

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 285

FINAL READING

Introduced by Pirsch, 4; Cornett, 45; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Schilz, 47; Janssen, 15.

Read first time January 14, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend sections  
2 29-2264, 29-4004, 29-4005, 29-4009, 29-4011, 29-4013,  
3 29-4016, and 83-174.03, Reissue Revised Statutes of  
4 Nebraska, sections 29-4003, 29-4006, and 29-4007, Reissue  
5 Revised Statutes of Nebraska, as amended by sections  
6 25, 26, and 27, respectively, Legislative Bill 97,  
7 One Hundred First Legislature, First Session, 2009,  
8 and sections 14 and 24, Legislative Bill 97, One  
9 Hundred First Legislature, First Session, 2009; to change  
10 and eliminate provisions relating to the Sex Offender  
11 Registration Act; to harmonize provisions; to provide  
12 operative dates; to repeal the original sections; to

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LB 285

1                   outright repeal section 29-4010, Reissue Revised Statutes  
2                   of Nebraska; and to declare an emergency.  
3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 14, Legislative Bill 97, One Hundred  
2 First Legislature, First Session, 2009, is amended to read:

3           Sec. 14. (1) Any person required to register under the  
4 Sex Offender Registration Act who ~~is found to be a sexually~~  
5 ~~violent predator under subdivision (4)(c) of section 29-4005 or~~  
6 is required to register because of a conviction for one or more  
7 of the following offenses, including any substantially equivalent  
8 offense committed in another state, territory, commonwealth, or  
9 other jurisdiction of the United States, and who knowingly and  
10 intentionally uses a social networking web site, or service,  
11 instant messaging, or chat room service that allows a person who  
12 is less than eighteen years of age to access or use its social  
13 networking web site, instant messaging, or chat room service,  
14 commits the offense of unlawful use of the Internet by a prohibited  
15 sex offender:

16           (a) Kidnapping of a minor pursuant to section 28-313;

17           (b) Sexual assault of a child in the first degree  
18 pursuant to section 28-319.01;

19           (c) Sexual assault of a child in the second or third  
20 degree pursuant to section 28-320.01;

21           (d) Incest of a minor pursuant to section 28-703;

22           (e) Pandering of a minor pursuant to section 28-802;

23           (f) Visual depiction of sexually explicit conduct of a  
24 child pursuant to section 28-1463.03 or 28-1463.05;

25           (g) Possessing any visual depiction of sexually explicit

1 conduct pursuant to section 28-813.01;

2 (h) Criminal child enticement pursuant to section 28-311;

3 (i) Child enticement by means of an electronic  
4 communication device pursuant to section 28-320.02;

5 (j) Enticement by electronic communication device  
6 pursuant to section 28-833; or

7 (k) An attempt or conspiracy to commit an offense listed  
8 in subdivisions (1)(a) through (1)(j) of this section.

9 (2) Unlawful use of the Internet by a prohibited sex  
10 offender is a Class I misdemeanor for a first offense. Any second  
11 or subsequent conviction under this section is a Class IIIA felony.

12 Sec. 2. Section 29-2264, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 29-2264 (1) Whenever any person is placed on probation  
15 by a court and satisfactorily completes the conditions of his or  
16 her probation for the entire period or is discharged from probation  
17 prior to the termination of the period of probation, the sentencing  
18 court shall issue an order releasing the offender from probation.  
19 Such order in all felony cases shall provide notice that the  
20 person's voting rights are restored two years after completion of  
21 probation. The order shall include information on restoring other  
22 civil rights through the pardon process, including application to  
23 and hearing by the Board of Pardons.

24 (2) Whenever any person is convicted of a misdemeanor or  
25 felony and is placed on probation by the court or is sentenced to

1 a fine only, he or she may, after satisfactory fulfillment of the  
2 conditions of probation for the entire period or after discharge  
3 from probation prior to the termination of the period of probation  
4 and after payment of any fine, petition the sentencing court to set  
5 aside the conviction.

6 (3) In determining whether to set aside the conviction,  
7 the court shall consider:

8 (a) The behavior of the offender after sentencing;

9 (b) The likelihood that the offender will not engage in  
10 further criminal activity; and

11 (c) Any other information the court considers relevant.

12 (4) The court may grant the offender's petition and issue  
13 an order setting aside the conviction when in the opinion of the  
14 court the order will be in the best interest of the offender and  
15 consistent with the public welfare. The order shall:

16 (a) Nullify the conviction; and

17 (b) Remove all civil disabilities and disqualifications  
18 imposed as a result of the conviction.

19 (5) The setting aside of a conviction in accordance with  
20 the Nebraska Probation Administration Act shall not:

21 (a) Require the reinstatement of any office, employment,  
22 or position which was previously held and lost or forfeited as a  
23 result of the conviction;

24 (b) Preclude proof of a plea of guilty whenever such plea  
25 is relevant to the determination of an issue involving the rights

1 or liabilities of someone other than the offender;

2 (c) Preclude proof of the conviction as evidence of the  
3 commission of the misdemeanor or felony whenever the fact of its  
4 commission is relevant for the purpose of impeaching the offender  
5 as a witness, except that the order setting aside the conviction  
6 may be introduced in evidence;

7 (d) Preclude use of the conviction for the purpose of  
8 determining sentence on any subsequent conviction of a criminal  
9 offense;

10 (e) Preclude the proof of the conviction as evidence  
11 of the commission of the misdemeanor or felony in the event an  
12 offender is charged with a subsequent offense and the penalty  
13 provided by law is increased if the prior conviction is proved;

14 (f) Preclude the proof of the conviction to determine  
15 whether an offender is eligible to have a subsequent conviction set  
16 aside in accordance with the Nebraska Probation Administration Act;

17 (g) Preclude use of the conviction as evidence of  
18 commission of the misdemeanor or felony for purposes of determining  
19 whether an application filed or a license issued under sections  
20 71-1901 to 71-1906.01 or the Child Care Licensing Act or a  
21 certificate issued under sections 79-806 to 79-815 should be  
22 denied, suspended, or revoked;

23 (h) Preclude proof of the conviction as evidence whenever  
24 the fact of the conviction is relevant to a determination of  
25 ~~risk of recidivism~~ the registration period under section ~~29-4013,~~

1 29-4005; or

2 (i) Relieve a person who is convicted of an offense for  
3 which registration is required under the Sex Offender Registration  
4 Act of the duty to register and to comply with the terms of the  
5 act.

6 (6) Except as otherwise provided for the notice in  
7 subsection (1) of this section, changes made to this section by  
8 Laws 2005, LB 713, shall be retroactive in application and shall  
9 apply to all persons, otherwise eligible in accordance with the  
10 provisions of this section, whether convicted prior to, on, or  
11 subsequent to September 4, 2005.

12 Sec. 3. Section 24, Legislative Bill 97, One Hundred  
13 First Legislature, First Session, 2009, is amended to read:

14 Sec. 24. For purposes of the Sex Offender Registration  
15 Act:

16 (1) Aggravated offense means any registrable offense  
17 under section 29-4003 which involves the penetration of, direct  
18 genital touching of, oral to anal contact with, or oral to genital  
19 contact with (a) a victim age thirteen years or older without the  
20 consent of the victim, (b) a victim under the age of thirteen  
21 years, or (c) a victim who the sex offender knew or should  
22 have known was mentally or physically incapable of resisting or  
23 appraising the nature of his or her conduct;

24 ~~(1)~~ (2) Blog means a web site contained on the Internet  
25 that is created, maintained, and updated in a log, journal, diary,

1 or newsletter format by an individual, group of individuals,  
2 or corporate entity for the purpose of conveying information or  
3 opinions to Internet users who visit their web site;

4 ~~(2)~~ (3) Chat room means a web site or server space on  
5 the Internet or communication network primarily designated for the  
6 virtually instantaneous exchange of text or voice transmissions  
7 or computer file attachments amongst two or more computers or  
8 electronic communication device users;

9 ~~(3)~~ (4) Chat room identifiers means the username,  
10 password, symbol, image, or series of symbols, letters, numbers, or  
11 text characters used by a chat room participant to identify himself  
12 or herself in a chat room or to identify the source of any content  
13 transmitted from a computer or electronic communication device to  
14 the web site or server space upon which the chat room is dedicated;

15 (5) DNA sample has the same meaning as in section  
16 29-4103;

17 ~~(4)~~ (6) Domain name means a series of text-based  
18 symbols, letters, numbers, or text characters used to provide  
19 recognizable names to numerically addressed Internet resources that  
20 are registered by the Internet Corporation for Assigned Names and  
21 Numbers;

22 ~~(5)~~ (7) Email means the exchange of electronic text  
23 messages and computer file attachments between computers or other  
24 electronic communication devices over a communications network,  
25 such as a local area computer network or the Internet;



1           ~~(6)~~ (8) Email address means the string of letters,  
2 numbers, and symbols used to specify the source or destination of  
3 an email message that is transmitted over a communication network;

4           (9) Habitual living location means any place that an  
5 offender may stay for a period of more than three days even  
6 though the sex offender maintains a separate permanent address or  
7 temporary domicile;

