shall be  
18 punished by the next higher penalty classification than that prescribed  
19 for a first violation of this subsection, but in no event shall such  
20 person be punished by a penalty greater than a Class IB felony.

21 (6) It shall not be a defense to prosecution for violation of  
22 subsection (4) or (5) of this section that the defendant did not know the  
23 age of the person through whom the defendant violated such subsection.

24 (7) Any person who violates subsection (1) of this section with  
25 respect to cocaine or any mixture or substance containing a detectable  
26 amount of cocaine in a quantity of:

27 (a) One hundred forty grams or more shall be guilty of a Class IB  
28 felony;

29 (b) At least twenty-eight grams but less than one hundred forty  
30 grams shall be guilty of a Class IC felony; or

31 (c) At least ten grams but less than twenty-eight grams shall be

1 guilty of a Class ID felony.

2 (8) Any person who violates subsection (1) of this section with  
3 respect to base cocaine (crack) or any mixture or substance containing a  
4 detectable amount of base cocaine in a quantity of:

5 (a) One hundred forty grams or more shall be guilty of a Class IB  
6 felony;

7 (b) At least twenty-eight grams but less than one hundred forty  
8 grams shall be guilty of a Class IC felony; or

9 (c) At least ten grams but less than twenty-eight grams shall be  
10 guilty of a Class ID felony.

11 (9) Any person who violates subsection (1) of this section with  
12 respect to heroin or any mixture or substance containing a detectable  
13 amount of heroin in a quantity of:

14 (a) One hundred forty grams or more shall be guilty of a Class IB  
15 felony;

16 (b) At least twenty-eight grams but less than one hundred forty  
17 grams shall be guilty of a Class IC felony; or

18 (c) At least ten grams but less than twenty-eight grams shall be  
19 guilty of a Class ID felony.

20 (10) Any person who violates subsection (1) of this section with  
21 respect to amphetamine, its salts, optical isomers, and salts of its  
22 isomers, or with respect to methamphetamine, its salts, optical isomers,  
23 and salts of its isomers, in a quantity of:

24 (a) One hundred forty grams or more shall be guilty of a Class IB  
25 felony;

26 (b) At least twenty-eight grams but less than one hundred forty  
27 grams shall be guilty of a Class IC felony; or

28 (c) At least ten grams but less than twenty-eight grams shall be  
29 guilty of a Class ID felony.

30 (11)(a) Any person who violates subsection (1) of this section with  
31 respect to fentanyl or any mixture or substance containing a detectable

1     amount of fentanyl in a quantity of:

2         (i) One hundred forty grams or more shall be guilty of a Class IB  
3         felony;

4         (ii) At least twenty-eight grams but less than one hundred forty  
5         grams shall be guilty of a Class IC felony; or

6         (iii) At least ten grams but less than twenty-eight grams shall be  
7         guilty of a Class ID felony.

8         (b) For purposes of this subsection, fentanyl means:

9             (i) Fentanyl;

10             (ii) Any isomer, ester, ether, or salt of fentanyl or any salt of  
11         any isomer, ester, or ether of fentanyl; and

12             (iii) Any substance described in subdivision (a)(111) of Schedule I  
13         of section 28-405.

14         (12) (11) Any person knowingly or intentionally possessing marijuana  
15         weighing more than one ounce but not more than one pound shall be guilty  
16         of a Class III misdemeanor.

17         (13) (12) Any person knowingly or intentionally possessing marijuana  
18         weighing more than one pound shall be guilty of a Class IV felony.

19         (14) (13) Except as provided in section 28-1701, any person  
20         knowingly or intentionally possessing marijuana weighing one ounce or  
21         less or any substance containing a quantifiable amount of the substances,  
22         chemicals, or compounds described, defined, or delineated in subdivision  
23         (c)(28) of Schedule I of section 28-405 shall:

24             (a) For the first offense, be guilty of an infraction, receive a  
25         citation, be fined three hundred dollars, and be assigned to attend a  
26         course as prescribed in section 29-433 if the judge determines that  
27         attending such course is in the best interest of the individual  
28         defendant;

29             (b) For the second offense, be guilty of a Class IV misdemeanor,  
30         receive a citation, and be fined four hundred dollars and may be  
31         imprisoned not to exceed five days; and

1       (c) For the third and all subsequent offenses, be guilty of a Class  
2       IIIA misdemeanor, receive a citation, be fined five hundred dollars, and  
3       be imprisoned not to exceed seven days.

