

AMENDMENTS TO LB965

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Section 1.** Section 26-118, Revised Statutes Supplement, 2025, is  
4 amended to read:

5           26-118 (1) Any person, except the petitioner, who knowingly violates  
6 a protection order issued pursuant to the Protection Orders Act, after  
7 service or notice as described in subsection (4) of section 26-114, or a  
8 valid foreign protection order recognized pursuant to section 26-123 or  
9 26-124, shall be guilty of an offense and punished as provided in this  
10 section.

11           (2) For a violation involving a domestic abuse protection order, a  
12 sexual assault protection order, a valid foreign domestic abuse  
13 protection order recognized pursuant to section 26-123, or a valid  
14 foreign sexual assault protection order recognized pursuant to section  
15 26-124, a violation of this section is a:

16           (a) Class I misdemeanor for a first offense; and a

17           (b) Class IV felony for a any second or subsequent offense; -

18           (c) Class IIIA felony for a third offense; and

19           (d) Class IIA felony for any fourth or subsequent offense.

20           (3) For a violation of a harassment protection order or a valid  
21 foreign harassment protection order recognized pursuant to section  
22 26-124, a violation of this section is a Class II misdemeanor for a first  
23 offense and a Class I misdemeanor for any second or subsequent offense.

24           **Sec. 2.** Section 27-404, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26           27-404 (1) Evidence of a person's character or a trait of his or her  
27 character is not admissible for the purpose of proving that he or she

1 acted in conformity therewith on a particular occasion, except:

2 (a) Evidence of a pertinent trait of his or her character offered by  
3 an accused, or by the prosecution to rebut the same;

4 (b) Evidence of a pertinent trait of character of the victim of the  
5 crime offered by an accused or by the prosecution to rebut the same, or  
6 evidence of a character trait of peacefulness of the victim offered by  
7 the prosecution in a homicide case to rebut evidence that the victim was  
8 the first aggressor. In a sexual assault case, reputation, opinion, or  
9 other evidence of past sexual behavior of the victim is governed by  
10 section 27-412; or

11 (c) Evidence of the character of a witness as provided in sections  
12 27-607 to 27-609.

13 (2) Evidence of other crimes, wrongs, or acts is not admissible to  
14 prove the character of a person in order to show that he or she acted in  
15 conformity therewith. It may, however, be admissible for other purposes,  
16 such as proof of motive, opportunity, intent, preparation, plan,  
17 knowledge, identity, or absence of mistake or accident.

18 (3) When such evidence is admissible pursuant to this section, in  
19 criminal cases evidence of other crimes, wrongs, or acts of the accused  
20 may be offered in evidence by the prosecution if the prosecution proves  
21 to the court by clear and convincing evidence that the accused committed  
22 the crime, wrong, or act. Such proof shall first be made outside the  
23 presence of any jury.

24 (4) Regarding the admissibility in a civil or criminal action of  
25 evidence of a person's commission of another offense or offenses of  
26 sexual assault under sections 28-316.01 and 28-319 to 28-322.05 and  
27 sections 12 and 13 of this act, see sections 27-413 to 27-415.

28 **Sec. 3.** Section 27-413, Revised Statutes Supplement, 2025, is  
29 amended to read:

30 27-413 For purposes of sections 27-414 and 27-415, offense of sexual  
31 assault means:

1           (1) ~~Sexual sexual~~ assault under section 28-319 or 28-320; ~~τ~~

2           (2) ~~Sexual sexual~~ abuse by a school worker under section  
3 28-316.01; ~~τ~~

4           (3) ~~Sexual sexual~~ assault of a child under section 28-319.01 or  
5 28-320.01; ~~τ~~

6           (4) ~~Sexual sexual~~ assault by use of an electronic communication  
7 device under section 28-320.02; ~~τ~~

8           (5) ~~Sexual sexual~~ abuse of an inmate, ~~a~~ or parolee, ~~a~~ probationer,  
9 or a problem solving court participant under sections 28-322.01 to  
10 28-322.03; ~~τ~~

11           (6) ~~Sexual sexual~~ abuse of a protected individual under section  
12 28-322.04; ~~τ~~

13           (7) ~~Sexual sexual~~ abuse of a detainee under section 28-322.05; ~~τ~~

14           (8) Sexual abuse by a conservator, guardian, or guardian ad litem  
15 under section 12 of this act;

16           (9) Sexual abuse by a child welfare service provider under section  
17 13 of this act;

18           (10) An an attempt or conspiracy to commit any of the crimes listed  
19 in this section; ~~τ~~ or

20           (11) The the commission of or conviction for a crime in another  
21 jurisdiction that is substantially similar to any crime listed in this  
22 section.

23           **Sec. 4.** Section 28-101, Revised Statutes Supplement, 2025, is  
24 amended to read:

25           28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701  
26 and sections 12 and 13 of this act shall be known and may be cited as the  
27 Nebraska Criminal Code.

28           **Sec. 5.** Section 28-115, Revised Statutes Cumulative Supplement,  
29 2024, is amended to read:

30           28-115 (1) Except as provided in subsection (2) of this section, any  
31 person who commits any of the following criminal offenses against a

1 pregnant woman shall be punished by the imposition of the next higher  
2 penalty classification than the penalty classification prescribed for the  
3 criminal offense:

4 (a) Assault in the first degree, section 28-308;

5 (b) Assault in the second degree, section 28-309;

6 (c) Assault in the third degree, section 28-310;

7 (d) Assault by strangulation or suffocation, section 28-310.01;

8 (e) Sexual assault in the first degree, section 28-319;

9 (f) Sexual assault in the second or third degree, section 28-320;

10 (g) Sexual assault of a child in the first degree, section  
11 28-319.01;

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

14 (i) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a  
15 problem solving court participant in the first degree, section 28-322.02;

16 (j) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a  
17 problem solving court participant in the second degree, section  
18 28-322.03;

19 (k) Sexual abuse of a protected individual in the first or second  
20 degree, section 28-322.04;

21 (l) Sexual abuse of a detainee in the first or second degree, under  
22 section 28-322.05;

23 (m) Sexual abuse by a conservator, guardian, or guardian ad litem in  
24 the first or second degree, section 12 of this act;

25 (n) Sexual abuse by a child welfare service provider in the first or  
26 second degree, section 13 of this act;

27 (o) ~~(n)~~ Domestic assault in the first, second, or third degree,  
28 section 28-323;

29 (p) ~~(n)~~ Assault on an officer, an emergency responder, a state  
30 correctional employee, a Department of Health and Human Services  
31 employee, or a health care professional in the first degree, section

1 28-929;

2 ~~(q)~~ ~~(o)~~ Assault on an officer, an emergency responder, a state  
3 correctional employee, a Department of Health and Human Services  
4 employee, or a health care professional in the second degree, section  
5 28-930;

6 ~~(r)~~ ~~(p)~~ Assault on an officer, an emergency responder, a state  
7 correctional employee, a Department of Health and Human Services  
8 employee, or a health care professional in the third degree, section  
9 28-931;

10 ~~(s)~~ ~~(q)~~ Assault on an officer, an emergency responder, a state  
11 correctional employee, a Department of Health and Human Services  
12 employee, or a health care professional using a motor vehicle, section  
13 28-931.01;

14 ~~(t)~~ ~~(r)~~ Assault by a confined person, section 28-932;

15 ~~(u)~~ ~~(s)~~ Confined person committing offenses against another person,  
16 section 28-933; and

17 ~~(v)~~ ~~(t)~~ Proximately causing serious bodily injury while operating a  
18 motor vehicle, section 60-6,198.

19 (2) The enhancement in subsection (1) of this section does not apply  
20 to any criminal offense listed in subsection (1) of this section that is  
21 already punishable as a Class I, IA, or IB felony. If any criminal  
22 offense listed in subsection (1) of this section is punishable as a Class  
23 I misdemeanor, the penalty under this section is a Class IIIA felony.

24 (3) The prosecution shall allege and prove beyond a reasonable doubt  
25 that the victim was pregnant at the time of the offense.

26 **Sec. 6.** Section 28-310.01, Revised Statutes Cumulative Supplement,  
27 2024, is amended to read:

28 28-310.01 (1) A person commits the offense of assault by  
29 strangulation or suffocation if the person knowingly and intentionally:

30 (a) Impedes the normal breathing or circulation of the blood of  
31 another person by applying pressure on the throat or neck of the other

1 person; or

2 (b) Impedes the normal breathing of another person by covering the  
3 mouth and nose of the person.

4 (2) An offense is committed under this section regardless of whether  
5 a visible injury resulted.

6 (3) Except as provided in subsection (4) of this section, a  
7 violation of this section is a Class IIIA felony.

8 (4) A violation of this section is a Class IIA felony if:

9 (a) The person used or attempted to use a dangerous instrument while  
10 committing the offense;

11 (b) The person caused serious bodily injury to the other person  
12 while committing the offense; or

13 (c) The person has been previously convicted:

14 (i) Of a violation of this section; or

15 (ii) In any other state or federal court of a criminal offense with  
16 essentially the same elements as a violation of this section.

17 (5) It is an affirmative defense that an act constituting  
18 strangulation or suffocation was the result of a legitimate medical  
19 procedure.

