

Misdemeanor and Infraction Penalties

Misdemeanors Neb. Rev. Stat. §28-106	
MI Attempt of FIV	0 – 1 year imprisonment and/or up to \$1,000 fine
MII	0 – 6 months imprisonment and/or up to \$1,000 fine
MIII	0 – 3 months imprisonment and/or up to \$500 fine
MIIIA	0 – 7 days imprisonment and/or up to \$500 fine
MIV	Up to a \$500 fine
MV	Up to a \$100 fine

Infractions Neb. Rev. Stat. §29-436	
First	Up to \$100 fine
Second (within 2 years) ¹	\$100 - \$300 fine
Third or Subsequent (all within 2 years)	\$200 - \$500 fine

Possession of Marijuana or K2 (1 ounce or less) Neb. Rev. Stat. §28-416(13)		
First	Infraction	A \$300 fine and possible class ²
Second ³	MIV	0 – 5 days imprisonment ⁴ and a \$400 fine
Third or Subsequent	MIIIA	1 – 7 days imprisonment and a \$500 fine

¹ NEB.REV.STAT. §29-438 lays out the 2 year statute of limitations for prior infraction convictions to be used for enhancement.

² NEB.REV.STAT. §28-416(13)(a) indicates that the defendant may “be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant”.

³ Unlike regular infractions, there is NO apparent statute of limitations for priors when enhancing a Possession of Marijuana (One Ounce or Less) charge.

⁴ NEB.REV.STAT. §28-416(13) states for a second offense, a defendant MAY be imprisoned up to five days, while for a third offense, it states that a defendant SHALL be imprisoned no more than seven days.