4       (15) (14) Any person convicted of violating this section, if placed  
5       on probation, shall, as a condition of probation, satisfactorily attend  
6       and complete appropriate treatment and counseling on drug abuse provided  
7       by a program authorized under the Nebraska Behavioral Health Services Act  
8       or other licensed drug treatment facility.

9       (16) (15) Any person convicted of violating this section, if  
10      sentenced to the Department of Correctional Services, shall attend  
11      appropriate treatment and counseling on drug abuse.

12       (17)(a) (16)(a) Any person convicted of a violation of subsection  
13      (1) of this section shall be punished by the next higher penalty  
14      classification than the penalty prescribed in subsection (2), (7), (8),  
15      (9), or (10), or (11) of this section if:

16       (i) The person knowingly or intentionally possessed a firearm while  
17      in violation of subsection (1) of this section; or

18       (ii) Such violation resulted in the use of the controlled substance  
19      and directly and proximately caused the death of, or serious bodily  
20      injury to, another person.

21       (b) A penalty enhanced under this subsection shall in no event  
22      result in a penalty greater than a Class IB felony.

23       (18) (17) A person knowingly or intentionally in possession of money  
24      used or intended to be used to facilitate a violation of subsection (1)  
25      of this section shall be guilty of a Class IV felony.

26       (19) (18) In addition to the existing penalties available for a  
27      violation of subsection (1) of this section, including any criminal  
28      attempt or conspiracy to violate subsection (1) of this section, a  
29      sentencing court may order that any money, securities, negotiable  
30      instruments, firearms, conveyances, or electronic communication devices  
31      as defined in section 28-833 or any equipment, components, peripherals,

1 software, hardware, or accessories related to electronic communication  
2 devices be forfeited as a part of the sentence imposed if it finds by  
3 clear and convincing evidence adduced at a separate hearing in the same  
4 prosecution, following conviction for a violation of subsection (1) of  
5 this section, and conducted pursuant to section 28-1601, that any or all  
6 such property was derived from, used, or intended to be used to  
7 facilitate a violation of subsection (1) of this section.

8 (20) (19) In addition to the penalties provided in this section:

9 (a) If the person convicted or adjudicated of violating this section  
10 is eighteen years of age or younger and has one or more licenses or  
11 permits issued under the Motor Vehicle Operator's License Act:

12 (i) For the first offense, the court may, as a part of the judgment  
13 of conviction or adjudication, (A) impound any such licenses or permits  
14 for thirty days and (B) require such person to attend a drug education  
15 class;

16 (ii) For a second offense, the court may, as a part of the judgment  
17 of conviction or adjudication, (A) impound any such licenses or permits  
18 for ninety days and (B) require such person to complete no fewer than  
19 twenty and no more than forty hours of community service and to attend a  
20 drug education class; and

21 (iii) For a third or subsequent offense, the court may, as a part of  
22 the judgment of conviction or adjudication, (A) impound any such licenses  
23 or permits for twelve months and (B) require such person to complete no  
24 fewer than sixty hours of community service, to attend a drug education  
25 class, and to submit to a drug assessment by a licensed alcohol and drug  
26 counselor; and

27 (b) If the person convicted or adjudicated of violating this section  
28 is eighteen years of age or younger and does not have a permit or license  
29 issued under the Motor Vehicle Operator's License Act:

30 (i) For the first offense, the court may, as part of the judgment of  
31 conviction or adjudication, (A) prohibit such person from obtaining any

1      permit or any license pursuant to the act for which such person would  
2      otherwise be eligible until thirty days after the date of such order and  
3      (B) require such person to attend a drug education class;

4                (ii) For a second offense, the court may, as part of the judgment of  
5      conviction or adjudication, (A) prohibit such person from obtaining any  
6      permit or any license pursuant to the act for which such person would  
7      otherwise be eligible until ninety days after the date of such order and  
8      (B) require such person to complete no fewer than twenty hours and no  
9      more than forty hours of community service and to attend a drug education  
10     class; and

11                (iii) For a third or subsequent offense, the court may, as part of  
12     the judgment of conviction or adjudication, (A) prohibit such person from  
13     obtaining any permit or any license pursuant to the act for which such  
14     person would otherwise be eligible until twelve months after the date of  
15     such order and (B) require such person to complete no fewer than sixty  
16     hours of community service, to attend a drug education class, and to  
17     submit to a drug assessment by a licensed alcohol and drug counselor.