20 **Sec. 7.** Section 28-318, Revised Statutes Supplement, 2025, is  
21 amended to read:

22 28-318 As used in sections 28-317 to 28-322.05 and sections 12 and  
23 13 of this act, unless the context otherwise requires:

24 (1) Actor means a person accused of sexual assault;

25 (2) Intimate parts means the genital area, groin, inner thighs,  
26 buttocks, or breasts;

27 (3) Past sexual behavior means sexual behavior other than the sexual  
28 behavior upon which the sexual assault is alleged;

29 (4) Serious personal injury means great bodily injury or  
30 disfigurement, extreme mental anguish or mental trauma, pregnancy,  
31 disease, or loss or impairment of a sexual or reproductive organ;

1 (5) Sexual contact means the intentional touching of the victim's  
2 sexual or intimate parts or the intentional touching of the victim's  
3 clothing covering the immediate area of the victim's sexual or intimate  
4 parts. Sexual contact also means the touching by the victim of the  
5 actor's sexual or intimate parts or the clothing covering the immediate  
6 area of the actor's sexual or intimate parts when such touching is  
7 intentionally caused by the actor. Sexual contact includes only such  
8 conduct which can be reasonably construed as being for the purpose of  
9 sexual arousal or gratification of either party. Sexual contact also  
10 includes the touching of a child with the actor's sexual or intimate  
11 parts on any part of the child's body for purposes of sexual abuse by a  
12 school worker under section 28-316.01 or sexual assault of a child under  
13 sections 28-319.01 and 28-320.01;

14 (6) Sexual penetration means sexual intercourse in its ordinary  
15 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,  
16 however slight, of any part of the actor's or victim's body or any object  
17 manipulated by the actor into the genital or anal openings of the  
18 victim's body which can be reasonably construed as being for nonmedical,  
19 nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not  
20 require emission of semen;

21 (7) Victim means the person alleging to have been sexually  
22 assaulted;

23 (8) Without consent means:

24 (a)(i) The victim was compelled to submit due to the use of force or  
25 threat of force or coercion, or (ii) the victim expressed a lack of  
26 consent through words, or (iii) the victim expressed a lack of consent  
27 through conduct, or (iv) the consent, if any was actually given, was the  
28 result of the actor's deception as to the identity of the actor or the  
29 nature or purpose of the act on the part of the actor;

30 (b) The victim need only resist, either verbally or physically, so  
31 as to make the victim's refusal to consent genuine and real and so as to

1 reasonably make known to the actor the victim's refusal to consent; and

2 (c) A victim need not resist verbally or physically where it would  
3 be useless or futile to do so; and

4 (9) Force or threat of force means (a) the use of physical force  
5 which overcomes the victim's resistance or (b) the threat of physical  
6 force, express or implied, against the victim or a third person that  
7 places the victim in fear of death or in fear of serious personal injury  
8 to the victim or a third person where the victim reasonably believes that  
9 the actor has the present or future ability to execute the threat.

10 **Sec. 8.** Section 28-322, Revised Statutes Supplement, 2025, is  
11 amended to read:

12 28-322 For purposes of sections 28-322 to 28-322.03:

13 (1) Department means the Department of Correctional Services;

14 (2) (1) Inmate or parolee means any individual confined in a  
15 facility operated by the department Department of Correctional Services  
16 or a city or county correctional or jail facility or

17 (3) Jail means any jail or correctional facility of a city or  
18 county;

19 (4) Office means the Office of Probation Administration;

20 (5) Parolee means any individual under parole supervision; and

21 (6) (2) Person means:

22 (a) Any an individual employed by the department Department of  
23 Correctional Services, including any individual working in central  
24 administration of the department, any individual working under contract  
25 with the department, and any individual , other than an inmate's spouse,  
26 to whom the department has authorized or delegated control over an inmate  
27 or an inmate's activities; ;

28 (b) Any an individual employed by a city or county correctional or  
29 jail facility, including any individual working in central administration  
30 of the city or county correctional or jail facility, any individual  
31 working under contract with the city or county correctional or jail

1 facility, and any individual ~~, other than an inmate's spouse,~~ to whom the  
2 ~~city or county correctional or jail facility~~ has authorized or delegated  
3 control over an inmate or an inmate's activities; ~~τ~~ and

4 (c) Any an individual employed by the office, including, but not  
5 limited to:

6 (i) Any probation officer, chief probation officer, juvenile  
7 probation officer, or juvenile intake officer, as those terms are defined  
8 in section 29-2246; or

9 (ii) Any individual:

10 (A) Working in probation administration or for any probation  
11 district;

12 (B) Working within any problem solving court under the purview of  
13 the office; or

14 (C) To whom the office or a problem solving court has authorized or  
15 delegated control over a probationer or problem solving court  
16 participant, or such person's activities, whether by contract or  
17 otherwise; ~~Office of Probation Administration who performs official~~  
18 duties within any facility operated by the Department of Correctional  
19 Services or a city or county correctional or jail facility.

20 (7) Probationer means:

21 (a) Any individual under probation supervision, including, but not  
22 limited to, as a result of a sentence of probation or post-release  
23 supervision, pursuant to a deferred judgment, or pursuant to the Nebraska  
24 Juvenile Code; or

25 (b) Any individual subject to a presentence or predisposition  
26 investigation being completed by the office or subject to a probation  
27 intake; and

28 (8) Problem solving court participant means a criminal defendant or  
29 juvenile participating in any problem solving court program.

30 **Sec. 9.** Section 28-322.01, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           28-322.01 (1) A person commits the offense of sexual abuse of an  
2 inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~ ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court~~  
3 ~~participant~~ if such person subjects an inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~  
4 ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court participant~~ to sexual penetration  
5 or sexual contact ~~as those terms are defined in section 28-318.~~

6           (2) It is not a defense to a charge under this section that the  
7 inmate, ~~or~~ ~~parolee,~~ ~~probationer,~~ ~~or~~ ~~problem solving court participant~~  
8 consented to such sexual penetration or sexual contact.

9           (3) ~~(2)~~ An otherwise lawful pat-down or body cavity search by a  
10 person is not a violation of this section.

11           (4) Sexual contact or sexual penetration between spouses is not a  
12 violation of this section.

13           **Sec. 10.** Section 28-322.02, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           28-322.02 Any person who subjects an inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~  
16 ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court participant~~ to sexual penetration  
17 in violation of section 28-322.01 is guilty of sexual abuse of an inmate,  
18 ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~ ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court participant~~ in  
19 the first degree. Sexual abuse of an inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~ ~~probationer,~~  
20 ~~or~~ ~~a~~ ~~problem solving court participant~~ in the first degree is a Class IIA  
21 felony.

22           **Sec. 11.** Section 28-322.03, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           28-322.03 Any person who subjects an inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~  
25 ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court participant~~ to sexual contact in  
26 violation of section 28-322.01 is guilty of sexual abuse of an inmate, ~~a~~  
27 ~~or~~ ~~parolee,~~ ~~a~~ ~~probationer,~~ ~~or~~ ~~a~~ ~~problem solving court participant~~ in the  
28 second degree. Sexual abuse of an inmate, ~~a~~ ~~or~~ ~~parolee,~~ ~~a~~ ~~probationer,~~ ~~or~~  
29 ~~a~~ ~~problem solving court participant~~ in the second degree is a Class IIIA  
30 felony.

31           **Sec. 12.** (1) A conservator, guardian, or guardian ad litem shall

1 not subject any individual whom he or she has been appointed to serve as  
2 a conservator, guardian, or guardian ad litem to sexual penetration or  
3 sexual contact.

4 (2) It is not a defense to a charge under this section that such  
5 individual consented to such sexual penetration or sexual contact.

6 (3) Sexual contact or sexual penetration between spouses is not a  
7 violation of this section.

8 (4) A conservator, guardian, or guardian ad litem who subjects an  
9 individual to sexual penetration in violation of this section is guilty  
10 of sexual abuse by a conservator, guardian, or guardian ad litem in the  
11 first degree. Such offense is a Class IIA felony.

12 (5) A conservator, guardian, or guardian ad litem who subjects an  
13 individual to sexual contact in violation of this section is guilty of  
14 sexual abuse by a conservator, guardian, or guardian ad litem in the  
15 second degree. Such offense is a Class IIIA felony.

16 **Sec. 13.** (1) For purposes of this section:

17 (a) Child welfare service provider means any:

18 (i) Individual or entity providing child welfare services,  
19 including, but not limited to, any person with a contract or agreement  
20 with the Department of Health and Human Services to provide child welfare  
21 services; and

22 (ii) An agent or employee of an individual or entity described in  
23 subdivision (1)(a)(i) of this section; and

24 (b) Minor means an individual who is under nineteen years of age.

25 (2) A child welfare service provider shall not subject any minor  
26 receiving child welfare services from such provider or who is otherwise  
27 in such provider's care, custody, or control to sexual penetration or  
28 sexual contact.

29 (3) It is not a defense to a charge under this section that such  
30 minor consented to such sexual penetration or sexual contact.

31 (4) A child welfare service provider who subjects a minor to sexual

1 penetration in violation of this section is guilty of sexual abuse by a  
2 child welfare service provider in the first degree. Such offense is a  
3 Class IIA felony.

4 (5) A child welfare service provider who subjects a minor to sexual  
5 contact in violation of this section is guilty of sexual abuse by a child  
6 welfare service provider in the second degree. Such offense is a Class  
7 IIIA felony.

8 **Sec. 14.** Section 28-323, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 28-323 (1) A person commits the offense of domestic assault in the  
11 third degree if he or she:

12 (a) Intentionally, and knowingly, or recklessly causes bodily injury  
13 to his or her intimate partner; or

14 (b) Threatens an intimate partner with imminent bodily injury; ~~or~~

15 ~~(c) Threatens an intimate partner in a menacing manner.~~

16 (2) A person commits the offense of domestic assault in the second  
17 degree if he or she:

18 (a) Intentionally ~~intentionally~~ and knowingly causes bodily injury  
19 to his or her intimate partner with a dangerous instrument; or ~~or~~

20 (b) Recklessly causes serious bodily injury to his or her intimate  
21 partner with a dangerous instrument.

22 (3) A person commits the offense of domestic assault in the first  
23 degree if he or she intentionally and knowingly causes serious bodily  
24 injury to his or her intimate partner.

25 (4) A violation of subsection (1) of this section is a Class I  
26 misdeemeanor, except that such violation shall be punished as a:

27 (a) Class IIIA felony if the person has one previous conviction for  
28 a violation of subsection (1), (2), or (3) of this section or a  
29 substantially equivalent offense; or

30 (b) Class IIA felony if the person has previously been convicted two  
31 or more times for any violation of subsection (1), (2), or (3) of this

1 section or any substantially equivalent offense.

