

LEGISLATIVE BILL 142

Approved by the Governor May 31, 2007

Introduced by Friend, 10; Avery, 28; Erdman, 47; McDonald, 41

FOR AN ACT relating to communications; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of enticement by electronic communication device; to provide a penalty; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-101, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) A person commits the offense of enticement by electronic communication device if he or she is nineteen years of age or over and knowingly and intentionally utilizes an electronic communication device to contact a child under sixteen years of age or a peace officer who is believed by such person to be a child under sixteen years of age and in so doing:

(a) Uses or transmits any indecent, lewd, lascivious, or obscene language, writing, or sound;

(b) Transmits or otherwise disseminates any visual depiction of sexually explicit conduct as defined in section 28-1463.02; or

(c) Offers or solicits any indecent, lewd, or lascivious act.

(2) Enticement by electronic communication device is a Class IV felony.

(3) Enticement by electronic communication device is deemed to have been committed either at the place where the communication was initiated or where it was received.

(4) For purposes of this section, electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device.

Sec. 3. Original section 28-101, Revised Statutes Cumulative Supplement, 2006, is repealed.