18                A copy of an abstract of the court's conviction or adjudication  
19     shall be transmitted to the Director of Motor Vehicles pursuant to  
20     sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
21     juvenile is prohibited from obtaining a license or permit under this  
22     subsection.

23                **Sec. 2.** Section 28-1354, Revised Statutes Supplement, 2025, is  
24     amended to read:

25                28-1354 For purposes of the Public Protection Act:

26                (1) Enterprise means any individual, sole proprietorship,  
27     partnership, corporation, trust, association, or any legal entity, union,  
28     or group of individuals associated in fact although not a legal entity,  
29     and shall include illicit as well as licit enterprises as well as other  
30     entities;

31                (2) Pattern of racketeering activity means a cumulative loss for one

1 or more victims or gains for the enterprise of not less than one thousand  
2 five hundred dollars resulting from at least two acts of racketeering  
3 activity, one of which occurred after August 30, 2009, and the last of  
4 which occurred within ten years, excluding any period of imprisonment,  
5 after the commission of a prior act of racketeering activity;

6 (3) Until January 1, 2017, person means any individual or entity, as  
7 defined in section 21-2014, holding or capable of holding a legal,  
8 equitable, or beneficial interest in property. Beginning January 1, 2017,  
9 person means any individual or entity, as defined in section 21-214,  
10 holding or capable of holding a legal, equitable, or beneficial interest  
11 in property;

12 (4) Prosecutor includes the Attorney General of the State of  
13 Nebraska, the deputy attorney general, assistant attorneys general, a  
14 county attorney, a deputy county attorney, or any person so designated by  
15 the Attorney General, a county attorney, or a court of the state to carry  
16 out the powers conferred by the act;

17 (5) Racketeering activity includes the commission of, criminal  
18 attempt to commit, conspiracy to commit, aiding and abetting in the  
19 commission of, aiding in the consummation of, acting as an accessory to  
20 the commission of, or the solicitation, coercion, or intimidation of  
21 another to commit or aid in the commission of any of the following:

22 (a) Offenses against the person which include: Murder in the first  
23 degree under section 28-303; murder in the second degree under section  
24 28-304; manslaughter under section 28-305; assault in the first degree  
25 under section 28-308; assault in the second degree under section 28-309;  
26 assault in the third degree under section 28-310; terroristic threats  
27 under section 28-311.01; kidnapping under section 28-313; false  
28 imprisonment in the first degree under section 28-314; false imprisonment  
29 in the second degree under section 28-315; sexual assault in the first  
30 degree under section 28-319; and robbery under section 28-324;

31 (b) Offenses relating to controlled substances which include: To

1 unlawfully manufacture, distribute, deliver, dispense, or possess with  
2 intent to manufacture, distribute, deliver, or dispense a controlled  
3 substance under subsection (1) of section 28-416; possession of marijuana  
4 weighing more than one pound under subsection (13) ~~(12)~~ of section  
5 28-416; possession of money used or intended to be used to facilitate a  
6 violation of subsection (1) of section 28-416 prohibited under subsection  
7 (18) ~~(17)~~ of section 28-416; any violation of section 28-418; to  
8 unlawfully manufacture, distribute, deliver, or possess with intent to  
9 distribute or deliver an imitation controlled substance under section  
10 28-445; possession of anhydrous ammonia with the intent to manufacture  
11 methamphetamine under section 28-451; and possession of ephedrine,  
12 pseudoephedrine, or phenylpropanolamine with the intent to manufacture  
13 methamphetamine under section 28-452;