2 (5) A violation of subsection (2) of this section is a Class IIA  
3 felony, except that such violation shall be punished as a Class II felony  
4 if such person has one or more previous convictions for a violation of  
5 subsection (2) or (3) of this section or a substantially equivalent  
6 offense.

7 (6) A violation of subsection (3) of this section is a Class ID  
8 felony, except that such violation shall be punished as a Class IB felony  
9 with a mandatory minimum sentence of fifteen years' imprisonment if such  
10 person has one or more previous convictions for a violation of subsection  
11 (3) of this section or a substantially equivalent offense.

12 ~~(4) Violation of subdivision (1)(a) or (b) of this section is a~~  
13 ~~Class I misdemeanor, except that for any subsequent violation of~~  
14 ~~subdivision (1)(a) or (b) of this section, any person so offending is~~  
15 ~~guilty of a Class IIIA felony.~~

16 ~~(5) Violation of subdivision (1)(c) of this section is a Class I~~  
17 ~~misdemeanor.~~

18 ~~(6) Violation of subsection (2) of this section is a Class IIIA~~  
19 ~~felony, except that for any second or subsequent violation of such~~  
20 ~~subsection, any person so offending is guilty of a Class IIA felony.~~

21 ~~(7) Violation of subsection (3) of this section is a Class IIA~~  
22 ~~felony, except that for any second or subsequent violation under such~~  
23 ~~subsection, any person so offending is guilty of a Class II felony.~~

24 ~~(7) (8) For purposes of this section:  $\tau$~~

25 (a) Dating relationship means frequent, intimate associations  
26 primarily characterized by the expectation of affectional or sexual  
27 involvement, but does not include a casual relationship or an ordinary  
28 association between persons in a business or social context;

29 (b) Intimate intimate partner means a spouse; a former spouse;  
30 persons who have a child in common whether or not they have been married  
31 or lived together at any time; and persons who are or were involved in a

1 ~~dating relationship; and . For purposes of this subsection, dating~~  
2 ~~relationship means frequent, intimate associations primarily~~  
3 ~~characterized by the expectation of affectional or sexual involvement,~~  
4 ~~but does not include a casual relationship or an ordinary association~~  
5 ~~between persons in a business or social context.~~

6 (c) Substantially equivalent offense means a violation of law that:

7 (i) Is a criminal offense under federal law or the law of another  
8 state; and

9 (ii) Has essentially the same elements as the violation of this  
10 section to which it is being compared.

11 **Sec. 15.** Section 28-470, Revised Statutes Supplement, 2025, is  
12 amended to read:

13 28-470 (1) A health professional who is authorized to prescribe or  
14 dispense an opioid overdose reversal medication, if acting with  
15 reasonable care, may prescribe, administer, or dispense such medication  
16 to any of the following persons without being subject to administrative  
17 action or criminal prosecution:

18 (a) A person who is apparently experiencing or who is likely to  
19 experience an opioid-related overdose; or

20 (b) A family member, friend, or other person in a position to assist  
21 a person who is apparently experiencing or who is likely to experience an  
22 opioid-related overdose.

23 (2) A family member, friend, or any other person, including school  
24 personnel, who is in a position to assist a person who is apparently  
25 experiencing or who is likely to experience an opioid-related overdose,  
26 other than an emergency responder or peace officer, is not subject to  
27 actions under the Uniform Credentialing Act, administrative action, or  
28 criminal prosecution if the person, acting in good faith:

29 (a) Obtains an opioid overdose reversal medication from a health  
30 professional, pursuant to a prescription, or over the counter; and

31 (b) Administers such medication to a person who is apparently

1 experiencing an opioid-related overdose.

2 (3) An emergency responder who, acting in good faith, obtains an  
3 opioid overdose reversal medication from the emergency responder's  
4 emergency medical service organization and administers such medication to  
5 a person who is apparently experiencing an opioid-related overdose shall  
6 not be:

7 (a) Subject to administrative action or criminal prosecution; or

8 (b) Personally liable in any civil action to respond in damages as a  
9 result of his or her acts of commission or omission arising out of and in  
10 the course of his or her rendering such care or services or arising out  
11 of his or her failure to act to provide or arrange for further medical  
12 treatment or care for the person who is apparently experiencing an  
13 opioid-related overdose, unless the emergency responder caused damage or  
14 injury by his or her willful, wanton, or grossly negligent act of  
15 commission or omission. This subdivision shall not affect the liability  
16 of such emergency medical service organization for the emergency  
17 responder's acts of commission or omission.

18 (4) A peace officer or law enforcement employee who, acting in good  
19 faith, obtains an opioid overdose reversal medication from the peace  
20 officer's or employee's law enforcement agency and administers such  
21 medication to a person who is apparently experiencing an opioid-related  
22 overdose shall not be:

23 (a) Subject to administrative action or criminal prosecution; or

24 (b) Personally liable in any civil action to respond in damages as a  
25 result of his or her acts of commission or omission arising out of and in  
26 the course of his or her rendering such care or services or arising out  
27 of his or her failure to act to provide or arrange for further medical  
28 treatment or care for the person who is apparently experiencing an  
29 opioid-related overdose, unless the peace officer or employee caused  
30 damage or injury by his or her willful, wanton, or grossly negligent act  
31 of commission or omission. This subdivision shall not affect the

1 liability of such law enforcement agency for the peace officer's or  
2 employee's acts of commission or omission.

3 (5) A probation employee who, acting in good faith, obtains an  
4 opioid overdose reversal medication in accordance with the policies of  
5 the Office of Probation Administration and administers such medication to  
6 a person who is apparently experiencing an opioid-related overdose shall  
7 not be:

8 (a) Subject to administrative action or criminal prosecution; or

9 (b) Personally liable in any civil action to respond in damages as a  
10 result of his or her acts of commission or omission arising out of and in  
11 the course of his or her rendering such care or services or arising out  
12 of his or her failure to act to provide or arrange for further medical  
13 treatment or care for the person who is apparently experiencing an  
14 opioid-related overdose, unless the employee caused damage or injury by  
15 his or her willful, wanton, or grossly negligent act of commission or  
16 omission. This subdivision shall not affect the liability of such  
17 employee's acts of commission or omission.

18 (6) (5) For purposes of this section:

19 (a) Administer has the same meaning as in section 38-2806;

20 (b) Dispense has the same meaning as in section 38-2817;

21 (c) Emergency responder means an emergency medical responder, an  
22 emergency medical technician, an advanced emergency medical technician,  
23 or a paramedic licensed under the Emergency Medical Services Practice Act  
24 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

25 (d) Health professional means a physician, physician assistant,  
26 nurse practitioner, or pharmacist licensed under the Uniform  
27 Credentialing Act;

28 (e) Law enforcement agency means a police department, a town  
29 marshal, the office of sheriff, or the Nebraska State Patrol;

30 (f) Law enforcement employee means an employee of a law enforcement  
31 agency, a contractor of a law enforcement agency, or an employee of such

1 contractor who regularly, as part of his or her duties, handles,  
2 processes, or is likely to come into contact with any evidence or  
3 property which may include or contain opioids;

4 (g) Opioid overdose reversal medication means any lifesaving  
5 medication approved by the United States Food and Drug Administration for  
6 reversing an opioid overdose, whether obtained by prescription, from a  
7 health professional, or over the counter, and includes, but is not  
8 limited to, naloxone and nalmefene; ~~and~~

9 (h) Peace officer has the same meaning as in section 49-801; ~~and~~ -

10 (i) Probation employee means a probation officer, chief probation  
11 officer, juvenile probation officer, or juvenile intake officer, as those  
12 terms are defined in section 29-2246.

13 **Sec. 16.** Section 28-508, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-508 (1) A person commits the offense of possession of burglar's  
16 tools if such person:

17 (a) Knowingly ~~He knowingly~~ possesses any explosive, tool,  
18 instrument, key or lock adopted by a postal service for any box or other  
19 authorized receptacle for the deposit or delivery of mail, or other  
20 article adapted, designed, or commonly used for committing or  
21 facilitating the commission of an offense involving forcible entry into  
22 premises or theft by a physical taking; and

23 (b) Intends ~~He intends~~ to use the explosive, tool, instrument, key,  
24 lock, or article, or knows some person intends ultimately to use it, in  
25 the commission of an offense of the nature described in subdivision (1)  
26 (a) of this section.

27 (2) Possession of burglar's tools is a Class IV felony.

28 **Sec. 17.** Section 28-610, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 28-610 (1) A person commits the offense of impersonating a peace  
31 officer if he falsely pretends to be a peace officer and performs any act

1 in that pretended capacity.

2 (2) Impersonating a peace officer is a Class IV felony ~~±~~  
3 ~~misdemeanor~~.

4 **Sec. 18.** Section 28-703, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 28-703 (1) A Any person commits the offense of incest if he or she  
7 ~~who shall~~ knowingly:

8 (a) Intermarries or engages intermarry or engage in sexual  
9 penetration or sexual contact with any person who falls within the  
10 degrees of consanguinity set forth in section 28-702;

11 (b) Engages ~~or any person who engages~~ in sexual penetration or  
12 sexual contact with his or her stepchild who is under nineteen years of  
13 age; ~~or commits incest.~~

14 (c) Engages in sexual penetration or sexual contact with his or her  
15 adopted child or foster child.

16 (2) Incest is a Class III felony, except that incest with a person  
17 who is under eighteen years of age is a Class IIA felony.

18 (3) (3)(a) For purposes of this section, the definitions found in  
19 section 28-318 shall be used.

20 (4) (b) The testimony of a victim shall be entitled to the same  
21 weight as the testimony of victims of other crimes under this code.

22 **Sec. 19.** Section 28-712.01, Revised Statutes Supplement, 2025, is  
23 amended to read:

24 28-712.01 (1)(a) The department may assign a report for alternative  
25 response consistent with the Child Protection and Family Safety Act.