8           ~~(7)~~ (10) Instant messaging means a direct, dedicated,  
9 and private communication service, accessed with a computer or  
10 electronic communication device, that enables a user of the service  
11 to send and receive virtually instantaneous text transmissions or  
12 computer file attachments to other selected users of the service  
13 through the Internet or a computer communications network;

14           ~~(8)~~ (11) Instant messaging identifiers means the  
15 username, password, symbol, image, or series of symbols, letters,  
16 numbers, images, or text characters used by an instant messaging  
17 user to identify their presence to other instant messaging users or  
18 the source of any content sent from their computer or electronic  
19 communication device to another instant messaging user; and

20           (12) Minor means a person under eighteen years of age;

21           ~~(9)~~ (13) Social networking web site means a web page  
22 or collection of web sites contained on the Internet (a) that  
23 enables users or subscribers to create, display, and maintain a  
24 profile or Internet domain containing biographical data, personal  
25 information, photos, or other types of media, (b) that can be

1 searched, viewed, or accessed by other users or visitors to the  
 2 web site, with or without the creator's permission, consent,  
 3 invitation, or authorization, and (c) that may permit some form of  
 4 communication, such as direct comment on the profile page, instant  
 5 messaging, or email, between the creator of the profile and users  
 6 who have viewed or accessed the creator's profile;—

7 (14) State DNA Data Base means the data base established  
 8 pursuant to section 29-4104; and

9 (15) Temporary domicile means any place at which the  
 10 person actually lives or stays for a period of at least three  
 11 working days.

12 Sec. 4. Section 29-4003, Reissue Revised Statutes of  
 13 Nebraska, as amended by section 25, Legislative Bill 97, One  
 14 Hundred First Legislature, First Session, 2009, is amended to read:

15 29-4003 ~~(1) Except as provided in subsection (2) of this~~  
 16 ~~section,~~ (1) (a) The Sex Offender Registration Act shall apply  
 17 applies to any person who on or after January 1, 1997:

18 ~~(a) Pleads (i) Has ever pled guilty to, pled nolo~~  
 19 ~~contendere to, or been~~ or is found guilty of any of the following:

20 ~~(i) (A) Kidnapping of a minor pursuant to section 28-313,~~  
 21 ~~except when the person is the parent of the minor and was not~~  
 22 ~~convicted of any other offense in this section;~~

23 ~~(ii) (B) False imprisonment of a minor pursuant to~~  
 24 ~~section 28-314 or 28-315;~~

25 ~~(iii) (C) Sexual assault pursuant to section 28-319 or~~

1 28-320;

2 ~~(iv)~~ (D) Sexual assault of a child in the second or third

3 degree pursuant to section 28-320.01;

4 ~~(v)~~ (E) Sexual assault of a child in the first degree

5 pursuant to section 28-319.01;

6 ~~(vi)~~ (F) Sexual ~~assault~~ abuse of a vulnerable adult

7 pursuant to subdivision (1)(c) of section 28-386;

8 ~~(vii)~~ (G) Incest of a minor pursuant to section 28-703;

9 ~~(viii)~~ (H) Pandering of a minor pursuant to section

10 28-802;

11 ~~(ix)~~ (I) Visual depiction of sexually explicit conduct of

12 a child pursuant to section 28-1463.03 or 28-1463.05;

13 ~~(x)~~ (J) Knowingly possessing any visual depiction of

14 sexually explicit conduct which has a child as one of its

15 participants or portrayed observers pursuant to section 28-813.01;

16 ~~(xi)~~ (K) Criminal child enticement pursuant to section

17 28-311;

18 ~~(xii)~~ (L) Child enticement by means of an electronic

19 communication device pursuant to section 28-320.02;

20 ~~(xiii)~~ (M) Debauching a minor pursuant to section 28-805;

21 or

22 ~~(xiv)~~ Enticement by electronic communication device

23 pursuant to section 28-833; ~~or~~

24 ~~(xv)~~ (N) Attempt, solicitation, aiding or abetting,

25 being an accessory, or conspiracy to commit an offense listed

1 in subdivisions ~~(1)(a)(i)~~ (1)(a)(i)(A) through ~~(1)(a)(iv)~~  
 2 (1)(a)(i)(M) of this section;

3 ~~(b)~~ Enters the state and has pleaded (ii) Has ever pled  
 4 guilty to, pled nolo contendere to, or has been found guilty  
 5 of any offense that is substantially equivalent to a registrable  
 6 offense under subdivision ~~(1)(a)~~ (1)(a)(i) of this section by  
 7 any village, town, city, state, territory, commonwealth, or other  
 8 jurisdiction of the United States, by the United States Government,  
 9 or by court-martial or other military tribunal, or by a foreign  
 10 jurisdiction, notwithstanding a procedure comparable in effect to  
 11 that described under section 29-2264 or any other procedure to  
 12 nullify a conviction other than by pardon;

13 ~~(c)~~ (iii) Is incarcerated in a jail, a penal or  
 14 correctional facility, or any other public or private institution  
 15 or is under probation or parole as a result of pleading guilty to  
 16 or being found guilty of a registrable offense under subdivision  
 17 ~~(1)(a)~~ or (b) (1)(a)(i) or (ii) of this section prior to January 1,  
 18 1997; or

19 ~~(d)~~ (iv) Enters the state and is required to register  
 20 as a sex offender under the laws of another village, town, city,  
 21 state, territory, commonwealth, or other jurisdiction of the United  
 22 States.

23 (b) In addition to the registrable offenses under  
 24 subdivision (1)(a) of this section, the Sex Offender Registration  
 25 Act applies to any person who on or after January 1, 2010:

- 1           (i) (A) Except as provided in subdivision (1) (b) (i) (B) of  
2 this section, has ever pled guilty to, pled nolo contendere to, or  
3 been found guilty of any of the following:
- 4           (I) Murder in the first degree pursuant to section  
5 28-303;
- 6           (II) Murder in the second degree pursuant to section  
7 28-304;
- 8           (III) Manslaughter pursuant to section 28-305;
- 9           (IV) Assault in the first degree pursuant to section  
10 28-308;
- 11           (V) Assault in the second degree pursuant to section  
12 28-309;
- 13           (VI) Assault in the third degree pursuant to section  
14 28-310;
- 15           (VII) Stalking pursuant to section 28-311.03;
- 16           (VIII) Unlawful intrusion on a minor pursuant to section  
17 28-311.08;
- 18           (IX) Kidnapping pursuant to section 28-313;
- 19           (X) False imprisonment pursuant to section 28-314 or  
20 28-315;
- 21           (XI) Sexual abuse of an inmate or parolee in the first  
22 degree pursuant to section 28-322.02;
- 23           (XII) Sexual abuse of an inmate or parolee in the second  
24 degree pursuant to section 28-322.03;
- 25           (XIII) Sexual abuse of a protected individual pursuant to

1 section 28-322.04;

2 (XIV) Incest pursuant to section 28-703;

3 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of  
4 section 28-707;

5 (XVI) Enticement by electronic communication device  
6 pursuant to section 28-833; or

7 (XVII) Attempt, solicitation, aiding or abetting, being  
8 an accessory, or conspiracy to commit an offense listed in  
9 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this  
10 section.

11 (B) In order for the Sex Offender Registration Act to  
12 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
13 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,  
14 a court shall have found that evidence of sexual penetration or  
15 sexual contact, as those terms are defined in section 28-318, was  
16 present in the record, which shall include consideration of the  
17 factual basis for a plea-based conviction and information contained  
18 in the presentence report;

19 (ii) Has ever pled guilty to, pled nolo contendere to, or  
20 been found guilty of any offense that is substantially equivalent  
21 to a registrable offense under subdivision (1)(b)(i) of this  
22 section by any village, town, city, state, territory, commonwealth,  
23 or other jurisdiction of the United States, by the United States  
24 Government, by court-martial or other military tribunal, or by  
25 a foreign jurisdiction, notwithstanding a procedure comparable

1 in effect to that described under section 29-2264 or any other  
2 procedure to nullify a conviction other than by pardon; or

3 (iii) Enters the state and is required to register as  
4 a sex offender under the laws of another village, town, city,  
5 state, territory, commonwealth, or other jurisdiction of the United  
6 States.

7 ~~(2) In the case of a person convicted of a violation~~  
8 ~~of section 28-313, 28-314, 28-315, or 28-805, the convicted person~~  
9 ~~shall be subject to the Sex Offender Registration Act, unless the~~  
10 ~~sentencing court determines at the time of sentencing, in light~~  
11 ~~of all the facts, that the convicted person is not subject to the~~  
12 ~~act. The sentencing court shall make such determination part of the~~  
13 ~~sentencing order.~~

14 ~~(3) (2) A person appealing a conviction of a registrable~~  
15 ~~offense under this section shall be required to comply with the act~~  
16 ~~during the appeals process.~~

17 Sec. 5. Section 29-4004, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 29-4004 (1) Any person subject to the Sex Offender  
20 Registration Act shall register with the sheriff of the county in  
21 which the person resides or is temporarily domiciled within five  
22 three working days of after becoming subject to the act at a  
23 location designated by the Nebraska State Patrol for purposes of  
24 accepting such registration.