14 (c) Offenses against property which include: Arson in the first  
15 degree under section 28-502; arson in the second degree under section  
16 28-503; arson in the third degree under section 28-504; burglary under  
17 section 28-507; theft by unlawful taking or disposition under section  
18 28-511; theft by shoplifting under section 28-511.01; theft by deception  
19 under section 28-512; theft by extortion under section 28-513; theft of  
20 services under section 28-515; theft by receiving stolen property under  
21 section 28-517; criminal mischief under section 28-519; and unlawfully  
22 depriving or obtaining property or services using a computer under  
23 section 28-1344;

24 (d) Offenses involving fraud which include: Burning to defraud an  
25 insurer under section 28-505; forgery in the first degree under section  
26 28-602; forgery in the second degree under section 28-603; criminal  
27 possession of a forged instrument under section 28-604; criminal  
28 possession of written instrument forgery devices under section 28-605;  
29 criminal impersonation under section 28-638; identity theft under section  
30 28-639; identity fraud under section 28-640; false statement or book  
31 entry under section 28-612; tampering with a publicly exhibited contest

1 under section 28-614; issuing a false financial statement for purposes of  
2 obtaining a financial transaction device under section 28-619;  
3 unauthorized use of a financial transaction device under section 28-620;  
4 criminal possession of a financial transaction device under section  
5 28-621; unlawful circulation of a financial transaction device in the  
6 first degree under section 28-622; unlawful circulation of a financial  
7 transaction device in the second degree under section 28-623; criminal  
8 possession of a blank financial transaction device under section 28-624;  
9 criminal sale of a blank financial transaction device under section  
10 28-625; criminal possession of a financial transaction forgery device  
11 under section 28-626; unlawful manufacture of a financial transaction  
12 device under section 28-627; laundering of sales forms under section  
13 28-628; unlawful acquisition of sales form processing services under  
14 section 28-629; unlawful factoring of a financial transaction device  
15 under section 28-630; and fraudulent insurance acts under section 28-631;

16 (e) Offenses involving governmental operations which include: Abuse  
17 of public records under section 28-911; perjury or subornation of perjury  
18 under section 28-915; bribery under section 28-917; bribery of a witness  
19 under section 28-918; tampering with a witness or informant or jury  
20 tampering under section 28-919; bribery of a juror under section 28-920;  
21 assault on an officer, an emergency responder, a state correctional  
22 employee, a Department of Health and Human Services employee, or a health  
23 care professional in the first degree under section 28-929; assault on an  
24 officer, an emergency responder, a state correctional employee, a  
25 Department of Health and Human Services employee, or a health care  
26 professional in the second degree under section 28-930; assault on an  
27 officer, an emergency responder, a state correctional employee, a  
28 Department of Health and Human Services employee, or a health care  
29 professional in the third degree under section 28-931; and assault on an  
30 officer, an emergency responder, a state correctional employee, a  
31 Department of Health and Human Services employee, or a health care

1 professional using a motor vehicle under section 28-931.01;

2 (f) Offenses involving gambling which include: Promoting gambling in  
3 the first degree under section 28-1102; possession of gambling records  
4 under section 28-1105; gambling debt collection under section 28-1105.01;  
5 and possession of a gambling device under section 28-1107;

6 (g) Offenses relating to firearms, weapons, and explosives which  
7 include: Carrying a concealed weapon under section 28-1202;  
8 transportation or possession of machine guns, short rifles, or short  
9 shotguns under section 28-1203; unlawful possession of a handgun under  
10 section 28-1204; unlawful transfer of a firearm to a juvenile under  
11 section 28-1204.01; possession of a firearm by a prohibited juvenile  
12 offender under section 28-1204.05; using a deadly weapon to commit a  
13 felony, possession of a deadly weapon during the commission of a felony,  
14 or carrying a firearm or destructive device during the commission of a  
15 dangerous misdemeanor under section 28-1205; possession of a deadly  
16 weapon by a prohibited person under section 28-1206; possession of a  
17 defaced firearm under section 28-1207; defacing a firearm under section  
18 28-1208; unlawful discharge of a firearm under section 28-1212.02;  
19 possession, receipt, retention, or disposition of a stolen firearm under  
20 section 28-1212.03; unlawful possession of explosive materials in the  
21 first degree under section 28-1215; unlawful possession of explosive  
22 materials in the second degree under section 28-1216; unlawful sale of  
23 explosives under section 28-1217; use of explosives without a permit  
24 under section 28-1218; obtaining an explosives permit through false  
25 representations under section 28-1219; possession of a destructive device  
26 under section 28-1220; threatening the use of explosives or placing a  
27 false bomb under section 28-1221; using explosives to commit a felony  
28 under section 28-1222; using explosives to damage or destroy property  
29 under section 28-1223; and using explosives to kill or injure any person  
30 under section 28-1224;