26 (b) No report involving any of the following shall be assigned to  
27 alternative response but shall be immediately forwarded to law  
28 enforcement or the county attorney:

29 (i) Murder in the first or second degree as defined in section  
30 28-303 or 28-304 or manslaughter as defined in section 28-305;

31 (ii) Assault in the first, second, or third degree or assault by

1 strangulation or suffocation as defined in section 28-308, 28-309,  
2 28-310, or 28-310.01;

3 (iii) Sexual abuse, including acts prohibited by section 28-319,  
4 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,  
5 28-322.04, 28-322.05, 28-703, or 28-707 or sections 12 and 13 of this  
6 act;

7 (iv) Labor trafficking of a minor or sex trafficking of a minor as  
8 defined in section 28-830;

9 (v) Neglect of a minor child that results in serious bodily injury  
10 as defined in section 28-109, requires hospitalization of the child, or  
11 results in an injury to the child that requires ongoing medical care,  
12 behavioral health care, or physical or occupational therapy, including a  
13 growth delay, which may be referred to as failure to thrive, that has  
14 been diagnosed by a physician and is due to parental neglect;

15 (vi) Physical abuse to the head or torso of a child or physical  
16 abuse that results in bodily injury;

17 (vii) An allegation that requires a forensic interview at a child  
18 advocacy center or coordination with the child abuse and neglect  
19 investigation team pursuant to section 28-728;

20 (viii) Out-of-home child abuse or neglect;

21 (ix) An allegation being investigated by a law enforcement agency at  
22 the time of the assignment;

23 (x) A history of termination of parental rights;

24 (xi) Absence of a caretaker without having given an alternate  
25 caregiver authority to make decisions and grant consents for necessary  
26 care, treatment, and education of a child or without having made  
27 provision to be contacted to make such decisions or grant such consents;

28 (xii) Domestic violence involving a caretaker in situations in which  
29 the alleged perpetrator has access to the child or caretaker;

30 (xiii) A household member illegally manufactures methamphetamine or  
31 opioids;

1 (xiv) A child has had contact with methamphetamine or other  
2 nonprescribed opioids, including a positive drug screening or test; or

3 (xv) For a report involving an infant, a household member tests  
4 positive for methamphetamine or nonprescribed opioids at the birth of  
5 such infant.

6 (c) The department may adopt and promulgate rules and regulations to  
7 (i) provide additional ineligibility criteria for assignment to  
8 alternative response and (ii) establish additional criteria requiring  
9 review by the Review, Evaluate, and Decide Team.

10 (d) A report that includes any of the following may be eligible for  
11 alternative response but shall first be reviewed by the Review, Evaluate,  
12 and Decide Team prior to assignment to alternative response:

13 (i) Domestic assault as defined in section 28-323 or domestic  
14 violence in the family home;

15 (ii) Use of alcohol or controlled substances as defined in section  
16 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to  
17 care and provide safety for the child; or

18 (iii) A family member residing in the home or a caregiver that has  
19 been the subject of a report accepted for traditional response or  
20 assigned to alternative response in the past six months.

21 (2) The Review, Evaluate, and Decide Team shall convene to review  
22 reports pursuant to the department's rules, regulations, and policies, to  
23 evaluate the information, and to determine assignment for alternative  
24 response or traditional response. The team shall utilize consistent  
25 criteria to review the severity of the allegation of child abuse or  
26 neglect, access to the perpetrator, vulnerability of the child, family  
27 history including previous reports, parental cooperation, parental or  
28 caretaker protective factors, and other information as deemed necessary.  
29 At the conclusion of the review, the report shall be assigned to either  
30 traditional response or alternative response. Decisions of the team shall  
31 be made by consensus. If the team cannot come to consensus, the report

1 shall be assigned for a traditional response.

2 (3) In the case of an alternative response, the department shall  
3 complete a comprehensive assessment. The department shall transfer the  
4 case being given alternative response to traditional response if the  
5 department determines that a child is unsafe or if the concern for the  
6 safety of the child is due to a temporary living arrangement. Upon  
7 completion of the comprehensive assessment, if it is determined that the  
8 child is safe, participation in services offered to the family receiving  
9 an alternative response is voluntary, the case shall not be transferred  
10 to traditional response based upon the family's failure to enroll or  
11 participate in such services, and the subject of the report shall not be  
12 entered into the central registry of child protection cases maintained  
13 pursuant to section 28-718.

14 (4) The department shall, by the next working day after receipt of a  
15 report of child abuse or neglect, enter into the tracking system of child  
16 protection cases maintained pursuant to section 28-715 all reports of  
17 child abuse or neglect received under this section that are opened for  
18 alternative response and any action taken.

19 (5) The department shall make available to the appropriate  
20 investigating law enforcement agency, child advocacy center, and county  
21 attorney a copy of all reports relative to a case of suspected child  
22 abuse or neglect. Aggregate, nonidentifying data regarding reports of  
23 child abuse or neglect receiving an alternative response shall be made  
24 available quarterly to requesting agencies outside the department. Such  
25 alternative response data shall include, but not be limited to, the  
26 nature of the initial child abuse or neglect report, the age of the child  
27 or children, the nature of services offered, the location of the cases,  
28 the number of cases per month, and the number of alternative response  
29 cases that were transferred to traditional response. Other than the  
30 office of Inspector General of Nebraska Child Welfare, the Public  
31 Counsel, law enforcement agency personnel, child advocacy center

1 employees, and county attorneys, no other agency or individual shall be  
2 provided specific, identifying reports of child abuse or neglect being  
3 given alternative response. The office of Inspector General of Nebraska  
4 Child Welfare shall have access to all reports relative to cases of  
5 suspected child abuse or neglect subject to traditional response and  
6 those subject to alternative response. The department and the office  
7 shall develop procedures allowing for the Inspector General's review of  
8 cases subject to alternative response. The Inspector General shall  
9 include in the report pursuant to section 50-1818 a summary of all cases  
10 reviewed pursuant to this subsection.

11 **Sec. 20.** Section 28-1205, Revised Statutes Supplement, 2025, is  
12 amended to read:

13 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron  
14 knuckles, or any other deadly weapon to commit any felony which may be  
15 prosecuted in a court of this state commits the offense of use of a  
16 deadly weapon to commit a felony.

17 (b) Use of a deadly weapon, other than a firearm, to commit a felony  
18 is a Class II felony.

19 (c) Use of a deadly weapon, which is a firearm, to commit a felony  
20 is a Class IC felony.

21 (2)(a) Any person who possesses a firearm, a knife, brass or iron  
22 knuckles, or a destructive device during the commission of any felony  
23 which may be prosecuted in a court of this state commits the offense of  
24 possession of a deadly weapon during the commission of a felony.

25 (b) Possession of a deadly weapon, other than a firearm, during the  
26 commission of a felony is a Class III felony.

27 (c) Possession of a deadly weapon, which is a firearm, during the  
28 commission of a felony is a Class II felony.

29 (3)(a) Any person who carries a firearm or a destructive device  
30 during the commission of a dangerous misdemeanor commits the offense of  
31 carrying a firearm or destructive device during the commission of a

1 dangerous misdemeanor.

2 (b) A violation of this subsection is a:

3 (i) Class I misdemeanor for a first or second offense; and

4 (ii) A Class IV felony for any third or subsequent offense.

5 (4) A violation of this section shall be treated as a separate and  
6 distinct offense from the underlying crimes being committed, and a  
7 sentence imposed under this section shall be consecutive to any other  
8 sentence imposed.

9 (5) Possession of a deadly weapon may be proved through evidence  
10 demonstrating either actual or constructive possession of a firearm, a  
11 knife, brass or iron knuckles, or a destructive device during,  
12 immediately prior to, or immediately after the commission of a felony.

13 (6) For purposes of this section:

14 (a) Dangerous misdemeanor means a misdemeanor violation of any of  
15 the following offenses:

16 (i) Stalking under section 28-311.03;

17 (ii) Knowing violation of any protection order issued under the  
18 Protection Orders Act;

19 (iii) Domestic assault under section 28-323;

20 (iv) Assault of an unborn child in the third degree under section  
21 28-399;

22 (v) Theft by shoplifting under section 28-511.01;

23 (vi) Unauthorized use of a propelled vehicle under section 28-516;

24 (vii) Criminal mischief under section 28-519 if such violation  
25 arises from an incident involving the commission of a misdemeanor crime  
26 of domestic violence;

27 ~~(viii) Impersonating a police officer under section 28-610;~~

28 ~~(viii) (ix) Resisting arrest under section 28-904;~~

29 ~~(ix) (x) Operating a motor vehicle or vessel to avoid arrest under~~  
30 ~~section 28-905;~~

31 ~~(x) (xi) Obstructing a peace officer under section 28-906; or~~

1            (xi) ~~(xii)~~ Any attempt under section 28-201 to commit an offense  
2 described in subdivisions (6)(a)(i) through (x) ~~(xi)~~ of this section;

3            (b) Destructive device has the same meaning as in section 28-1213;

4            (c) Misdemeanor crime of domestic violence has the same meaning as  
5 in section 28-1206; and

6            (d) Use of a deadly weapon includes the discharge, employment, or  
7 visible display of any part of a firearm, a knife, brass or iron  
8 knuckles, any other deadly weapon, or a destructive device during,  
9 immediately prior to, or immediately after the commission of a felony or  
10 communication to another indicating the presence of a firearm, a knife,  
11 brass or iron knuckles, any other deadly weapon, or a destructive device  
12 during, immediately prior to, or immediately after the commission of a  
13 felony, regardless of whether such firearm, knife, brass or iron  
14 knuckles, deadly weapon, or destructive device was discharged, actively  
15 employed, or displayed.

16            **Sec. 21.** Section 28-1701, Revised Statutes Supplement, 2025, is  
17 amended to read:

18            28-1701 (1) A person shall not be arrested or prosecuted for an  
19 eligible alcohol or drug offense if such person witnessed or was the  
20 victim of a sexual assault and such person:

21            (a) Either:

22            (i) In good faith, reported such sexual assault to law enforcement;  
23 or

24            (ii) Requested emergency medical assistance for the victim of the  
25 sexual assault; and

26            (b) Evidence supporting the arrest or prosecution of the eligible  
27 alcohol or drug offense was obtained or discovered as a result of such  
28 person reporting such sexual assault to law enforcement or requesting  
29 emergency medical assistance.

