

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 129**

Introduced by Avery, 28.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section 29-110,  
2 Revised Statutes Cumulative Supplement, 2010; to change  
3 the statute of limitations for crimes as prescribed; and  
4 to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 29-110, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           29-110 (1) Except as otherwise provided by law, no person  
4 shall be prosecuted for any felony unless the indictment is found by  
5 a grand jury within three years next after the offense has been done  
6 or committed or unless a complaint for the same is filed before the  
7 magistrate within three years next after the offense has been done or  
8 committed and a warrant for the arrest of the defendant has been  
9 issued.

10           (2) Except as otherwise provided by law, no person shall  
11 be prosecuted, tried, or punished for any misdemeanor or other  
12 indictable offense below the grade of felony or for any fine or  
13 forfeiture under any penal statute unless the suit, information, or  
14 indictment for such offense is instituted or found within one year  
15 and six months from the time of committing the offense or incurring  
16 the fine or forfeiture or within one year for any offense the  
17 punishment of which is restricted by a fine not exceeding one hundred  
18 dollars and to imprisonment not exceeding three months.

19           (3) Except as otherwise provided by law, no person shall  
20 be prosecuted for kidnapping under section 28-313, false imprisonment  
21 under section 28-314 or 28-315, child abuse under section 28-707,  
22 pandering under section 28-802, debauching a minor under section  
23 28-805, or an offense under section 28-813, 28-813.01, or 28-1463.03  
24 when the victim is under sixteen years of age at the time of the  
25 offense (a) unless the indictment for such offense is found by a

1 grand jury within seven years next after the offense has been  
2 committed or within seven years next after the victim's sixteenth  
3 birthday, whichever is later, or (b) unless a complaint for such  
4 offense is filed before the magistrate within seven years next after  
5 the offense has been committed or within seven years next after the  
6 victim's sixteenth birthday, whichever is later, and a warrant for  
7 the arrest of the defendant has been issued.

8 (4) No person shall be prosecuted for a violation of the  
9 Securities Act of Nebraska under section 8-1117 unless the indictment  
10 for such offense is found by a grand jury within five years next  
11 after the offense has been done or committed or unless a complaint  
12 for such offense is filed before the magistrate within five years  
13 next after the offense has been done or committed and a warrant for  
14 the arrest of the defendant has been issued.

15 (5) No person shall be prosecuted for criminal  
16 impersonation under section 28-638, identity theft under section  
17 28-639, or identity fraud under section 28-640 unless the indictment  
18 for such offense is found by a grand jury within five years next  
19 after the offense has been done or committed or unless a complaint  
20 for such offense is filed before the magistrate within five years  
21 next after the offense has been done or committed and a warrant for  
22 the arrest of the defendant has been issued.

23 (6) No person shall be prosecuted for a violation of  
24 section 68-1017 if the aggregate value of all funds and other  
25 benefits obtained or attempted to be obtained is five hundred dollars

1 or more unless the indictment for such offense is found by a grand  
2 jury within five years next after the offense has been done or  
3 committed or unless a complaint for such offense is filed before the  
4 magistrate within five years next after the offense has been done or  
5 committed and a warrant for the arrest of the defendant has been  
6 issued.

7 (7) There shall not be any time limitations for  
8 prosecution or punishment for treason, murder, arson, forgery, sexual  
9 assault in the first or second degree under section 28-319 or 28-320,  
10 sexual assault of a child in the second or third degree under section  
11 28-320.01, incest under section 28-703, or sexual assault of a child  
12 in the first degree under section 28-319.01; nor shall there be any  
13 time limitations for prosecution or punishment for sexual assault in  
14 the third degree under section 28-320 when the victim is under  
15 sixteen years of age at the time of the offense; nor shall there be  
16 any time limitations for prosecution or punishment of any felony when  
17 DNA evidence is present and a 13-loci DNA profile of such evidence  
18 has been developed.

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

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

24 (10) When any suit, information, or indictment for any  
25 crime or misdemeanor is limited by any statute to be brought or

1 exhibited within any other time than is limited by this section, then  
2 the suit, information, or indictment shall be brought or exhibited  
3 within the time limited by such statute.

4 (11) If any suit, information, or indictment is quashed  
5 or the proceedings set aside or reversed on writ of error, the time  
6 during the pendency of such suit, information, or indictment so  
7 quashed, set aside, or reversed shall not be reckoned within this  
8 statute so as to bar any new suit, information, or indictment for the  
9 same offense.

10 (12) The changes made to this section by Laws 2004, LB  
11 943, shall apply to offenses committed prior to April 16, 2004, for  
12 which the statute of limitations has not expired as of such date and  
13 to offenses committed on or after such date.

14 (13) The changes made to this section by Laws 2005, LB  
15 713, shall apply to offenses committed prior to September 4, 2005,  
16 for which the statute of limitations has not expired as of such date  
17 and to offenses committed on or after such date.

18 (14) The changes made to this section by Laws 2009, LB  
19 97, and Laws 2006, LB 1199, shall apply to offenses committed prior  
20 to May 21, 2009, for which the statute of limitations has not expired  
21 as of such date and to offenses committed on or after such date.

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

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

5                   Sec. 2. Original section 29-110, Revised Statutes  
6 Cumulative Supplement, 2010, is repealed.