25 (2) Any person required to register under the act shall

1 inform the sheriff of the county in which he or she resides, in  
2 ~~writing, person, and complete a form as prescribed by the Nebraska~~  
3 ~~State Patrol for such purpose, if he or she has a new address,~~  
4 ~~temporary domicile, or habitual living location, within such county~~  
5 ~~within five~~ three working days ~~after~~ before the address change. The  
6 sheriff shall ~~forward~~ submit such information to the sex offender  
7 registration and community notification division of the Nebraska  
8 State Patrol ~~within five working days after receipt of the new~~  
9 ~~address, on the day it is received and in a manner prescribed by~~  
10 the Nebraska State Patrol for such purpose.

11 (3) Any person required to register under the act shall  
12 inform the sheriff of the county in which he or she resides, in  
13 ~~writing, person, and complete a form as prescribed by the Nebraska~~  
14 ~~State Patrol for such purpose, if he or she has a new address,~~  
15 ~~temporary domicile, or habitual living location in a different~~  
16 ~~county in this state, within five~~ three working days ~~after~~ before  
17 the address change. The sheriff shall ~~forward the new address~~  
18 submit such information to the sex offender registration and  
19 community notification division of the Nebraska State Patrol ~~within~~  
20 ~~five working days after receipt of the new address. The~~ on the  
21 day it is received and in a manner as prescribed by the Nebraska  
22 State Patrol for such purpose. If the change in address, temporary  
23 domicile, or habitual living location is to a location within the  
24 State of Nebraska, the division shall notify the sheriff of the  
25 each affected county to which the person is relocating of the new



1 address, temporary domicile, or habitual living location, within  
2 three working days. The person shall report to the county sheriff  
3 of his or her new county of residence and register with such county  
4 sheriff within ~~five~~ three working days after the address change.

5 (4) Any person required to register under the act shall  
6 inform the sheriff of the county in which he or she resides, in  
7 ~~writing, person,~~ and complete a form as prescribed by the Nebraska  
8 State Patrol for such purpose, if he or she moves to a new  
9 out-of-state address, within ~~five~~ three working days ~~after~~ before  
10 the address change. The sheriff shall ~~forward the new out-of-state~~  
11 ~~address~~ submit such information to the sex offender registration  
12 and notification division of the Nebraska State Patrol ~~within five~~  
13 ~~working days after receipt of the new out-of-state address.~~ The  
14 ~~division shall forward the new out-of-state address to the other~~  
15 ~~state's central repository for sex offender registration.~~ on the  
16 day it is received and in a manner as prescribed by the Nebraska  
17 State Patrol for such purpose. If the change in address, temporary  
18 domicile, or habitual living location is to a location outside of  
19 the State of Nebraska, the division shall notify the sheriff of  
20 each affected county in Nebraska and the other state's, country's,  
21 or territory's central repository for sex offender registration  
22 of the new out-of-state address, temporary domicile, or habitual  
23 living location, within three working days.

24 (5) Any person required to register under the act who is  
25 employed, carries on a vocation, or attends school shall inform, in

1 person, the sheriff of the county in which he or she is employed,  
2 carries on a vocation, or attends school and complete a form as  
3 prescribed by the Nebraska State Patrol for such purpose, within  
4 three working days after becoming employed, carrying on a vocation,  
5 or attending school. The person shall also notify the sheriff,  
6 in person, of any changes in employment, vocation, or school of  
7 attendance, and complete a form as prescribed by the Nebraska  
8 State Patrol for such purpose, within three working days after  
9 the change. The sheriff shall submit such information to the sex  
10 offender registration and community notification division of the  
11 Nebraska State Patrol on the day it is received and in a manner as  
12 prescribed by the Nebraska State Patrol for such purpose.

13           ~~(5)~~ (6) Any person required to register under the act  
14 who is residing, has a temporary domicile, or is habitually living  
15 in another state or is temporarily domiciled in another state,  
16 and is employed, carries on a vocation, or attends school in this  
17 state, shall report and register, in person, with the sheriff of  
18 the county in which he or she is employed, carries on a vocation,  
19 or attends school in this state and complete a form as prescribed  
20 by the Nebraska State Patrol for such purpose, within five ~~five~~ three  
21 working days after becoming employed, carrying on a vocation,  
22 or attending school. The person shall also notify the sheriff  
23 of any changes in employment, vocation, or school of attendance,  
24 in ~~writing,~~ person, and complete a form as prescribed by the  
25 Nebraska State Patrol for such purpose, within ~~five~~ three working

1 days after the change. The sheriff shall ~~forward this~~ submit  
2 such information to the sex offender registration and community  
3 notification division of the Nebraska State Patrol ~~within five~~  
4 ~~working days after receipt of such information.~~ on the day it is  
5 received and in a manner as prescribed by the Nebraska State Patrol  
6 for such purpose. For purposes of this subsection:

7 (a) Attends school means enrollment in any educational  
8 institution in this state on a full-time or part-time basis; and

9 (b) Is employed or carries on a vocation means any  
10 full-time or part-time employment, with or without compensation,  
11 which lasts for a duration of more than fourteen days or for an  
12 aggregate period exceeding thirty days in a calendar year, ~~and~~

13 ~~(c) Temporarily domiciled means a place at which the~~  
14 ~~person actually lives or stays on a temporary basis even though~~  
15 ~~he or she may plan to return to his or her permanent address~~  
16 ~~or to another temporary address. For purposes of this section, a~~  
17 ~~temporary domicile means any place at which the person actually~~  
18 ~~lives or stays for a period of at least five working days.~~

19 ~~(6)~~ (7) Any person incarcerated for a registrable offense  
20 under section 29-4003 in a jail, penal or correctional facility, or  
21 other public or private institution ~~who is not already registered~~  
22 shall be registered by the jail, penal or correctional facility,  
23 or public or private institution prior to his or her discharge,  
24 parole, furlough, work release, or release. The person shall be  
25 informed and information shall be obtained as required in section

1 29-4006.

2 ~~(7) Any person required to register under the act shall~~  
3 ~~inform the sheriff of the county in which he or she resides, in~~  
4 ~~writing, of each postsecondary educational institution at which~~  
5 ~~he or she is employed, carries on a vocation, or attends school,~~  
6 ~~within five working days after such employment or attendance.~~  
7 ~~The person shall also notify the sheriff of any change in such~~  
8 ~~employment or attendance status at the postsecondary educational~~  
9 ~~institution, in writing, within five working days after such~~  
10 ~~change. The sheriff shall forward the information regarding such~~  
11 ~~employment or attendance to the sex offender registration and~~  
12 ~~community notification division of the Nebraska State Patrol within~~  
13 ~~five working days after receipt of the information.~~

14 (8) Any person required to register or who is registered  
15 under the act, but is incarcerated for more than five three  
16 working days, whether or not in his or her own county of  
17 residence or temporary domicile, shall inform the sheriff of the  
18 county in which such person would reside or would be temporarily  
19 domiciled if he or she was not incarcerated, he or she is  
20 incarcerated, in writing, within five three working days after  
21 incarceration, of his or her incarceration and his or her expected  
22 release date, if any such date is available. The sheriff shall  
23 forward the information regarding incarceration to the sex offender  
24 registration and community notification division of the Nebraska  
25 State Patrol immediately on the day on which it was received and in

1 a manner prescribed by the Nebraska State Patrol for such purpose.  
2 ~~within five working days after receipt of the information.~~

3 (9) Any person required to register or who is registered  
4 under the act who no longer has a residence, ~~or~~ temporary domicile,  
5 or habitual living location shall ~~notify the county sheriff in~~  
6 ~~which he or she is located, in writing, report such change in~~  
7 person to the sheriff of the county in which he or she is located,  
8 ~~within five~~ three working days after such change in residence, ~~or~~  
9 temporary domicile, or habitual living location. Such person shall  
10 update his or her registration, ~~in writing, person, to the sheriff~~  
11 of the county in which he or she is located, on a form approved by  
12 the sex offender registration and community notification division  
13 of the Nebraska State Patrol at least once every thirty calendar  
14 days during the time he or she remains without residence, ~~or~~  
15 temporary domicile, or habitual living location.

16 (10) Each registering entity shall forward all written  
17 information, photographs, and fingerprints obtained pursuant to the  
18 act to the sex offender registration and community notification  
19 division of the Nebraska State Patrol ~~within five working days.~~ on  
20 the day it is received and in a manner prescribed by the Nebraska  
21 State Patrol for such purpose. The information shall be forwarded  
22 on forms furnished by the division. The division shall maintain a  
23 central registry of sex offenders required to register under the  
24 act. Any collected DNA samples shall be forwarded to the State DNA  
25 Data Base.