30            (2) A person shall not be arrested or prosecuted for an eligible  
31 alcohol or drug offense if:

1 (a) Evidence supporting the arrest or prosecution of the person for  
2 the offense was obtained or discovered as a result of the investigation  
3 or prosecution of a sexual assault; and

4 (b) Such person cooperates with law enforcement in the investigation  
5 or prosecution of the sexual assault.

6 (3) For purposes of this section:

7 (a) Eligible alcohol or drug offense means:

8 (i) A violation of subsection (3) or (13) of section 28-416 or of  
9 section 28-441;

10 (ii) A violation of section 53-180.02 committed by a person older  
11 than eighteen years of age and under the age of twenty-one years, as  
12 described in subdivision (4)(a) of section 53-180.05;

13 (iii) A violation of a city or village ordinance similar to  
14 subdivision (3)(a)(i) or (ii) of this section; or

15 (iv) Attempt, conspiracy, solicitation, being an accessory to,  
16 aiding and abetting, aiding the consummation of, or compounding a felony  
17 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this  
18 section as the underlying offense; and

19 (b) Sexual assault means:

20 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,  
21 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
22 28-322.05, 28-703, or 28-1805 or sections 12 and 13 of this act, sex  
23 trafficking or sex trafficking of a minor under section 28-831, or  
24 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),  
25 or (f) of section 28-707; or

26 (ii) Attempt, conspiracy, solicitation, being an accessory to,  
27 aiding and abetting, aiding the consummation of, or compounding a felony  
28 with any of the offenses listed in subdivision (3)(b)(i) of this section  
29 as the underlying offense.

30 **Sec. 22. For purposes of sections 22 to 28 of this act:**

31 **(1) Brady-Giglio case law means Brady v. Maryland, 373 U.S. 83**

1 (1963), and Giglio v. United States, 405 U.S. 150 (1972), and subsequent  
2 cases of the Supreme Court of the United States and the Supreme Court of  
3 Nebraska;

4 (2) Brady-Giglio disclosure means a disclosure made by a prosecuting  
5 agency pursuant to Brady-Giglio case law;

6 (3) Law enforcement agency has the same meaning as in section  
7 81-1401;

8 (4) Law enforcement officer has the same meaning as in section  
9 81-1401;

10 (5) Officer means:

11 (a) A law enforcement officer; or

12 (b) A correctional officer employed by a jail or by the Department  
13 of Correctional Services;

14 (6) Prosecuting agency means the Department of Justice, the office  
15 of a county attorney or city attorney, or a special prosecutor; and

16 (7) Public safety agency means:

17 (a) A law enforcement agency;

18 (b) A city or county jail;

19 (c) The Department of Correctional Services; or

20 (d) Any other agency of state or local government that employs  
21 officers.

22 **Sec. 23.** (1) An officer shall not be discharged, disciplined, or  
23 threatened with discharge or discipline, or subject to revocation or  
24 suspension of a certificate under sections 81-1401 to 81-1414.19, solely  
25 because a prosecuting agency has:

26 (a) Named the officer in a Brady-Giglio disclosure or determined  
27 that such officer may be subject to such disclosure; or

28 (b) Disclosed to any person that the officer is named in a Brady-  
29 Giglio disclosure.

30 (2) This section does not prohibit a dismissal, a suspension, a  
31 demotion, or any other disciplinary action against an officer, or against

1 a certificate issued under sections 81-1401 to 81-1414.19, based on the  
2 underlying action that resulted in such officer being named in a Brady-  
3 Giglio disclosure or being considered for such disclosure.

4 **Sec. 24.** (1)(a) This section applies to any county with a  
5 population of over one hundred thousand inhabitants as determined by the  
6 most recent federal decennial census or the most recent revised certified  
7 count by the United States Bureau of the Census.

8 (b) For a county which includes a city of the metropolitan or  
9 primary class, the county attorney and city attorney of such city shall  
10 operate under an interlocal agreement to fulfill the requirements of this  
11 section.

12 (2) Before a prosecuting agency names an officer in a Brady-Giglio  
13 disclosure, the prosecuting agency shall fulfill the requirements of this  
14 section.

15 (3)(a) The prosecuting agency shall create an informal advisory  
16 committee for evaluating possible Brady-Giglio disclosures. The advisory  
17 committee shall provide recommendations to county attorneys, city  
18 attorneys, and special prosecutors within the county. Each such  
19 prosecuting agency retains ultimate discretion on whether to name an  
20 officer in a Brady-Giglio disclosure.

21 (b)(i) For a county which includes a city of the metropolitan class  
22 or primary class, the advisory committee shall be comprised of two  
23 prosecutors appointed by the county attorney and two prosecutors  
24 appointed by the city attorney for such city.

25 (ii) For any other county, the advisory committee shall be comprised  
26 of four prosecutors appointed by the county attorney, with two of such  
27 prosecutors being from jurisdictions within the county and two  
28 prosecutors from jurisdictions in any other Nebraska county or counties.

29 (4) Each prosecuting agency shall adopt a process for reviewing and  
30 making determinations for prospective Brady-Giglio disclosures that  
31 includes the following provisions:

1       (a) The prosecuting agency shall provide an officer with written  
2 notice, including the proposed rationale, before determining whether such  
3 officer is subject to a prospective Brady-Giglio disclosure;

4       (b) The prosecuting agency shall provide the officer with a  
5 reasonable opportunity to respond to the proposed determination;

6       (c)(i) If an officer in good faith contests the proposed  
7 determination, the prosecuting agency shall request the advisory  
8 committee to make a recommendation on whether to name the officer in a  
9 prospective disclosure.

10       (ii) The prosecuting agency shall provide the advisory committee  
11 with materials that support or corroborate naming the officer in such  
12 prospective disclosure and any exculpatory materials provided by the  
13 officer.

14       (iii) The advisory committee may request further information from  
15 the officer or prosecuting agency, including oral testimony from the  
16 officer, and may conduct an informal hearing.

17       (iv) The advisory committee shall make a recommendation to the  
18 prosecuting agency as to whether a prospective disclosure is required  
19 under Brady-Giglio case law and shall provide written notice of such  
20 recommendation; and

21       (d) The prosecuting agency shall consider, but is not bound by, the  
22 recommendation of the advisory committee. Upon the prosecuting agency  
23 making a final decision on whether to name such officer in a prospective  
24 Brady-Giglio disclosure, the prosecuting agency shall provide written  
25 notice to the officer of its final decision.

26       (5) The requirements of this section apply to any officer subject to  
27 a prospective Brady-Giglio disclosure made on or after the operative date  
28 of this section. This section applies even if an officer was named in a  
29 related or similar Brady-Giglio disclosure prior to the operative date of  
30 this section, unless such officer has already received notice and an  
31 opportunity to be heard substantially similar to that required under this

1 section.

2 (6) Evidence presented to an advisory committee under this section  
3 shall be kept confidential unless otherwise provided by law.

4 **Sec. 25.** (1) In an action, an officer shall receive notice of a  
5 prosecuting agency's final decision to name such officer in a prospective  
6 Brady-Giglio disclosure. An officer aggrieved by this decision may  
7 intervene in the action for the limited purpose of filing a motion in  
8 limine to prevent such disclosure from being submitted to the trier of  
9 fact.

10 (2) The court shall perform an in camera review of the evidence and  
11 may hold a closed hearing upon the request of the officer or prosecuting  
12 agency, or upon the court's own motion.

13 (3) The court may grant the motion if the court finds there is no  
14 reasonable basis for concern that the information or actions of the  
15 officer that served as the rationale for naming the officer in the Brady-  
16 Giglio disclosure will be material to the issues in the case.

17 (4) A determination by a court that an officer should not be named  
18 in a Brady-Giglio disclosure shall not prevent a prosecuting agency from  
19 making disclosures in other cases that the prosecuting agency believes to  
20 be necessary under Brady-Giglio case law.

21 (5) Evidence presented to the court under this section shall be  
22 provided under seal and kept confidential unless otherwise provided by  
23 law and ordered by the district court.

24 **Sec. 26.** (1) A public safety agency shall not publicly release an  
25 officer's official photograph without the written permission of the  
26 officer or his or her personal representative or without a request  
27 pursuant to section 84-712.

28 (2) An officer's personal information, including, but not limited  
29 to, the officer's home address, personal telephone number, personal email  
30 address, date of birth, social security number, and operator's license  
31 number shall be confidential and shall be redacted from any record prior

1 to the record's release to the public by the employing public safety  
2 agency.

3 (3) Nothing in this section prohibits the release of an officer's  
4 photograph or unredacted personal information to the officer's legal  
5 counsel, union representative, or designated employee representative upon  
6 the request of the officer or his or her personal representative or legal  
7 counsel.

8 **Sec. 27.** An officer shall not be discharged, disciplined, or  
9 threatened with discharge or discipline, or subject to revocation or  
10 suspension of a certificate under sections 81-1401 to 81-1414.19, in  
11 retaliation for exercising the rights of the officer enumerated in  
12 sections 22 to 28 of this act.

13 **Sec. 28.** The rights enumerated in sections 22 to 28 of this act are  
14 in addition to any other rights granted pursuant to a collective-  
15 bargaining agreement or other law.

