

NEB. REV. STAT. § 28-320 (2010). SEXUAL ASSAULT; SECOND OR THIRD DEGREE; PENALTY

(1) Any person who subjects another person to sexual contact

(a) without consent of the victim, or

(b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.

(2) Sexual assault shall be in the second degree and is a Class III felony if the actor shall have caused serious personal injury to the victim.

(3) Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.

Nebraska is a mandatory Public Law 280 state that has retroceded criminal jurisdiction back to the Winnebago and Omaha Reservations.