1           Sec. 6. Section 29-4005, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-4005 ~~(1)~~ (1) (a) Except as provided in subsections (2)  
4 ~~and (3)~~ subsection (2) of this section, any person to whom the  
5 Sex Offender Registration Act applies shall be required to register  
6 during any period of supervised release, probation, or parole and  
7 shall continue to comply with the act for a the period of ten  
8 ~~years~~ time after the date of discharge from probation, parole, or  
9 supervised release or release from incarceration, whichever date is  
10 most recent, as set forth in subdivision (b) of this subsection.  
11 ~~The ten-year registration requirement shall not apply to any person~~  
12 ~~while he or she is incarcerated in a jail, a penal or correctional~~  
13 ~~facility, or any other public or private institution. The ten-year~~  
14 ~~registration requirement does not include any~~ A sex offender shall  
15 keep the registration current for the full registration period but  
16 shall not be subject to verification procedures during any time the  
17 sex offender is in custody or under an inpatient civil commitment,  
18 unless the sex offender is allowed a reduction in his or her  
19 registration period under subsection (2) of this section.

20           (b) The full registration period is as follows:

21           (i) Fifteen years, if the sex offender was convicted  
22 of a registrable offense under section 29-4003 not punishable by  
23 imprisonment for more than one year;

24           (ii) Twenty-five years, if the sex offender was convicted  
25 of a registrable offense under section 29-4003 punishable by

1 imprisonment for more than one year; or

2 (iii) Life, if the sex offender was convicted of  
3 a registrable offense under section 29-4003 punishable by  
4 imprisonment for more than one year and was convicted of an  
5 aggravated offense or had a prior sex offense conviction or has  
6 been determined to be a lifetime registrant in another state,  
7 territory, commonwealth, or other jurisdiction of the United  
8 States, by the United States Government, by court-martial or other  
9 military tribunal, or by a foreign jurisdiction.

10 (2) A sex offender who is required to register for  
11 fifteen years may request a reduction in the registration period to  
12 ten years upon completion of ten years of the registration period  
13 after the date of discharge from probation, parole, supervised  
14 release, or incarceration, whichever date is most recent. The sex  
15 offender shall make the request to the Nebraska State Patrol. The  
16 sex offender shall provide proof that, during such registration  
17 period, he or she:

18 (a) Was not convicted of any offense for which  
19 imprisonment for more than one year could have been imposed;

20 (b) Was not convicted of any sex offense;

21 (c) Successfully completed any period of probation,  
22 parole, supervised release, or incarceration; and

23 (d) Successfully completed an appropriate sex offender  
24 treatment program.

25 (3) Any time period when any person who is required to

1 register under the act knowingly or willfully fails to comply with  
2 such registration requirement shall not be counted as completed  
3 registration time and shall be used to recalculate the registration  
4 period. The recalculation shall be completed by the sex offender  
5 registration and community notification division of the Nebraska  
6 State Patrol.

7 ~~(2) A person required to register under section 29-4003~~  
8 ~~shall be required to register under the act for the rest of his~~  
9 ~~or her life if the offense creating the obligation to register is~~  
10 ~~an aggravated offense, if the person has a prior conviction for a~~  
11 ~~registrable offense, or if the person is required to register as~~  
12 ~~a sex offender for the rest of his or her life under the laws of~~  
13 ~~another state, territory, commonwealth, or other jurisdiction of~~  
14 ~~the United States. A sentencing court shall make that fact part of~~  
15 ~~the sentencing order.~~

16 ~~(3)(a) When sentencing a person for a registrable offense~~  
17 ~~under section 29-4003, a court may also determine if the person~~  
18 ~~is a sexually violent predator. When making its determination~~  
19 ~~the court shall consider information contained in the presentence~~  
20 ~~report and the recommendation of experts in the behavior and~~  
21 ~~treatment of sex offenders, victims' rights advocates, and~~  
22 ~~representatives of law enforcement agencies.~~

23 ~~(b) In addition to complying with the annual verification~~  
24 ~~requirements in section 29-4006 and the lifetime registration~~  
25 ~~requirements of subsection (2) of this section, a person determined~~



1 to be a sexually violent predator shall verify the registration  
2 information quarterly after the initial registration date.

3 ~~(4) For purposes of this section:~~

4 ~~(a) Aggravated offense means any registrable offense~~  
5 ~~under section 29-4003 which involves the penetration of (i) a~~  
6 ~~victim age twelve years or more through the use of force or the~~  
7 ~~threat of serious violence or (ii) a victim under the age of twelve~~  
8 ~~years;~~

9 ~~(b) Mental abnormality means a congenital or acquired~~  
10 ~~condition of a person that affects the emotional or volitional~~  
11 ~~capacity of the person in a manner that predisposes that person to~~  
12 ~~the commission of a criminal sexual act to a degree that makes the~~  
13 ~~person a menace to the health and safety of other persons; and~~

14 ~~(c) Sexually violent predator means a person who has been~~  
15 ~~convicted of one or more registrable offenses under section 29-4003~~  
16 ~~and who suffers from a mental abnormality or personality disorder~~  
17 ~~that makes the person likely to engage in sexually violent offenses~~  
18 ~~directed at a stranger, or at a person with whom a relationship~~  
19 ~~has been established or promoted, for the primary purpose of~~  
20 ~~victimization.~~

21 Sec. 7. Section 29-4006, Reissue Revised Statutes of  
22 Nebraska, as amended by section 26, Legislative Bill 97, One  
23 Hundred First Legislature, First Session, 2009, is amended to read:

24 29-4006 (1) Registration information required by the Sex  
25 Offender Registration Act shall be ~~in a form~~ entered into a data

1 base in a format approved by the sex offender registration and  
2 community notification division of the Nebraska State Patrol and  
3 shall include, but not be limited to, the following information:

4 (a) The legal name and all aliases which the person has  
5 used or under which the person has been known;

6 ~~(b) A complete description of the person, including date  
7 of birth, social security number, motor vehicle operator's license  
8 number, photographs, and fingerprints;~~

9 ~~(c) A listing of each registrable offense under section  
10 29-4003 to which the person pleaded guilty or was found guilty, the  
11 jurisdiction where each offense was committed, the court in which  
12 the person pleaded guilty or was found guilty of each offense, and  
13 the name under which the person pleaded guilty or was found guilty  
14 of each offense;~~

15 ~~(d) The name and location of each jail, penal or  
16 correctional facility, or public or private institution to which  
17 the person was incarcerated for each offense and the actual time  
18 served or confined;~~

19 ~~(e) The address of the person's current residence and  
20 place of employment or vocation and any school he or she is  
21 attending; and~~

22 (b) The person's date of birth and any alias dates of  
23 birth;

24 (c) The person's social security number;

25 (d) The address of each residence at which the person

1 resides, has a temporary domicile, has a habitual living location,  
2 or will reside;

3 (e) The name and address of any place where the person  
4 is an employee or will be an employee, including work locations  
5 without a single worksite;

6 (f) The name and address of any place where the person is  
7 a student or will be a student;

8 (g) The license plate number and a description of any  
9 vehicle owned or operated by the person and its regular storage  
10 location;

11 (h) The person's motor vehicle operator's license number,  
12 including the person's valid motor vehicle operator's license or  
13 state identification card submitted for photocopying;

14 (i) The person's original travel and immigration  
15 documents submitted for photocopying;

16 (j) The person's original professional licenses or  
17 certificates submitted for photocopying;

18 (k) The person's remote communication device identifiers  
19 and addresses, including, but not limited to, all global unique  
20 identifiers, serial numbers, Internet protocol addresses, telephone  
21 numbers, and account numbers specific to the device;

22 (l) The person's telephone numbers;

23 (m) A physical description of the person;

24 (n) A digital link to the text of the provision of law  
25 defining the criminal offense or offenses for which the person is

1 registered under the act;

2 (o) Access to the criminal history of the person,  
3 including the date of all arrests and convictions, the status  
4 of parole, probation, or supervised release, registration status,  
5 and the existence of any outstanding arrest warrants for the  
6 person;

7 (p) A current photograph of the person;

8 (q) A set of fingerprints and palm prints of the person;

9 (r) A DNA sample of the person; and

10 ~~(f)~~ (s) All email addresses, instant messaging  
11 identifiers, chat room identifiers, global unique identifiers, and  
12 other Internet communication identifiers that the person uses or  
13 plans to use, all domain names registered by the registrant, and  
14 all blogs and Internet sites maintained by the person or to which  
15 the person has uploaded any content or posted any messages or  
16 information.

17 (2) When the person provides any information under  
18 ~~subdivision (f) of subsection (1)~~ subdivision (1)(k) or (s) of  
19 this section, the registrant shall sign a consent form, provided by  
20 the law enforcement agency receiving this information, authorizing  
21 the:

22 (a) Search of all the computers or electronic  
23 communication devices possessed by the person; and

24 (b) Installation of hardware or software to monitor  
25 the person's Internet usage on all the computers or electronic

1 communication devices possessed by the person.

2 (3) For the duration of the registration period required  
3 by the act, Except as provided in section 29-4005, the registration  
4 information shall be verified annually within thirty days after  
5 the anniversary date of the person's initial registration date.  
6 To properly verify, the following shall occur: as provided in  
7 subsections (4), (5), and (6) of this section for the duration of  
8 the registration period. The person shall appear in person for such  
9 verification at the office of the sheriff of the county in which he  
10 or she resides, has a temporary domicile, or is habitually living  
11 for purposes of accepting verifications and shall have his or  
12 her photograph and fingerprints taken upon request of verification  
13 personnel.

