

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB290

Hearing Date: Thursday February 12, 2015
Committee On: Judiciary
Introducer: Coash
One Liner: Eliminate certain notification requirements under the Sex Offender Registration Act and eliminate the offense of unlawful use of the Internet by a prohibited sex offender

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

COLBY COASH
COREY STEEL
JEANIE MEZGER
DAVID TARRELL
DANIELLE BAILEY

Representing:

INTRODUCER
ADMINISTRATIVE OFFICE OF THE COURTS
NEBRASKANS AFRAID
NCDA
SELF

Opponents:

Representing:

Neutral:

BRIAN KITT

Representing:

SELF

Summary of purpose and/or changes:

LB290 would amend several provisions of the Sex Offender Registry Act (SORA Sections 29-4001 to 29-4014) to address constitutional issues raised in a 2012 Federal court decision.

Section 1 would amend 29-4001.01 to strike several terms from the definition section of SORA: blog, chat room, chat room identifiers, domain name, email, email address, instant messaging, instant messaging identifiers, and social networking web site.

Section 2 would amend 29-4006 to strike several provisions regarding sex offender registration and verification of registration:

Page 5, lines 3-6 eliminates the requirement for a registrant to provide the Nebraska State Patrol with their "remote communication device identifiers" for entry into the sex offender database.

Page 5, lines 19-24 eliminates the requirement for a registrant to provide the Nebraska State Patrol information about nearly all their internet activity.

Page 5, line 25 through page 6, line 2 eliminates the requirement for a registrant to sign a consent form authorizing the search of all their computers and the installation of software to monitor their computer usage.

Page 8, lines 14-26 eliminates the requirement for a registrant to inform the local sheriff when they change their email

address, post to a blog or website, or upload content to a website.

Section 3 would amend 29-4007 to strike the requirement for a judge to notify a defendant at sentencing of the requirements that are eliminated by this bill. This section would also strike the requirement for the Department of Corrections or a county jail to notify a registrant of the eliminated requirements.

Section 5 would outright repeal 28-322.05, to eliminate the offense of unlawful use of the internet by a prohibited sex offender.

These sections, which were enacted by LB 97 (2009) and LB285 (2009), were found to be unconstitutional in *Doe v. Nebraska*, 898 F.Supp. 2d 1086 (D. Neb 2012).

Les Seiler, Chairperson