16 **Sec. 29.** Section 29-4003, Revised Statutes Supplement, 2025, is  
17 amended to read:

18 29-4003 (1)(a) The Sex Offender Registration Act applies to any  
19 person who on or after January 1, 1997:

20 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
21 guilty of any of the following:

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

25 (B) False imprisonment of a minor pursuant to section 28-314 or  
26 28-315;

27 (C) Sexual assault pursuant to section 28-319 or 28-320;

28 (D) Sexual abuse by a school worker pursuant to section 28-316.01;

29 (E) Sexual assault of a child in the second or third degree pursuant  
30 to section 28-320.01;

31 (F) Sexual assault of a child in the first degree pursuant to

1 section 28-319.01;

2 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to  
3 subdivision (1)(c) of section 28-386;

4 (H) Incest of a minor pursuant to section 28-703;

5 (I) Pandering of a minor pursuant to section 28-802;

6 (J) Conduct relating to child sexual abuse material under section  
7 28-1805 or subdivision (2)(b) or (c) of section 28-1804;

8 (K) Knowingly possessing or receiving any child sexual abuse  
9 material pursuant to subsection (1) or (5) of section 28-1803;

10 (L) Criminal child enticement pursuant to section 28-311;

11 (M) Child enticement by means of an electronic communication device  
12 pursuant to section 28-320.02;

13 (N) Debauching a minor pursuant to section 28-805; or

14 (O) Attempt, solicitation, aiding or abetting, being an accessory,  
15 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)  
16 through (1)(a)(i)(N) of this section;

17 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
18 guilty of any offense that is substantially equivalent to a registrable  
19 offense under subdivision (1)(a)(i) of this section by any village, town,  
20 city, state, territory, commonwealth, or other jurisdiction of the United  
21 States, by the United States Government, by court-martial or other  
22 military tribunal, or by a foreign jurisdiction, notwithstanding a  
23 procedure comparable in effect to that described under section 29-2264 or  
24 any other procedure to nullify a conviction other than by pardon;

25 (iii) Is incarcerated in a jail, a penal or correctional facility,  
26 or any other public or private institution or is under probation or  
27 parole as a result of pleading guilty to or being found guilty of a  
28 registrable offense under subdivision (1)(a)(i) or (ii) of this section  
29 prior to January 1, 1997; or

30 (iv) Enters the state and is required to register as a sex offender  
31 under the laws of another village, town, city, state, territory,

1 commonwealth, or other jurisdiction of the United States.

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

5 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this  
6 section, has ever pled guilty to, pled nolo contendere to, or been found  
7 guilty of any of the following:

8 (I) Murder in the first degree pursuant to section 28-303;

9 (II) Murder in the second degree pursuant to section 28-304;

10 (III) Manslaughter pursuant to section 28-305;

11 (IV) Assault in the first degree pursuant to section 28-308;

12 (V) Assault in the second degree pursuant to section 28-309;

13 (VI) Assault in the third degree pursuant to section 28-310;

14 (VII) Stalking pursuant to section 28-311.03;

15 (VIII) Violation of section 28-311.08 requiring registration under  
16 the act pursuant to subsection (6) of section 28-311.08;

17 (IX) Kidnapping pursuant to section 28-313;

18 (X) False imprisonment pursuant to section 28-314 or 28-315;

19 (XI) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a  
20 problem solving court participant in the first degree pursuant to section  
21 28-322.02;

22 (XII) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a  
23 problem solving court participant in the second degree pursuant to  
24 section 28-322.03;

25 (XIII) Sexual abuse of a protected individual pursuant to section  
26 28-322.04;

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

28 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
29 28-707;

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

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

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

11 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
12 guilty of any offense that is substantially equivalent to a registrable  
13 offense under subdivision (1)(b)(i) of this section by any village, town,  
14 city, state, territory, commonwealth, or other jurisdiction of the United  
15 States, by the United States Government, by court-martial or other  
16 military tribunal, or by a foreign jurisdiction, notwithstanding a  
17 procedure comparable in effect to that described under section 29-2264 or  
18 any other procedure to nullify a conviction other than by pardon; or

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

22 (c) In addition to the registrable offenses under subdivisions (1)  
23 (a) and (b) of this section, the Sex Offender Registration Act applies to  
24 any person who on or after January 1, 2020:

25 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
26 guilty of sexual abuse of a detainee under section 28-322.05; or

27 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
28 guilty of any offense that is substantially equivalent to a registrable  
29 offense under subdivision (1)(c)(i) of this section by any village, town,  
30 city, state, territory, commonwealth, or other jurisdiction of the United  
31 States, by the United States Government, by court-martial or other

1 military tribunal, or by a foreign jurisdiction, notwithstanding a  
2 procedure comparable in effect to that described under section 29-2264 or  
3 any other procedure to nullify a conviction other than by pardon.

4 (d) In addition to the registrable offenses under subdivisions (1)  
5 (a), (b), and (c) of this section, the Sex Offender Registration Act  
6 applies to any person who on or after January 1, 2023:

7 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
8 guilty of human trafficking under subsection (1) or (2) of section  
9 28-831, and the court determines either by notification of sex offender  
10 registration responsibilities or notation in the sentencing order that  
11 the human trafficking was sex trafficking or sex trafficking of a minor  
12 and not solely labor trafficking or labor trafficking of a minor; or

13 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
14 guilty of any offense that is substantially equivalent to a registrable  
15 offense under subdivision (1)(d)(i) of this section by any village, town,  
16 city, state, territory, commonwealth, or other jurisdiction of the United  
17 States, by the United States Government, by court-martial or other  
18 military tribunal, or by a foreign jurisdiction, notwithstanding a  
19 procedure comparable in effect to that described under section 29-2264 or  
20 any other procedure to nullify a conviction other than by pardon.

21 (e) In addition to the registrable offenses under subdivisions (1)  
22 (a), (b), (c), and (d) of this section, the Sex Offender Registration Act  
23 applies to any person who on or after the operative date of this section:

24 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
25 guilty of:

26 (A) Sexual abuse by a conservator, guardian, or guardian ad litem  
27 under section 12 of this act; or

28 (B) Sexual abuse by a child welfare service provider under section  
29 13 of this act; or

30 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
31 guilty of any offense that is substantially equivalent to a registrable

1 offense under subdivision (1)(e)(i) of this section by any village, town,  
2 city, state, territory, commonwealth, or other jurisdiction of the United  
3 States, by the United States Government, by court-martial or other  
4 military tribunal, or by a foreign jurisdiction, notwithstanding a  
5 procedure comparable in effect to that described under section 29-2264 or  
6 any other procedure to nullify a conviction other than by pardon.

7 (2) A person appealing a conviction of a registrable offense under  
8 this section shall be required to comply with the act during the appeals  
9 process.

10 **Sec. 30.** (1) For purposes of this section, county conflict counsel  
11 means an attorney licensed to practice law in this state who is employed  
12 by the county or has a contract with the county to provide legal  
13 representation to clients who would normally be represented by the public  
14 defender, but for whom the public defender is unable to provide such  
15 representation due to conflicting interests or due to other good cause as  
16 determined by the court.

17 (2) In any county with a public defender, the county may employ or  
18 contract for one or more county conflict counsel. When a county first  
19 employs or contracts for county conflict counsel, the county board shall  
20 immediately provide written notice of such employment or contract to:

21 (a) Each presiding judge of the county court and district court of  
22 such county;

23 (b) Each presiding judge of any separate juvenile court of such  
24 county;

25 (c) Each child support referee appointed in such county; and

26 (d) The clerk of the district court on behalf of the mental health  
27 board with jurisdiction within such county.

28 (3) It shall be the duty of county conflict counsel to provide  
29 representation to indigent individuals in the same manner as the public  
30 defender.

31 (4) In a county with a population of more than one hundred seventy

1 thousand inhabitants, any county conflict counsel shall devote his or her  
2 full time to the legal work of representing indigent individuals as  
3 provided in this section and shall not engage in the private practice of  
4 law.

5 (5) No county conflict counsel shall solicit or accept any fee,  
6 other than compensation from the county, for representing an indigent  
7 individual that such counsel has been appointed to represent.

8 **Sec. 31.** Section 29-3901, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 29-3901 For purposes of sections 29-3901 to 29-3908:

11 (1) County conflict counsel has the same meaning as in section 30 of  
12 this act;

13 (2) (1) Court means shall mean a district court or a county court;

14 (3) (2) Felony defendant means shall mean a person who is charged by  
15 complaint, information, or indictment with or who is under arrest for  
16 investigation or on suspicion that he or she may have committed any  
17 criminal offense which may be punishable by imprisonment in a Department  
18 of Correctional Services adult correctional facility;

19 (4) (3) Indigent means shall mean the inability to retain legal  
20 counsel without prejudicing one's financial ability to provide economic  
21 necessities for one's self or one's family. Before a felony defendant's  
22 initial court appearance, the determination of his or her indigency shall  
23 be made by the public defender, but thereafter it shall be made by the  
24 court; and

25 (5) (4) Judge means shall mean a judge of the district court, a  
26 judge of the county court, or a clerk magistrate.

27 **Sec. 32.** Section 29-3903, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29 29-3903 (1) At a felony defendant's first appearance before a judge,  
30 the judge shall advise him or her of the right to court-appointed counsel  
31 if such person is indigent. If he or she asserts indigency, the court

1 shall make a reasonable inquiry to determine such person's financial  
2 condition and shall require him or her to execute an affidavit of  
3 indigency for filing with the clerk of the court.

4 (2) If the court determines the defendant to be indigent, it shall  
5 formally appoint the public defender or county conflict counsel or, in  
6 counties not having a public defender, an attorney or attorneys licensed  
7 to practice law in this state, not exceeding two, to represent the  
8 indigent felony defendant at all future critical stages of the criminal  
9 proceedings against such defendant, consistent with the provisions of  
10 section 23-3402. Appointed ~~, but appointed~~ counsel other than the public  
11 defender or county conflict counsel must obtain leave of court before  
12 being authorized to proceed beyond an initial direct appeal to either the  
13 Court of Appeals or the Supreme Court of Nebraska to any further direct,  
14 collateral, or postconviction appeals to state or federal courts.

15 (3) A felony defendant who is not indigent at the time of his or her  
16 first appearance before a judge may nevertheless assert his or her  
17 indigency at any subsequent stage of felony proceedings, at which time  
18 the judge shall consider appointing counsel as otherwise provided in this  
19 section.