14 (a) The sex offender registration and community  
15 notification division of the Nebraska State Patrol shall mail a  
16 nonforwardable verification form to the last-reported address of  
17 the person;

18 (b) The verification form shall be signed by the person  
19 and state whether the address last reported to the division is  
20 still correct; and

21 (c) The person shall mail the verification form to the  
22 division within ten days after receipt of the form.

23 (4) If the person fails to complete and mail the  
24 verification form to the sex offender registration and community  
25 notification division of the Nebraska State Patrol within ten days

1 after receipt of the form, or the form cannot be delivered due to  
2 the registrant not being at the address last reported, the person  
3 shall be in violation of this section unless the person proves that  
4 the address last reported to the division is still correct.

5 (4) A person required to register under the act for  
6 fifteen years shall report every twelve months in the month of  
7 his or her birth, in person, to the office of the sheriff of  
8 the county in which he or she resides for purposes of accepting  
9 verifications, regardless of the original registration month. The  
10 sheriff shall submit such verification information to the sex  
11 offender registration and community notification division of the  
12 Nebraska State Patrol on the day it is received and in a manner  
13 prescribed by the Nebraska State Patrol for such purpose.

14 (5) A person required to register under the act for  
15 twenty-five years shall report, in person, every six months to  
16 the office of the sheriff of the county in which he or she  
17 resides for purposes of accepting verification. The person shall  
18 report, in person, in the month of his or her birth and in the  
19 sixth month following the month of his or her birth, regardless  
20 of the original registration month. The sheriff shall submit such  
21 verification information to the sex offender registration and  
22 community notification division of the Nebraska State Patrol on the  
23 day it is received and in a manner prescribed by the Nebraska State  
24 Patrol for such purpose.

25 (6) A person required to register under the act for life

1 shall report, in person, every three months to the office of the  
2 sheriff of the county in which he or she resides for purposes of  
3 accepting verification. The person shall report, in person, in the  
4 month of his or her birth and every three months following the  
5 month of his or her birth, regardless of the original registration  
6 month. The sheriff shall submit such verification information to  
7 the sex offender registration and community notification division  
8 of the Nebraska State Patrol on the day it is received and in a  
9 manner prescribed by the Nebraska State Patrol for such purpose.

10 (7) The verification form shall be signed by the person  
11 required to register under the act and state whether the address  
12 last reported to the division is still correct.

13 (8) Upon receipt of registration and confirmation of the  
14 registry requirement, the sex offender registration and community  
15 notification division of the Nebraska State Patrol shall notify  
16 the person by certified mail of his or her registry duration and  
17 verification schedule.

18 (9) If the person required to register under the act  
19 fails to report in person as required in subsection (4), (5), or  
20 (6) of this section, the person shall be in violation of this  
21 section.

22 ~~(5)~~ (10) If the person required to register under the  
23 act falsifies the registration or verification information or form  
24 or fails to provide or timely update law enforcement of any  
25 of the information required to be provided by the Sex Offender

1 Registration Act, the person shall be in violation of this section.

2           ~~(6)~~ (11) The requirement to verify the address of a  
 3 sexually violent predator quarterly as provided in section 29-4005  
 4 and the requirement to verify the address of any other registrant  
 5 annually as required in this section verification requirements  
 6 of a person required to register under the act shall not apply  
 7 during periods of such registrant's person's incarceration or  
 8 inpatient civil commitment. Address verification Verification shall  
 9 be resumed as soon as such incarcerated person is placed on any  
 10 type of supervised release, parole, or probation or outpatient  
 11 civil commitment or is released from incarceration or civil  
 12 commitment. Prior to any type of release from incarceration,  
 13 such or inpatient civil commitment, the person shall report the  
 14 a change of address, in writing, to the sheriff of the county  
 15 in which he or she is incarcerated and the sheriff of the county  
 16 in which he or she resides, has a temporary domicile, or has a  
 17 habitual living location. or is temporarily domiciled. The sheriff  
 18 shall forward submit the change of address to the sex offender  
 19 registration and community notification division of the Nebraska  
 20 State Patrol on the day it is received and in a manner prescribed  
 21 by the Nebraska State Patrol for such purpose.

22           ~~(7)~~ (12) Any person required to register under the  
 23 Sex Offender Registration Act act shall, in person, inform the  
 24 sheriff of any legal change in name, in writing, within five three  
 25 working days after such change, and provide a copy of the legal



1 documentation supporting the change in name. The sheriff shall  
2 ~~forward~~ submit the information to the sex offender registration and  
3 community notification division of the Nebraska State Patrol, in  
4 writing, ~~within five working days~~ immediately after receipt of the  
5 information and in a manner prescribed by the Nebraska State Patrol  
6 for such purpose.

7 ~~(8)~~ (13) Any person required to register under the Sex  
8 Offender Registration Act shall inform the sheriff with whom he  
9 or she is required to register of any changes in or additions  
10 to such person's list of email addresses, instant messaging  
11 identifiers, chat room identifiers, global unique identifiers,  
12 and other Internet communication identifiers that the registrant  
13 uses or plans to use, all domain names registered by the person,  
14 and all blogs and Internet web sites maintained by the person  
15 or to which the person has uploaded any content or posted any  
16 messages or information, in writing, by the next working day. The  
17 sheriff receiving this updated information shall ~~forward~~ submit  
18 the information to the sex offender registration and community  
19 notification division of the Nebraska State Patrol, in writing, by  
20 the next working day after receipt of the information.

21 (14) At any time that a person required to register  
22 under the act violates the registry requirements and cannot be  
23 located, the registry information shall reflect that the person has  
24 absconded, a warrant shall be sought for the person's arrest, and  
25 the United States Marshals Service shall be notified.

1           Sec. 8. Section 29-4007, Reissue Revised Statutes of  
2 Nebraska, as amended by section 27, Legislative Bill 97, One  
3 Hundred First Legislature, First Session, 2009, is amended to read:

4           29-4007 (1) When sentencing a person convicted of a  
5 registrable offense under section 29-4003, the court shall:

6           (a) Provide written notification of the duty to register  
7 under the Sex Offender Registration Act at the time of sentencing  
8 to any defendant who has ~~pleaded~~ pled guilty or has been found  
9 guilty of a registrable offense under section 29-4003. The written  
10 notification shall:

11           (i) Inform the defendant of whether or not he or she  
12 is subject to the act, the duration of time he or she will be  
13 subject to the act, and that he or she shall report to a location  
14 designated by the Nebraska State Patrol for purposes of accepting  
15 such registration within three working days after the date of the  
16 written notification to register;

17           ~~(i)~~ (ii) Inform the defendant that if he or she moves to  
18 another address within the same county, he or she must report to  
19 the county sheriff of the county in which he or she is residing or  
20 ceases to have a residence or temporary domicile, he or she must  
21 report all address changes, including not having a residence or  
22 temporary domicile, to the county sheriff in the county where he or  
23 she has been residing within five ~~three~~ working days after ~~after~~ before  
24 his or her move;

25           (iii) Inform the defendant that if he or she no longer

1 has a residence, temporary domicile, or habitual living location,  
2 he or she shall report such change in person to the sheriff of  
3 the county in which he or she is located within three working days  
4 after such change in residence, temporary domicile, or habitual  
5 living location;

6 ~~(ii)~~ (iv) Inform the defendant that if he or she moves  
7 to another county in the State of Nebraska, he or she must notify,  
8 in person, the county sheriff in of the county where in which he  
9 or she had been last residing, had a temporary domicile, or had a  
10 habitual living location and the county sheriff ~~in~~ of the county  
11 where in which he or she is residing, has a temporary domicile, or  
12 is habitually living of his or her current address. The notice must  
13 be given within ~~five~~ three working days ~~after~~ before his or her  
14 move;

15 ~~(iii)~~ (v) Inform the defendant that if he or she moves  
16 to another state, he or she must report, in person, the change of  
17 address to the county sheriff of the county ~~where~~ in which he or  
18 she has been residing, has had a temporary domicile, or has had  
19 a habitual living location and must comply with the registration  
20 requirements of the state to which he or she is moving. The notice  
21 must be given within ~~five~~ three working days ~~after~~ before his or  
22 her move;

23 ~~(iv)~~ (vi) Inform the defendant that he or she shall (A)  
24 inform the sheriff of the county in which he or she resides,  
25 has a temporary domicile, or is habitually living, in writing,

1 person, of each ~~postsecondary~~ educational institution at which he  
2 or she is employed, carries on a vocation, or attends school,  
3 within ~~five~~ three working days after such employment or attendance,  
4 and (B) notify the sheriff of any change in such employment or  
5 attendance status of such person at such ~~postsecondary~~ educational  
6 institution, within three working days;

