

Initiation Petition

The Object of Petition

The object of this petition is to amend section (1) (C) of Nebraska Revised Statute 28-319, Sexual assault; first degree; penalty. As it states now, "(1) Any person who subjects another person to sexual penetration... (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree."

Text of Measure

Section (1) (C) of Nebraska Revised Statute 28-319, Sexual assault; first degree; penalty shall be amended as follows:

(1) Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of ~~sexual assault in the first degree~~ but less than eighteen years of age is guilty of sexual assault in the first degree.

Sworn Statement

The list below is the name and address of the sponsor(s) of the aforementioned initiative petition.

Name M. A. Yarb, 6205 Ames Ave, Omaha, Ne. 68104
Signature [Handwritten Signature]

STATE OF NEBRASKA)

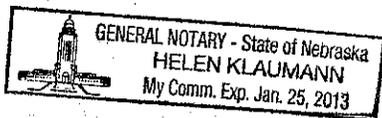
)SS

COUNTY OF DOUGLAS)

Subscribed and Sworn to me this 17 day of November, 2011

[Handwritten Signature: Helen Klaumann]

Notary Public



INITIATIVE PETITION



The object of this petition is to: (See reverse side for actual text of measure)

For Sec of State Use Only

Amend section (1) (C) of Nebraska Revised Statute 28-319, Sexual assault; first degree; penalty. As it states now, "(1) Any person who subjects another person to sexual penetration... (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree."

This proposal will change the age of the victim in the statute to "at least twelve but less than eighteen years of age".

To the Honorable John Gale, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 6th day of November 2012, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS— VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

	Date	SIGNATURE	PRINTED NAME	Date of Birth	ADDRESS (Street name & number)	CITY OR VILLAGE	Zip Code
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STATE OF NEBRASKA }
 COUNTY OF _____ } ss. _____ (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing _____ signatures, that he or she is an elector of the State of Nebraska, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

 Circulator

 Address

 City, State, Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.

(Seal)

 Notary Public

Proposed Initiative Petition Language to Amend Nebraska Statute: (deleted language ~~stricken~~, added language underscored)

A BILL

Be it enacted by the people of the State of Nebraska, FOR AN ACT relating to crimes and offenses; to amend section 28-319, Reissue Revised Statute of Nebraska; to change an age requirement; and to repeal the original section.

Section 1. 28-319, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than ~~sixteen~~ eighteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.

(3) Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of twenty-five years in prison.

Section 2. Original Section 28-319, Reissue Revised Statutes of Nebraska, is repealed.

SAMPLE