31 (h) Any violation of the Securities Act of Nebraska pursuant to

1 section 8-1117;

2 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to  
3 section 77-2713;

4 (j) Offenses relating to public health and morals which include:  
5 Prostitution under section 28-801; pandering under section 28-802;  
6 keeping a place of prostitution under section 28-804; labor trafficking,  
7 sex trafficking, labor trafficking of a minor, or sex trafficking of a  
8 minor under section 28-831; a violation of section 28-1005; and any act  
9 relating to the visual depiction of sexually explicit conduct prohibited  
10 in the Child Sexual Abuse Material Prevention Act; and

11 (k) A violation of the Computer Crimes Act;

12 (6) State means the State of Nebraska or any political subdivision  
13 or any department, agency, or instrumentality thereof; and

14 (7) Unlawful debt means a debt of at least one thousand five hundred  
15 dollars:

16 (a) Incurred or contracted in gambling activity which was in  
17 violation of federal law or the law of the state or which is  
18 unenforceable under state or federal law in whole or in part as to  
19 principal or interest because of the laws relating to usury; or

20 (b) Which was incurred in connection with the business of gambling  
21 in violation of federal law or the law of the state or the business of  
22 lending money or a thing of value at a rate usurious under state law if  
23 the usurious rate is at least twice the enforceable rate.

24 **Sec. 3.** Section 28-1701, Revised Statutes Supplement, 2025, is  
25 amended to read:

26 28-1701 (1) A person shall not be arrested or prosecuted for an  
27 eligible alcohol or drug offense if such person witnessed or was the  
28 victim of a sexual assault and such person:

29 (a) Either:

30 (i) In good faith, reported such sexual assault to law enforcement;  
31 or

1 (ii) Requested emergency medical assistance for the victim of the  
2 sexual assault; and

3 (b) Evidence supporting the arrest or prosecution of the eligible  
4 alcohol or drug offense was obtained or discovered as a result of such  
5 person reporting such sexual assault to law enforcement or requesting  
6 emergency medical assistance.

7           (2) A person shall not be arrested or prosecuted for an eligible  
8 alcohol or drug offense if:

12 (b) Such person cooperates with law enforcement in the investigation  
13 or prosecution of the sexual assault.

14 (3) For purposes of this section:

15 (a) Eligible alcohol or drug offense means:

16 (i) A violation of subsection (3) or (14) (13) of section 28-416 or  
17 of section 28-441;

18 (ii) A violation of section 53-180.02 committed by a person older  
19 than eighteen years of age and under the age of twenty-one years, as  
20 described in subdivision (4)(a) of section 53-180.05;

21 (iii) A violation of a city or village ordinance similar to  
22 subdivision (3)(a)(i) or (ii) of this section; or

23 (iv) Attempt, conspiracy, solicitation, being an accessory to,  
24 aiding and abetting, aiding the consummation of, or compounding a felony  
25 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this  
26 section as the underlying offense; and

27 (b) Sexual assault means:

28 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,  
29 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
30 28-322.05, 28-703, or 28-1805, sex trafficking or sex trafficking of a  
31 minor under section 28-831, or subdivision (1)(c) or (g) of section

1 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or  
2 (ii) Attempt, conspiracy, solicitation, being an accessory to,  
3 aiding and abetting, aiding the consummation of, or compounding a felony  
4 with any of the offenses listed in subdivision (3)(b)(i) of this section  
5 as the underlying offense.

6 **Sec. 4.** Original sections 28-416, 28-1354, and 28-1701, Revised  
7 Statutes Supplement, 2025, are repealed.