7 (vii) Inform the defendant that he or she shall (A)  
8 inform the sheriff of the county in which the employment site is  
9 located, in person, of the name and address of any place where he  
10 or she is or will be an employee, within three working days after  
11 such employment, and (B) inform the sheriff of the county in which  
12 the employment site is located, in person, of any change in his or  
13 her employment;

14 ~~(v)~~ (viii) Inform the defendant that if he or she goes  
15 to another state to work or goes to another state as a student and  
16 still resides, has a temporary domicile, or has a habitual living  
17 location ~~or is temporarily domiciled~~ in this state, he or she must  
18 comply with the registration requirements of both states;

19 ~~(vi)~~ (ix) Inform the defendant that fingerprints, palm  
20 prints, a DNA sample if not previously collected, and a photograph  
21 will be obtained by any registering entity in order to comply with  
22 the registration requirements;

23 (x) Inform the defendant of registry and verification  
24 locations;

25 (xi) Inform the defendant of the reduction request

1 requirements, if eligible, under section 29-4005;

2           ~~(vii)~~ (xii) Inform the defendant that he or she must  
3 provide a list to all sheriffs with whom he or she must register  
4 of all email addresses, instant messaging identifiers, chat  
5 room identifiers, global unique identifiers, and other Internet  
6 communication identifiers that the defendant uses or plans to  
7 use, all domain names registered by the defendant, and all blogs  
8 and Internet web sites maintained by the defendant or to which  
9 the defendant has uploaded any content or posted any messages or  
10 information;

11           ~~(viii)~~ (xiii) Inform the defendant that he or she  
12 is required to inform the sheriff with whom he or she is  
13 required to register of any changes in or additions to his or  
14 her list of email addresses, instant messaging identifiers, chat  
15 room identifiers, global unique identifiers, and other Internet  
16 communication identifiers that the defendant uses or plans to  
17 use, all domain names registered by the defendant, and all blogs  
18 and Internet web sites maintained by the defendant or to which  
19 the defendant has uploaded any content or posted any messages or  
20 information, in writing, by the next working day after such change  
21 or addition; and

22           ~~(ix)~~ (xiv) Inform the defendant that throughout the  
23 applicable registration period, if applicable, he or she is  
24 prohibited from accessing or using any Internet social networking  
25 web site or any instant messaging or chat room service that has

1 the likelihood of allowing the defendant to have contact with any  
2 child who is under the age of eighteen years ~~should the Nebraska~~  
3 ~~State Patrol classify such defendant as a level II or level III sex~~  
4 ~~offender or~~ if the defendant has been convicted and is currently  
5 being sentenced for:

6 (A) Kidnapping of a minor pursuant to section 28-313;

7 (B) False imprisonment of a minor pursuant to section  
8 28-314 or 28-315;

9 (C) Sexual assault in the first degree pursuant to  
10 subdivision (1)(c) of section 28-319 or sexual assault of a child  
11 in the first degree pursuant to section 28-319.01;

12 (D) Sexual assault of a child in the second or third  
13 degree pursuant to section 28-320.01;

14 (E) Incest of a minor pursuant to section 28-703;

15 (F) Visual depiction of sexually explicit conduct of a  
16 child pursuant to section 28-1463.03 or 28-1463.05;

17 (G) Knowingly possessing any visual depiction of sexually  
18 explicit conduct pursuant to section 28-813.01;

19 (H) Criminal child enticement pursuant to section 28-311;

20 (I) Child enticement by means of an electronic  
21 communication device pursuant to section 28-320.02;

22 (J) Enticement by electronic communication device  
23 pursuant to section 28-833; or

24 (K) Any attempt or conspiracy to commit an offense listed  
25 in subdivisions ~~(1)(a)(ix)(A) through (1)(a)(ix)(J)~~ (1)(a)(xiv)(A)

1 through (1) (a) (xiv) (J) of this section;

2 (b) Require the defendant to read and sign a form stating  
3 that the duty of the defendant to register under the Sex Offender  
4 Registration Act has been explained;

5 (c) Retain a copy of the written notification signed by  
6 the defendant; and

7 ~~(d) If the defendant is adjudicated a sexually violent~~  
8 ~~predator, include the supporting reports and other information~~  
9 ~~supporting this finding.~~

10 (d) Provide a A copy of the signed, written notification,  
11 the judgment and sentence, the information or amended information,  
12 and the journal entry of the court shall be provided to the  
13 county attorney, the defendant, the sex offender registration and  
14 community notification division of the Nebraska State Patrol, and  
15 the county sheriff of the county in which the defendant resides,  
16 has a temporary domicile, or has a habitual living location. or is  
17 ~~temporarily domiciled.~~

18 (2) When a person is convicted of a registrable offense  
19 under section 29-4003 and is not subject to immediate incarceration  
20 upon sentencing, prior to being released by the court, the  
21 sentencing court shall ensure that the defendant is registered  
22 by the sheriff of the county in which the defendant is convicted  
23 no later than the time of sentencing. The sheriff shall obtain  
24 full registration information and documents as required by section  
25 29-4006, and forward the information and documents to the sex

1 ~~offender registration and community notification division of the~~  
2 ~~Nebraska State Patrol within five working days.~~ a Nebraska State  
3 Patrol office or other location designated by the patrol for  
4 purposes of accepting registrations.

5 (3) (a) The Department of Correctional Services or a city  
6 or county correctional or jail facility shall provide written  
7 notification of the duty to register pursuant to the Sex Offender  
8 Registration Act to any person committed to its custody for a  
9 registrable offense under section 29-4003 prior to the person's  
10 release from incarceration. The written notification shall:

11 (i) Inform the person of whether or not he or she is  
12 subject to the act, the duration of time he or she will be  
13 subject to the act, and that he or she shall report to a location  
14 designated by the Nebraska State Patrol for purposes of accepting  
15 such registration within three working days after the date of the  
16 written notification to register;

17 ~~(i)~~ (ii) Inform the person that if he or she moves to  
18 another address within the same county, he or she must report  
19 all address changes, in person, to the county sheriff ~~in~~ of the  
20 county ~~where~~ in which he or she has been residing within ~~five~~ three  
21 working days ~~after~~ before his or her move;

22 (iii) Inform the defendant that if he or she no longer  
23 has a residence, temporary domicile, or habitual living location,  
24 he or she shall report such change in person to the sheriff of  
25 the county in which he or she is located within three working days



1 after such change in residence, temporary domicile, or habitual  
2 living location;

3 ~~(ii)~~ (iv) Inform the person that if he or she moves to  
4 another county in the State of Nebraska, he or she must notify,  
5 in person, the county sheriff ~~in~~ of the county ~~where~~ in which he  
6 or she had been last residing, had a temporary domicile, or had a  
7 habitual living location and the county sheriff ~~in~~ of the county  
8 ~~where~~ in which he or she is residing, has a temporary domicile, or  
9 is habitually living of his or her current address. The notice must  
10 be given within ~~five~~ three working days ~~after~~ before his or her  
11 move;

12 ~~(iii)~~ (v) Inform the person that if he or she moves  
13 to another state, he or she must report, in person, the change  
14 of address to the county sheriff of the county ~~where~~ in which  
15 he or she has been residing, has had a temporary domicile, or  
16 has been habitually living and must comply with the registration  
17 requirements of the state to which he or she is moving. The ~~notice~~  
18 report must be given within ~~five~~ three working days ~~after~~ before  
19 his or her move;

20 ~~(iv)~~ (vi) Inform the person that he or she shall (A)  
21 inform the sheriff of the county in which he or she resides,  
22 has a temporary domicile, or is habitually living, in writing,  
23 person, of each ~~postsecondary~~ educational institution at which he  
24 or she is employed, carries on a vocation, or attends school,  
25 within ~~five~~ three working days after such employment or attendance,

1 and (B) notify the sheriff of any change in such employment or  
2 attendance status of such person at such ~~postsecondary~~ educational  
3 institution, within three working days after such change;

4 (vii) Inform the person that he or she shall (A) inform  
5 the sheriff of the county in which the employment site is located,  
6 in person, of the name and address of any place where he or she  
7 is or will be an employee, within three working days after such  
8 employment, and (B) inform the sheriff of the county in which the  
9 employment site is located, in person, of any change in his or her  
10 employment;

11 ~~(v)~~ (viii) Inform the person that if he or she goes to  
12 another state to work or goes to another state as a student and  
13 still resides, has a temporary domicile, or has a habitual living  
14 location or is temporarily domiciled in this state, he or she must  
15 comply with the registration requirements of both states;

16 ~~(vi)~~ (ix) Inform the defendant that fingerprints, palm  
17 prints, a DNA sample if not previously collected, and a photograph  
18 will be obtained by any registering entity in order to comply with  
19 the registration requirements;

20 (x) Inform the defendant of registry and verification  
21 locations;

22 (xi) Inform the defendant of the reduction request  
23 requirements, if eligible, under section 29-4005;

24 ~~(vii)~~ (xii) Inform the defendant that he or she must  
25 provide a list to all sheriffs with whom he or she must register

1 of all email addresses, instant messaging identifiers, chat  
2 room identifiers, global unique identifiers, and other Internet  
3 communication identifiers that the defendant uses or plans to  
4 use, all domain names registered by the defendant, and all blogs  
5 and Internet web sites maintained by the defendant or to which  
6 the defendant has uploaded any content or posted any messages or  
7 information;