20 (4) The judge, upon filing such order for appointment, shall note  
21 all appearances of appointed counsel upon the record. If at the time of  
22 appointment of counsel the indigent felony defendant and appointed  
23 counsel have not had a reasonable opportunity to consult concerning the  
24 prosecution, the judge shall continue the arraignment, trial, or other  
25 next stage of the felony proceedings for a reasonable period of time to  
26 allow for such consultation.

27 **Sec. 33.** Section 29-3904, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 29-3904 (1) Nothing in sections 23-3402, 29-3902, and 29-3903 shall  
30 prevent any judge from:

31 (a) Appointing ~~appointing~~ counsel other than the public defender,

1 the Commission on Public Advocacy, county conflict counsel, or other  
2 substitute counsel when the public defender, the commission, county  
3 conflict counsel, or counsel initially appointed might otherwise be  
4 required to represent conflicting interests or for other good cause  
5 shown; ~~τ~~

6 ~~(b) Not from not~~ appointing any counsel for any indigent felony  
7 defendant who expressly waives his or her right to such counsel at any  
8 stage of felony proceedings; ~~τ~~ or

9 ~~(c) Appointing from appointing~~ the public defender, the Commission  
10 on Public Advocacy, county conflict counsel, or other counsel as may be  
11 required or permitted by other applicable law.

12 (2)(a) This subsection only applies to a county that has county  
13 conflict counsel.

14 (b) In a case in which (i) the public defender is unable to provide  
15 representation due to conflicting interests or due to other good cause as  
16 determined by the court and (ii) the Commission on Public Advocacy may be  
17 appointed, the court may appoint the commission. Otherwise, the court  
18 shall appoint county conflict counsel, unless such counsel cannot  
19 represent the defendant due to conflicting interests or for other good  
20 cause as determined by the court.

21 (3) (2) In selecting counsel to represent an indigent felony  
22 defendant, the prosecuting attorney shall not have any role whatsoever in  
23 the selection or appointment process of the counsel by the court,  
24 including, but not limited to, any individual appointment suggestions.

25 **Sec. 34.** Section 29-3905, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 29-3905 Appointed counsel for an indigent felony defendant other  
28 than the public defender or county conflict counsel shall apply to the  
29 district court which appointed him or her for all expenses reasonably  
30 necessary to permit him or her to effectively and competently represent  
31 his or her client and for fees for services performed pursuant to such

1 appointment, except that if the defendant was not bound over for trial in  
2 the district court, the application shall be made in the appointing  
3 court. The court, upon hearing the application, shall fix reasonable  
4 expenses and fees, and the county board shall allow payment to counsel in  
5 the full amount determined by the court.

6 **Sec. 35.** Section 29-3918, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 29-3918 Nothing in sections 29-3910 to 29-3918 shall prevent a court  
9 from appointing counsel other than the public defender, the Commission on  
10 Public Advocacy, or county conflict counsel as defined in section 30 of  
11 this act to represent indigent defendants or other persons by law  
12 entitled to legal representation, but appointments of counsel other than  
13 the public defender, the commission, or county conflict counsel shall be  
14 limited to situations in which there are multiple defendants requiring  
15 separate representation or when other exigent circumstances are present  
16 which in the opinion of the court require appointment of counsel other  
17 than the public defender, the commission, or county conflict counsel. In  
18 all such cases of appointments of counsel other than the public defender,  
19 the commission, or county conflict counsel, the procedure shall be in  
20 accordance with sections 43-272 and 43-273 and the cost of such  
21 appointments shall be paid by the county as provided in such sections.

22 **Sec. 36.** Section 29-3922, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 29-3922 For purposes of the County Revenue Assistance Act:

25 (1) Chief counsel means an attorney appointed to be the primary  
26 administrative officer of the commission pursuant to section 29-3928;

27 (2) Commission means the Commission on Public Advocacy;

28 (3) Commission staff means attorneys, investigators, and support  
29 staff who are performing work for the capital litigation division,  
30 appellate division, DNA testing division, and major case resource center;

31 (4) Contracting attorney means an attorney contracting to act as a

1 public defender pursuant to sections 23-3404 to 23-3408;

2 (5) Court-appointed attorney means an attorney other than a  
3 contracting attorney or a public defender appointed by the court to  
4 represent an indigent person;

5 (6) Indigent defense services means legal services provided to  
6 indigent persons by an indigent defense system in capital cases, felony  
7 cases, misdemeanor cases, juvenile cases, mental health commitment cases,  
8 child support enforcement cases, and paternity establishment cases;

9 (7) Indigent defense system means a system of providing services,  
10 including any services necessary for litigating a case, by a contracting  
11 attorney, court-appointed attorney, or public defender;

12 (8) Indigent person means a person who is indigent and unable to  
13 obtain legal counsel as determined pursuant to subdivision (4) ~~(3)~~ of  
14 section 29-3901; and

15 (9) Public defender means an attorney appointed or elected pursuant  
16 to sections 23-3401 to 23-3403.

17 **Sec. 37.** Section 29-4309, Revised Statutes Supplement, 2025, is  
18 amended to read:

19 29-4309 For the purposes of the Sexual Assault Victims' Bill of  
20 Rights Act:

21 (1)(a) Advocate means:

22 (i) Any employee or supervised volunteer of a domestic violence and  
23 sexual assault victim assistance program or of any other agency,  
24 business, or organization that is not affiliated with a law enforcement  
25 or prosecutor's office, whose primary purpose is assisting domestic  
26 violence and sexual assault victims. This includes employees or  
27 supervised volunteers of an Indian tribe or a postsecondary educational  
28 institution;

29 (ii) A representative from a victim and witness assistance center as  
30 established in sections 81-1845 to 81-1847 or a similar entity affiliated  
31 with a law enforcement agency or prosecutor's office; or

1 (iii) An advocate who is employed by a child advocacy center that  
2 meets the requirements of subsection (2) of section 28-728.

3 (b) If reasonably possible, an advocate shall speak the victim's  
4 preferred language or use the services of a qualified interpreter;

5 (2) Health care provider means any individual who is licensed,  
6 certified, or registered to perform specified health services consistent  
7 with state law;

8 (3) Sexual assault means a violation of section 28-319, 28-319.01,  
9 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
10 28-322.05, 28-703, or 28-1805 or sections 12 and 13 of this act, sex  
11 trafficking or sex trafficking of a minor under section 28-831, or  
12 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),  
13 or (f) of section 28-707;

14 (4) Sexual assault forensic evidence means evidence collected by a  
15 health care provider contained within any sexual assault forensic  
16 evidence collection kit, including a toxicology kit, or any forensic  
17 evidence collected by law enforcement through the course of an  
18 investigation; and

19 (5)(a) Sexual assault victim or victim means any person who is a  
20 victim of sexual assault who reports such sexual assault:

21 (i) To a health care provider, law enforcement, or an advocate,  
22 including anonymous reporting as provided in section 28-902; and

23 (ii) In the case of a victim who is under eighteen years of age, to  
24 the Department of Health and Human Services.

25 (b) Sexual assault victim or victim also includes, if the victim  
26 described in subdivision (5)(a) of this section is incompetent, deceased,  
27 or a minor who is unable to consent to counseling services, such victim's  
28 parent, guardian, or spouse, unless such person is the reported  
29 assailant.

30 **Sec. 38.** Section 29-4316, Revised Statutes Supplement, 2025, is  
31 amended to read:

1           29-4316 (1) For purposes of this section:

2           (a) Criminal justice agency has the same meaning as in section  
3 29-3509;

4           (b) Sex trafficking means sex trafficking or sex trafficking of a  
5 minor in violation of section 28-831; and

6           (c) Sexual assault means a violation of section 28-319, 28-319.01,  
7 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
8 28-322.05, 28-703, or 28-1805 or sections 12 and 13 of this act or  
9 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),  
10 or (f) of section 28-707.

11           (2) Except as provided in subsection (3) of this section, and unless  
12 otherwise required by statute, a criminal justice agency and any attorney  
13 involved in the investigation or prosecution of an alleged sexual assault  
14 or sex trafficking violation shall maintain the confidentiality of the  
15 identity and personal identifying information of the alleged victim. Such  
16 information may be shared by such criminal justice agencies and between  
17 such criminal justice agencies and attorneys as necessary to carry out  
18 their duties.

19           (3) The confidentiality required by subsection (2) of this section  
20 does not apply:

21           (a) To the extent waived by the alleged victim;

22           (b) If criminal charges involving the alleged sexual assault or sex  
23 trafficking are filed;

24           (c) If the victim has died as a result of, or in connection with,  
25 the alleged sexual assault or sex trafficking;

26           (d) In cases where personal identifying information or the identity  
27 of the victim are released as part of a child abduction alert system used  
28 by law enforcement agencies, such as the AMBER Alert system;

29           (e) To a person making a report of suspected child abuse or neglect  
30 as required in section 28-711;

31           (f) To the sharing of reports and information regarding child abuse

1 and neglect with a child abuse and neglect investigation team or child  
2 abuse and neglect treatment team provided for in section 28-728;

3 (g) To the Department of Health and Human Services and other  
4 assisting agencies as necessary to carry out their duties in  
5 investigations of child abuse or neglect;

6 (h) To communication with an individual that an educational entity,  
7 as defined in section 79-1201.01, has designated:

8 (i) As a Title IX coordinator; or

9 (ii) To receive reports related to sexual assault or sex trafficking  
10 or to provide supportive measures related to such reports; or

11 (i) To communication with advocates and health care providers as  
12 defined in section 29-4309.

13 **Sec. 39.** Section 43-272, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 43-272 (1)(a) In counties having a population of less than one  
16 hundred fifty thousand inhabitants:

17 (i) When any juvenile court petition is filed alleging jurisdiction  
18 of a juvenile pursuant to subdivision (2) of section 43-247, counsel  
19 shall be appointed for such juvenile; and

20 (ii) In any other instance in which a juvenile is brought without  
21 counsel before a juvenile court, the court shall advise such juvenile and  
22 his or her parent or guardian of their right to retain counsel and shall  
23 inquire of such juvenile and his or her parent or guardian as to whether  
24 they desire to retain counsel.

