

Criminal Statutes of Limitations Nebraska

Last Updated: March 2020

Sexual assault, first degree

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to begin legal proceedings against a perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-319. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual assault of a child, first degree

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to begin legal proceedings against a perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-319.01. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual assault, second or third degree

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to begin legal proceedings against a perpetrator of (a) sexual assault in the second degree, or (b) sexual assault in the third degree when the victim is under 16 years of age at the time of the offense. 2. Otherwise, for sexual assault in the third degree, legal proceedings against the perpetrator must commence within one year and six months of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28-320. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.
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Sexual assault of a child, second or third degree

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to begin legal proceedings against a perpetrator of this crime.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28-320.01. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual assault; use of electronic communication device

Question	Answer
What is the statute of limitations for this crime?	1. For all felonies, (i) indictment must be found by a grand jury within three years after commission of the offense, or (ii) a complaint must be filed within three years after commission of the offense, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28.320.02. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual abuse of an inmate or parolee, first degree

Question	Answer
What is the statute of limitations for this crime?	<ul style="list-style-type: none"> • For all felonies, (i) indictment must be found by a grand jury within three years after commission of the offense, or (ii) a complaint must be filed within three years after commission of the offense, and a warrant for arrest of defendant must have been issued.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28-322.02. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.
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Sexual abuse of an inmate or parolee, second degree

Question	Answer
What is the statute of limitations for this crime?	1. For all felonies, (i) indictment must be found by a grand jury within three years after commission of the offense, or (ii) a complaint must be filed within three years after commission of the offense, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28-322.03. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual abuse of a protected individual (an individual in the care or custody of the Department of Health and Human Services)

Question	Answer
What is the statute of limitations for this crime?	1. For all felonies, (i) indictment must be found by a grand jury within three years after commission of the offense, or (ii) a complaint must be filed within three years after commission of the offense, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Neb. Rev. Stat. § 28-322.04. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexual abuse of a detainee

Question	Answer
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What is the statute of limitations for this crime?	<p>1. For all felonies, (1) indictment must be found by a grand jury within three years after commission of the offense, or (2) a complaint must be filed within three years after commission of the offense, and a warrant for arrest of defendant must have been issued.</p> <p>Note: Prior version had been held unconstitutional by <i>Doe v. Nebraska</i>, 898 F.Supp.2d 1086 (D. Neb. 2012). Current version has been introduced by Laws 2019, LB 519, § 8, eff. Sept. 1, 2019.</p>
Statutory citation(s):	<p>1. Citation for the crime: Neb. Rev. Stat. § 28-322.05.</p> <p>2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.</p>

Incest

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to begin legal proceedings against a perpetrator of this crime.
Statutory citation(s):	<p>1. Citation for the crime: Neb. Rev. Stat. § 28-703.</p> <p>2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.</p>

Child Abuse

Question	Answer
What is the statute of limitations for this crime?	<p>1. If the victim is under 16 years of age at the time of the offense, (i) the indictment must be found by a grand jury within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, or (ii) a complaint must be filed within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.</p>
Statutory citation(s):	<p>1. Citation for the crime: Neb. Rev. Stat. § 28-707.</p> <p>2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.</p>

Pandering

Question	Answer
What is the statute of limitations for this crime?	1. If the victim is under 16 years of age at the time of the offense, (i) the indictment must be found by a grand jury within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, or (ii) a complaint must be filed within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-802. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Debauching a minor

Question	Answer
What is the statute of limitations for this crime?	1. If the victim is under 16 years of age at the time of the offense, (i) the indictment must be found by a grand jury within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, or (ii) a complaint must be filed within seven years after commission of the offense or within seven years after the victim's 16th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-805. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.

Sexually explicit conduct; visual depiction

Question	Answer
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What is the statute of limitations for this crime?	1. The indictment must be found by a grand jury within seven years after commission of the offense or within seven years after the victim's 18th birthday, whichever is later; or a complaint must be filed within seven years after commission of the offense or within seven years next after the victim's 18th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.
Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-813.01. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.
What is the statute of limitations for this crime?	<p>1. There is no time limit to begin legal proceedings against a perpetrator of the crime of sex trafficking of a minor.</p> <p>2. If (a) the victim of sex trafficking is not a minor or (b) any person, other than a trafficking victim, knowingly benefits from or participates in a venture which has, as part of the venture, an act of sexual trafficking:</p> <p>A. the indictment must be found by a grand jury within seven years after commission of the offense or within seven years next after the victim's 18th birthday, whichever is later, or</p> <p>B. a complaint must be filed within seven years after commission of the offense or within seven years next after the victim's 18th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.</p>

Sex trafficking; sex trafficking of a minor

Question	Answer
What is the statute of limitations for this crime?	<p>1. There is no time limit to begin legal proceedings against a perpetrator of the crime of sex trafficking of a minor.</p> <p>2. If (a) the victim of sex trafficking is not a minor or (b) any person, other than a trafficking victim, knowingly benefits from or participates in a venture which has, as part of the venture, an act of sexual trafficking:</p> <ul style="list-style-type: none"> • the indictment must be found by a grand jury within seven years after commission of the offense or within seven years next after the victim's 18th birthday, whichever is later, or • a complaint must be filed within seven years after commission of the offense or within seven years next after the victim's 18th birthday, whichever is later, and a warrant for arrest of defendant must have been issued.

Statutory citation(s):	1. Citation for the crime: Neb. Rev. Stat. § 28-831. 2. Citation for the statute of limitations: Neb. Rev. Stat. § 29-110.
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Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> The time limitations prescribed in Neb. Rev. Stat. § 29-110 shall not extend to any person fleeing from justice.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> Neb. Rev. Stat. § 28-111 Enhanced penalty; enumerated offenses <ul style="list-style-type: none"> Any person who commits sexual assault in the first degree (§ 28-319), sexual assault in the second or third degree (§ 28-320), sexual assault of a child (§§ 28-319.01 and 28-320.01), against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age or disability shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class IB felony or higher classification. If such enhanced penalty exists, please see Neb. Rev. Stat § 29-110 for further details about the statute of limitations for that crime. 2019 NE L.B. 504 (NS) (Jan. 22, 2019) current proposed legislation would amend §§ 28-110 and 28-111, among others, to provide for enhanced penalties for commission of a crime because of a victim's gender identity or association with a person of a certain gender identity. Civil Actions <ul style="list-style-type: none"> Neb. Rev. Stat. § 25-207 Actions for trespass, conversion, other torts and frauds; exceptions. <ul style="list-style-type: none"> Civil action for an injury to the right of the plaintiff, not arising in contract, can only be brought within 4 years. Neb. Rev. Stat. § 25-228 Civil action by victim of sexual assault of a child can only be brought within twelve years after attaining the age of 21. <ul style="list-style-type: none"> 2019 NE L.B. 249 (NS) (January 14, 2019) current proposed legislation would amend § 25-228 to

change statutes of limitations on civil actions arising from sexual assault and sexual assault of a child, and to clarify requirements for bringing such civil actions.

- Neb. Rev. Stat. § 28-113 Civil action authorized—statute of limitations; proof required
 - A person against whom a violation of § 28-111 has been committed may bring a civil action for equitable relief, general and special damages, reasonable attorney’s fees and costs.
 - A civil action brought pursuant to this section must be brought within 4 years after the date of violation of § 28-111.
- The changes made to Neb. Rev. Stat. § 29-110 by Laws 2019, LB 519, applies to offenses committed prior to September 1, 2019, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.