8 ~~(viii)~~ (xiii) Inform the defendant that he or she  
9 is required to inform the sheriff with whom he or she is  
10 required to register of any changes in or additions to his or  
11 her list of email addresses, instant messaging identifiers, chat  
12 room identifiers, global unique identifiers, and other Internet  
13 communication identifiers that the defendant uses or plans to  
14 use, all domain names registered by the defendant, and all blogs  
15 and Internet web sites maintained by the defendant or to which  
16 the defendant has uploaded any content or posted any messages or  
17 information, in writing, by the next working day after such change  
18 or addition; and

19 ~~(ix)~~ (xiv) Inform the defendant that throughout the  
20 applicable registration period, if applicable, he or she is  
21 prohibited from accessing or using any Internet social networking  
22 web site or any instant messaging or chat room service that has  
23 the likelihood of allowing the defendant to have contact with any  
24 child who is under the age of eighteen years ~~should the Nebraska~~  
25 ~~State Patrol classify such defendant as a level II or level III sex~~

1 ~~offender or~~ if the defendant has been convicted and is currently  
 2 being sentenced for:

3 (A) Kidnapping of a minor pursuant to section 28-313;

4 (B) False imprisonment of a minor pursuant to section  
 5 28-314 or 28-315;

6 (C) Sexual assault in the first degree pursuant to  
 7 subdivision (1)(c) of section 28-319 or sexual assault of a child  
 8 in the first degree pursuant to section 28-319.01;

9 (D) Sexual assault of a child in the second or third  
 10 degree pursuant to section 28-320.01;

11 (E) Incest of a minor pursuant to section 28-703;

12 (F) Visual depiction of sexually explicit conduct of a  
 13 child pursuant to section 28-1463.03 or 28-1463.05;

14 (G) Knowingly possessing any visual depiction of sexually  
 15 explicit conduct pursuant to section 28-813.01;

16 (H) Criminal child enticement pursuant to section 28-311;

17 (I) Child enticement by means of an electronic  
 18 communication device pursuant to section 28-320.02;

19 (J) Enticement by electronic communication device  
 20 pursuant to section 28-833; or

21 (K) Any attempt or conspiracy to commit an offense listed  
 22 in subdivisions ~~(3)(a)(ix)(A) through (3)(a)(ix)(J)~~ (3)(a)(xiv)(A)  
 23 through (3)(a)(xiv)(J) of this section.

24 (b) The Department of Correctional Services or a city or  
 25 county correctional or jail facility shall:

1           (i) Require the person to read and sign the notification  
2 form stating that the duty to register under the Sex Offender  
3 Registration Act has been explained;

4           (ii) Retain a signed copy of the written notification to  
5 register; and

6           (iii) Provide a copy of the signed, written notification  
7 to register to the person, and to the sex offender registration  
8 and community notification division of the Nebraska State Patrol,     
9 ~~and the sheriff of the county in which the person will be residing~~  
10 ~~upon release from the institution. If the person is going to reside~~  
11 ~~outside of the State of Nebraska, then notification to the sheriff~~  
12 ~~is not required.~~

13           (4) If a person is convicted of a registrable offense  
14 under section 29-4003 and is immediately incarcerated, he or she  
15 shall be registered as required under the act prior to discharge,  
16 parole, or work release.

17           ~~(4)~~ (5) The Department of Motor Vehicles shall cause  
18 written notification of the duty to register to be provided on  
19 the applications for a motor vehicle operator's license and for a  
20 commercial driver's license.

21           ~~(5)~~ (6) All written notification as provided in this  
22 section shall be on a form ~~prepared~~ approved by the Attorney  
23 General.

24           Sec. 9. Section 29-4009, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   29-4009 (1) Information obtained under the Sex Offender  
 2 Registration Act shall not be confidential, except that ~~the~~  
 3 following information shall only be disclosed to law enforcement  
 4 agencies, including federal or state probation or parole agencies,  
 5 if appropriate:

6                   (a) A sex offender's social security number;

7                   (b) Any references to arrests of a sex offender that did  
 8 not result in conviction;

9                   (c) A sex offender's travel or immigration document  
 10 information;

11                  (d) A sex offender's remote communication device  
 12 identifiers and addresses;

13                  (e) A sex offender's email addresses, instant messaging  
 14 identifiers, chat room identifiers, global unique identifiers, and  
 15 other Internet communication identifiers;

16                  (f) A sex offender's telephone numbers;

17                  (g) A sex offender's motor vehicle operator's license  
 18 information or state identification card number; and

19                  (h) The name of any employer of a sex offender.

20                  ~~(1) Information shall be disclosed to law enforcement~~  
 21 ~~agencies for law enforcement purposes;~~

22                  ~~(2) Information on persons subject to section 83-174.03~~  
 23 ~~shall be disclosed to the Office of Parole Administration;~~

24                  ~~(3) Information concerning a defendant who is registered~~  
 25 ~~and reports to be employed with, carrying on a vocation at,~~

1 or attending a postsecondary educational institution, shall be  
2 disclosed to the law enforcement agency having responsibility for  
3 the campus where the institution is located. This notification  
4 shall go to the affected campus police, if any, and other law  
5 enforcement agency having jurisdiction in the area in which the  
6 institution is located;

7 ~~(4) Information may be disclosed to governmental~~  
8 ~~agencies conducting confidential background checks for employment,~~  
9 ~~volunteer, licensure, or certification purposes;~~

10 ~~(5) Information may be disclosed to health care providers~~  
11 ~~who serve children or vulnerable adults for the purpose of~~  
12 ~~conducting confidential background checks for employment;~~

13 ~~(6) Information concerning the address or whereabouts of~~  
14 ~~the person required to register may be disclosed to the victim or~~  
15 ~~victims of such person; and~~

16 ~~(7) (2) The Nebraska State Patrol, any law enforcement~~  
17 ~~agency, and any probation or parole officer may release relevant~~  
18 ~~information that is necessary to protect the public concerning a~~  
19 ~~specific person required to register, except that the identity of~~  
20 ~~a any victim of an a sex offense that requires registration shall~~  
21 ~~not be released.~~

22 (3) The release of information authorized by this  
23 section shall conform with the rules and regulations adopted and  
24 promulgated by the Nebraska State Patrol pursuant to section  
25 29-4013.

1           Sec. 10. Section 29-4011, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-4011 (1) Any person required to register under the Sex  
4 Offender Registration Act who violates the act is guilty of a Class  
5 IV felony, ~~unless the act which caused the person to be placed on~~  
6 ~~the registry was a misdemeanor, in which case a violation of the~~  
7 ~~Sex Offender Registration Act shall be a crime of the same class or~~  
8 ~~within the same penalty range as the original act.~~

9           (2) Any person required to register under the ~~Sex~~  
10 ~~Offender Registration Act~~ act who violates the act and who has  
11 previously been convicted of a violation of the act is guilty of  
12 a Class III felony and shall be sentenced to a mandatory minimum  
13 term of at least one year in prison unless the ~~act~~ violation which  
14 caused the person to be placed on the registry was a misdemeanor,  
15 in which case the violation of the ~~Sex Offender Registration Act~~  
16 act shall be a Class IV felony.

17           (3) Any law enforcement agency with jurisdiction in the  
18 area in which a person required to register under the act resides,  
19 has a temporary domicile, maintains a habitual living location,  
20 is employed, carries on a vocation, or attends school shall  
21 investigate and enforce violations of the act.

22           Sec. 11. Section 29-4013, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           29-4013 (1) The Nebraska State Patrol shall adopt and  
25 promulgate rules and regulations to carry out the registration



1 provisions of the Sex Offender Registration Act.

2 (2) (a) The Nebraska State Patrol shall adopt and  
3 promulgate rules and regulations for the release of information  
4 pursuant to section 29-4009.

