

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 868

Introduced by DeKay, 40.

Read first time January 08, 2026

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
- 2 77-2007.03 and 77-2010, Reissue Revised Statutes of Nebraska; to
- 3 provide an inheritance tax exemption relating to victims of
- 4 homicide; to change provisions relating to when certain inheritance
- 5 taxes are due; to repeal the original sections; and to declare an
- 6 emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 77-2007.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 77-2007.03 (1) Property transferred to either (a) ~~(1)~~ the United
4 States, or any of its departments, instrumentalities, or agencies, or (b)
5 ~~(2)~~ this state, or any governmental subdivision, department, agency, or
6 instrumentality thereof, any municipal corporation or body politic
7 created by or under the laws of Nebraska, or any agency, institution,
8 foundation, or fund administered or operated by any of the same shall be
9 exempt from any inheritance tax imposed by sections 77-2001 to 77-2006,
10 and any amendments thereto.

11 (2)(a) If a decedent was the victim of a homicide or is a potential
12 victim of a homicide, then any interested party may file an application
13 for the inheritance tax exemption described in subdivision (2)(b) of this
14 section with the Department of Revenue on a form prescribed by the
15 department.

16 (b) If the decedent is determined to be the victim of a homicide,
17 then any interest in property passing from such decedent shall be exempt
18 from any inheritance tax imposed by sections 77-2001 to 77-2006, and any
19 amendments thereto.

20 (c) A decedent shall be conclusively presumed to be the victim of a
21 homicide if the person causing the decedent's death is convicted under
22 section 28-303, 28-304, 28-305, or 28-306. In the absence of such a
23 conviction, the court having jurisdiction may determine by a
24 preponderance of the evidence whether the decedent was the victim of a
25 homicide.

26 (d) For purposes of this subsection, homicide has the same meaning
27 as in section 28-302.

28 (e) This subsection applies to decedents dying on or after June 1,
29 2026.

30 **Sec. 2.** Section 77-2010, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 77-2010 (1) Except as provided in subsection (2), All taxes imposed
2 by sections 77-2001 to 77-2037, unless otherwise herein provided for,
3 shall be due and payable twelve months after the date of the death of the
4 decedent, and interest at the rate specified in section 45-104.01, as
5 such rate may from time to time be adjusted by the Legislature, shall be
6 charged and collected on any unpaid taxes due from the date the same
7 became payable, and in all cases in which the personal representatives or
8 trustees do not pay such tax within twelve months from the death of the
9 decedent, they shall be required to give bond in the form and to the
10 effect prescribed in section 77-2009 for the payment of the tax together
11 with interest. In addition, for failure to file an appropriate proceeding
12 for the determination of the tax within twelve months after the date of
13 the death of the decedent there shall be added to the amount due a
14 penalty of five percent per month or fraction thereof, up to a maximum
15 penalty of twenty-five percent of the unpaid taxes due. The filing of a
16 petition or an application for probate proceedings or the filing of an
17 application under section 77-2018.07 and payment of the tentative tax
18 payment within twelve months of the decedent's death shall be considered
19 an appropriate proceeding for the determination to avoid a penalty and to
20 stop the accrual of a penalty. In addition, the county court may abate
21 this penalty if good cause is shown for failure to file.

22 (2) If an application for an inheritance tax exemption under section
23 77-2007.03 is filed with the Department of Revenue within twelve months
24 after the date of the death of the decedent then any inheritance tax
25 imposed by sections 77-2001 to 77-2006, and any amendments thereto, shall
26 be due and payable twelve months after the determination that the
27 decedent is not the victim of a homicide, and interest at the rate
28 specified in section 45-104.01, as such rate may from time to time be
29 adjusted by the Legislature, shall be charged and collected on any unpaid
30 taxes due from the date the same became payable, and in all cases in
31 which the personal representatives or trustees do not pay such tax within

1 twelve months after the determination that the decedent is not the victim
2 of a homicide, they shall be required to give bond in the form and to the
3 effect prescribed in section 77-2009 for the payment of the tax together
4 with interest. In addition, for failure to file an appropriate proceeding
5 for the determination of the tax within twelve months after the
6 determination that the decedent is not the victim of a homicide there
7 shall be added to the amount due a penalty of five percent per month or
8 fraction thereof, up to a maximum penalty of twenty-five percent of the
9 unpaid taxes due. The filing of a petition or an application for probate
10 proceedings or the filing of an application under section 77-2018.07 and
11 payment of the tentative tax payment within twelve months after the
12 determination that the decedent is not the victim of a homicide shall be
13 considered an appropriate proceeding for the determination to avoid a
14 penalty and to stop the accrual of a penalty. In addition, the county
15 court may abate this penalty if good cause is shown for failure to file.

16 **Sec. 3.** Original sections 77-2007.03 and 77-2010, Reissue Revised
17 Statutes of Nebraska, are repealed.

18 **Sec. 4.** Since an emergency exists, this act takes effect when
19 passed and approved according to law.