

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 730**

Introduced by Mello, 5; Nordquist, 7.

Read first time January 04, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-515,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to theft of services; and to repeal  
4 the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-515, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-515 (1) A person commits theft if he or she  
4 intentionally or knowingly obtains services, which he or she knows  
5 are available only for compensation, by deception or threat or by  
6 false token or other means to avoid payment for the service. Services  
7 include labor, professional service, telephone service, electric  
8 service, cable television service, or other public service,  
9 accommodation in hotels, restaurants, or elsewhere, admission to  
10 exhibitions, and use of vehicles or other movable property. ~~When~~  
11 ~~compensation for service is ordinarily paid immediately upon the~~  
12 ~~rendering of such service, as in the case of hotels and restaurants,~~  
13 ~~refusal to pay or absconding without payment or offer to pay gives~~  
14 ~~rise to a presumption that the service was obtained by deception as~~  
15 ~~to intention to pay.~~

16           (2) A person commits theft if, having control over the  
17 disposition of services of others to which he or she is not entitled,  
18 he or she intentionally or knowingly diverts such services to his or  
19 her own benefit or to the benefit of another not entitled thereto.

20           (3)(a) Except as provided in subdivision (b) of this  
21 subsection, a person commits theft if he or she intentionally or  
22 knowingly secures the performance of a service by agreeing to provide  
23 compensation and, after the service is rendered, fails to make full  
24 payment after receiving notice demanding payment. For purposes of  
25 this subdivision: (i) If the compensation is or was to be paid on a

1 periodic basis, the intent to avoid payment for a service may be  
2 formed at any time during or before a pay period; and (ii) the  
3 partial payment of wages alone is not sufficient evidence to negate  
4 the person's intent to avoid payment for a service.

5 (b) When compensation for service is ordinarily paid  
6 immediately upon the rendering of such service, as in the case of  
7 hotels and restaurants, refusal to pay or absconding without payment  
8 or offer to pay gives rise to a presumption that the service was  
9 obtained by deception as to intention to pay.

10 Sec. 2. Original section 28-515, Reissue Revised Statutes  
11 of Nebraska, is repealed.