5 ~~(b) The rules and regulations adopted by the Nebraska~~  
6 ~~State Patrol shall identify and incorporate factors relevant to the~~  
7 ~~sex offender's risk of recidivism. Factors relevant to the risk of~~  
8 ~~recidivism include, but are not limited to:~~

9 ~~(i) Conditions of release that minimize the risk of~~  
10 ~~recidivism, including probation, parole, counseling, therapy, or~~  
11 ~~treatment;~~

12 ~~(ii) Physical conditions that minimize the risk of~~  
13 ~~recidivism, including advanced age or debilitating illness; and~~

14 ~~(iii) Any criminal history of the sex offender indicative~~  
15 ~~of a high risk of recidivism, including:~~

16 ~~(A) Whether the conduct of the sex offender was found to~~  
17 ~~be characterized by repetitive and compulsive behavior;~~

18 ~~(B) Whether the sex offender committed the sexual offense~~  
19 ~~against a child;~~

20 ~~(C) Whether the sexual offense involved the use of a~~  
21 ~~weapon, violence, or infliction of serious bodily injury;~~

22 ~~(D) The number, date, and nature of prior offenses;~~

23 ~~(E) Whether psychological or psychiatric profiles~~  
24 ~~indicate a risk of recidivism;~~

25 ~~(F) The sex offender's response to treatment;~~

1           ~~(G) Any recent threats by the sex offender against a~~  
2 ~~person or expressions of intent to commit additional crimes, and~~

3           ~~(H) Behavior of the sex offender while confined.~~

4           ~~(e) (b) The procedures for release of information~~  
5 ~~established by the Nebraska State Patrol shall provide for three~~  
6 ~~levels of law enforcement and public notification by the law~~  
7 ~~enforcement agency in whose jurisdiction the sex offender is to be~~  
8 ~~released depending on the risk of recidivism by the sex offender as~~  
9 ~~follows: using electronic systems.~~

10           ~~(i) If the risk of recidivism is low, other law~~  
11 ~~enforcement agencies shall be notified;~~

12           ~~(ii) If the risk of recidivism is moderate, in addition~~  
13 ~~to the notice required by subdivision (i) of this subdivision,~~  
14 ~~schools, day care centers, health care facilities providing~~  
15 ~~services to children or vulnerable adults, and religious and youth~~  
16 ~~organizations shall be notified; and~~

17           ~~(iii) If the risk of recidivism is high, in addition~~  
18 ~~to the notice required by subdivisions (i) and (ii) of this~~  
19 ~~subdivision, the public shall be notified through means designed to~~  
20 ~~reach members of the public, which are limited to direct contact,~~  
21 ~~news releases, a method utilizing a telephone system, or the~~  
22 ~~Internet. The Nebraska State Patrol shall provide notice of sex~~  
23 ~~offenders with a high risk of recidivism to at least one legal~~  
24 ~~newspaper published in and of general circulation in the county~~  
25 ~~where the offender is registered or, if none is published in the~~

1 ~~county, in a legal newspaper of general circulation in such county.~~

2 (3) Information concerning the address or whereabouts of  
3 a sex offender may be disclosed to his or her victim or victims.

4 (4) The following shall have access to public  
5 notification information: Any agency responsible for conducting  
6 employment-related background checks under section 3 of the  
7 National Child Protection Act of 1993, 42 U.S.C. 5119a; any  
8 social service entity responsible for protecting minors in the  
9 child welfare system; any volunteer organization in which contact  
10 with minors or other vulnerable individuals might occur; any  
11 public housing agency in each area in which a registered sex  
12 offender resides or is an employee or a student; any governmental  
13 agency conducting confidential background checks for employment,  
14 volunteer, licensure, or certification purposes; and any health  
15 care provider who serves children or vulnerable adults for  
16 the purpose of conducting confidential background checks for  
17 employment. If any means of notification proposes a fee for usage,  
18 then nonprofit organizations holding a certificate of exemption  
19 under section 501(c) of the Internal Revenue Code shall not be  
20 charged.

21 ~~(d) The Nebraska State Patrol shall establish procedures~~  
22 ~~for the evaluation of the risk of recidivism and implementation of~~  
23 ~~community notification that promote the uniform application of the~~  
24 ~~notification rules and regulations required by this section.~~

25 ~~(e) The Nebraska State Patrol or a designee shall assign~~

1 a notification level, based upon the risk of recidivism, to all  
2 persons required to register under the act.

3 ~~(f)~~ (5) Personnel and mental health professionals for  
4 the sex offender registration and community notification division  
5 of the Nebraska State Patrol shall have access to all documents  
6 that are generated by any governmental agency that may have  
7 bearing on sex offender ~~risk assessment~~ registration and community  
8 notification, ~~pursuant to this section.~~ This may include, but  
9 is not limited to, law enforcement reports, presentence reports,  
10 criminal histories, ~~or birth certificates, or death certificates.~~  
11 The division shall not be charged for access to documents under  
12 this ~~subdivision.~~ subsection. Access to such documents will ensure  
13 that a fair ~~risk assessment~~ determination of what is an appropriate  
14 registration period is completed using the totality of all  
15 information available. For purposes of this subdivision, mental  
16 health professional means ~~(i)~~ a practicing physician licensed to  
17 practice medicine in this state under the Medicine and Surgery  
18 Practice Act, ~~(ii)~~ a practicing psychologist licensed to engage in  
19 the practice of psychology in this state as provided in section  
20 ~~38-3111,~~ or ~~(iii)~~ a practicing mental health professional licensed  
21 or certified in this state as provided in the Mental Health  
22 Practice Act.

23 ~~(3)~~ (6) Nothing in subsection (2) of this section shall  
24 be construed to prevent law enforcement officers from providing  
25 community notification concerning any person who poses a danger

1 under circumstances that are not provided for in the Sex Offender  
2 Registration Act.

3 Sec. 12. Section 29-4016, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 29-4016 For purposes of the Sexual Predator Residency  
6 Restriction Act:

7 (1) Child care facility means a facility licensed  
8 pursuant to the Child Care Licensing Act;

9 (2) Political subdivision means a village, a city, a  
10 county, a school district, a public power district, or any other  
11 unit of local government;

12 (3) School means a public, private, denominational, or  
13 parochial school which meets the requirements for accreditation or  
14 approval prescribed in Chapter 79;

15 (4) Sex offender means an individual who has been  
16 convicted of a crime listed in section 29-4003 and who is required  
17 to register as a sex offender pursuant to the Sex Offender  
18 Registration Act; and

19 (5) Sexual predator means an individual who is required  
20 to register under the Sex Offender Registration Act, who has a  
21 ~~high risk of recidivism as determined by the Nebraska State Patrol~~  
22 ~~under section 29-4013, committed an aggravated offense as defined~~  
23 ~~in section 3 of this act,~~ and who has victimized a person eighteen  
24 years of age or younger.

25 Sec. 13. Section 83-174.03, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           83-174.03 (1) Any individual who, on or after July 14,  
3 2006, (a) is convicted of or completes a term of incarceration  
4 for ~~an offense requiring registration~~ a registrable offense under  
5 section 29-4003 and has a previous conviction for a ~~registerable~~  
6 registrable offense under such section, (b) is convicted of sexual  
7 assault of a child in the first degree pursuant to section  
8 28-319.01, or (c) is convicted of or completes a term of  
9 incarceration for an aggravated offense as defined in section  
10 ~~29-4005, 3 of this act,~~ shall, upon completion of his or her term  
11 of incarceration or release from civil commitment, be supervised  
12 in the community by the Office of Parole Administration for the  
13 remainder of his or her life.

14           (2) Notice shall be provided to the Office of Parole  
15 Administration by an agency or political subdivision which has  
16 custody of an individual required to be supervised in the community  
17 pursuant to subsection (1) of this section at least sixty days  
18 prior to the release of such individual from custody.

19           (3) Individuals required to be supervised in the  
20 community pursuant to subsection (1) of this section shall  
21 undergo a risk assessment and evaluation by the Office of Parole  
22 Administration to determine the conditions of community supervision  
23 to be imposed to best protect the public from the risk that the  
24 individual will reoffend.

25           (4) Conditions of community supervision imposed on an

1 individual by the Office of Parole Administration may include the  
2 following:

3 (a) Drug and alcohol testing if the conviction resulting  
4 in the imposition of community supervision involved the use of  
5 drugs or alcohol;

6 (b) Restrictions on employment and leisure activities  
7 necessary to minimize interaction with potential victims;

8 (c) Requirements to report regularly to the individual's  
9 community supervision officer;

10 (d) Requirements to reside at a specified location and  
11 notify the individual's community supervision officer of any change  
12 in address or employment;

13 (e) A requirement to allow the Office of Parole  
14 Administration access to medical records from the individual's  
15 current and former providers of treatment;

16 (f) A requirement that the individual submit himself or  
17 herself to available medical, psychological, psychiatric, or other  
18 treatment, including, but not limited to, polygraph examinations;  
19 or

20 (g) Any other conditions designed to minimize the risk of  
21 recidivism, including, but not limited to, the use of electronic  
22 monitoring, which are not unduly restrictive.

23 Sec. 14. Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12,  
24 13, 15, and 17 of this act become operative on January 1, 2010.  
25 The other sections of this act become operative on their effective

1 date.

2           Sec. 15. Original sections 29-2264, 29-4004, 29-4005,  
3 29-4009, 29-4011, 29-4013, 29-4016, and 83-174.03, Reissue Revised  
4 Statutes of Nebraska, sections 29-4006 and 29-4007, Reissue  
5 Revised Statutes of Nebraska, as amended by sections 26 and 27,  
6 respectively, Legislative Bill 97, One Hundred First Legislature,  
7 First Session, 2009, and sections 14 and 24, Legislative Bill 97,  
8 One Hundred First Legislature, First Session, 2009, are repealed.

9           Sec. 16. Original section 29-4003, Reissue Revised  
10 Statutes of Nebraska, as amended by section 25, Legislative  
11 Bill 97, One Hundred First Legislature, First Session, 2009, is  
12 repealed.

13           Sec. 17. The following section is outright repealed:  
14 Section 29-4010, Reissue Revised Statutes of Nebraska.

15           Sec. 18. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.