25 (b) In counties having a population of one hundred fifty thousand or  
26 more inhabitants, when any juvenile court petition is filed alleging  
27 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or  
28 (4) of section 43-247, counsel shall be appointed for such juvenile.

29 (c) The court shall inform any juvenile described in this subsection  
30 and his or her parent or guardian of such juvenile's right to counsel at  
31 county expense if none of them is able to afford counsel. If the juvenile

1 or his or her parent or guardian desires to have counsel appointed for  
2 such juvenile, or the parent or guardian of such juvenile cannot be  
3 located, and the court ascertains that none of such persons are able to  
4 afford an attorney, the court shall forthwith appoint an attorney to  
5 represent such juvenile for all proceedings before the juvenile court,  
6 except that if an attorney is appointed to represent such juvenile and  
7 the court later determines that a parent of such juvenile is able to  
8 afford an attorney, the court shall order such parent or juvenile to pay  
9 for services of the attorney to be collected in the same manner as  
10 provided by section 43-290. If the parent willfully refuses to pay any  
11 such sum, the court may commit him or her for contempt, and execution may  
12 issue at the request of the appointed attorney or the county attorney or  
13 by the court without a request.

14 (d)(i) For purposes of this subdivision, county conflict counsel has  
15 the same meaning as in section 30 of this act.

16 (ii) This subdivision (d) only applies to a county that has county  
17 conflict counsel.

18 (iii) When appointing counsel other than the public defender to  
19 represent a juvenile, the court shall appoint county conflict counsel,  
20 unless such counsel cannot represent the juvenile due to conflicting  
21 interests or for other good cause shown.

22 (2) The court, on its own motion or upon application of a party to  
23 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)  
24 If the juvenile has no parent or guardian of his or her person or if the  
25 parent or guardian of the juvenile cannot be located or cannot be brought  
26 before the court; (b) if the parent or guardian of the juvenile is  
27 excused from participation in all or any part of the proceedings; (c) if  
28 the parent is a juvenile or an incompetent; (d) if the parent is  
29 indifferent to the interests of the juvenile; or (e) in any proceeding  
30 pursuant to the provisions of subdivision (3)(a) of section 43-247.

31 A guardian ad litem shall have the duty to protect the interests of

1 the juvenile for whom he or she has been appointed guardian, and shall be  
2 deemed a parent of the juvenile as to those proceedings with respect to  
3 which his or her guardianship extends.

4 (3) The court shall appoint an attorney as guardian ad litem. A  
5 guardian ad litem shall act as his or her own counsel and as counsel for  
6 the juvenile, unless there are special reasons in a particular case why  
7 the guardian ad litem or the juvenile or both should have separate  
8 counsel. In such cases the guardian ad litem shall have the right to  
9 counsel, except that the guardian ad litem shall be entitled to appointed  
10 counsel without regard to his or her financial ability to retain counsel.  
11 Whether such appointed counsel shall be provided at the cost of the  
12 county shall be determined as provided in subsection (1) of this section.

13 (4) By July 1, 2015, the Supreme Court shall provide by court rule  
14 standards for guardians ad litem for juveniles in juvenile court  
15 proceedings.

16 (5) By July 1, 2017, the Supreme Court shall provide guidelines  
17 setting forth standards for all attorneys who practice in juvenile court.

18 **Sec. 40.** Section 43-273, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 43-273 (1) Counsel and guardians ad litem appointed outside of the  
21 guardian ad litem division as provided in section 43-272 shall apply to  
22 the court before which the proceedings were had for fees for services  
23 performed. The court upon hearing the application shall fix reasonable  
24 fees. The county board of the county wherein the proceedings were had  
25 shall allow the account, bill, or claim presented by any attorney or  
26 guardian ad litem for services performed under section 43-272 in the  
27 amount determined by the court. No such account, bill, or claim shall be  
28 allowed by the county board until the amount thereof shall have been  
29 determined by the court.

30 (2) This section does not apply to the public defender or to county  
31 conflict counsel as defined in section 30 of this act.

1           **Sec. 41.** Section 43-2923, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           43-2923 The best interests of the child require:

4           (1) A parenting arrangement and parenting plan or other court-  
5 ordered arrangement which provides for a child's safety, emotional  
6 growth, health, stability, and physical care and regular and continuous  
7 school attendance and progress for school-age children;

8           (2) When a preponderance of the evidence indicates domestic intimate  
9 partner abuse, a parenting and visitation arrangement that provides for  
10 the safety of a victim parent;

11           (3) That the child's families and those serving in parenting roles  
12 remain appropriately active and involved in parenting with safe,  
13 appropriate, continuing quality contact between children and their  
14 families when they have shown the ability to act in the best interests of  
15 the child and have shared in the responsibilities of raising the child;

16           (4) That even when parents have voluntarily negotiated or mutually  
17 mediated and agreed upon a parenting plan, the court shall determine  
18 whether it is in the best interests of the child for parents to maintain  
19 continued communications with each other and to make joint decisions in  
20 performing parenting functions as are necessary for the care and healthy  
21 development of the child. If the court rejects a parenting plan, the  
22 court shall provide written findings as to why the parenting plan is not  
23 in the best interests of the child;

24           (5) That certain principles provide a basis upon which education of  
25 parents is delivered and upon which negotiation and mediation of  
26 parenting plans are conducted. Such principles shall include: To minimize  
27 the potentially negative impact of parental conflict on children; to  
28 provide parents the tools they need to reach parenting decisions that are  
29 in the best interests of a child; to provide alternative dispute  
30 resolution or specialized alternative dispute resolution options that are  
31 less adversarial for the child and the family; to ensure that the child's

1 voice is heard and considered in parenting decisions; to maximize the  
2 safety of family members through the justice process; and, in cases of  
3 domestic intimate partner abuse or child abuse or neglect, to incorporate  
4 the principles of victim safety and sensitivity, offender accountability,  
5 and community safety in parenting plan decisions; and

6 (6) In determining custody and parenting arrangements, the court  
7 shall consider the best interests of the minor child, which shall  
8 include, but not be limited to, consideration of the foregoing factors  
9 and:

10 (a) The relationship of the minor child to each parent prior to the  
11 commencement of the action or any subsequent hearing;

12 (b) The desires and wishes of the minor child, if of an age of  
13 comprehension but regardless of chronological age, when such desires and  
14 wishes are based on sound reasoning;

15 (c) The general health, welfare, and social behavior of the minor  
16 child;

17 (d) Credible evidence showing increased intellectual and social  
18 growth in children who have equal access to both parents;

19 (e) ~~(d)~~ Credible evidence of abuse inflicted on any family or  
20 household member. For purposes of this subdivision, abuse and family or  
21 household member shall have the meanings prescribed in section 42-903;  
22 and

23 (f) ~~(e)~~ Credible evidence of child abuse or neglect or domestic  
24 intimate partner abuse. For purposes of this subdivision, the definitions  
25 in section 43-2922 shall be used.

26 **Sec. 42.** Section 71-946, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 71-946 (1) The appointment of counsel under section 71-945 shall be  
29 in accordance with this section. ~~the following procedures:~~

30 (2) In ~~(1)~~ ~~Except in~~ counties not having a public defender, upon the  
31 receipt from the mental health board of a certificate for the appointment

1 of counsel, the clerk of the district court shall notify the district  
2 judge or the county judge of the county in which the proceedings are  
3 pending of the receipt of such certificate. The judge to whom the  
4 certificate was issued shall appoint an attorney to represent the person  
5 concerning whom an application is filed before the mental health board,  
6 whereupon the clerk of the court shall enter upon the certificate the  
7 name of the attorney appointed and deliver the certificate of appointment  
8 of counsel to the mental health board. The clerk of the district court or  
9 the clerk of the county court shall also keep and maintain a record of  
10 all appointments which shall be conclusive evidence thereof. All  
11 appointments of counsel under the Nebraska Mental Health Commitment Act  
12 or the Sex Offender Commitment Act may be made at any time or place in  
13 the state. ~~and~~

14 (3) (2) In counties having a public defender, upon receipt from the  
15 mental health board of a certificate for the appointment of counsel, the  
16 clerk of the district court shall notify the public defender of his or  
17 her appointment to represent the person and shall enter upon the  
18 certificate the name of the attorney appointed and deliver the  
19 certificate of appointment of counsel to the mental health board.

20 (4)(a) For purposes of this section, county conflict counsel has the  
21 same meaning as in section 30 of this act.

22 (b) This subsection only applies to a county that has county  
23 conflict counsel.

24 (c) When appointing counsel other than the public defender to  
25 represent a subject, the court shall appoint county conflict counsel,  
26 unless such counsel cannot represent the subject due to conflicting  
27 interests or for other good cause shown.

28 **Sec. 43.** Section 71-947, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-947 Counsel appointed as provided in subsection (2) subdivision  
31 (1) of section 71-946 shall apply to the court in which his or her

1 appointment is recorded for fees for services performed. Such counsel may  
2 also apply to the court to secure separate professional examination of  
3 the person for whom counsel was appointed and shall be reimbursed for  
4 costs incurred in securing such separate examination or examinations or  
5 in having other professional persons as witnesses before the mental  
6 health board. The court, upon hearing the application, shall fix  
7 reasonable fees, including reimbursement of costs incurred. The county  
8 board of the county in which the application was filed shall allow the  
9 account, bill, or claim presented by the attorney for services performed  
10 under the Nebraska Mental Health Commitment Act or the Sex Offender  
11 Commitment Act in the amount determined by the court. No such account,  
12 bill, or claim shall be allowed by the county board until the amount  
13 thereof has been determined by the court.

14 **Sec. 44.** Section 71-948, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-948 A subject or the subject's counsel shall have the right to  
17 employ mental health professionals of his or her choice to independently  
18 evaluate the subject's mental condition and testify for and otherwise  
19 assist the subject in proceedings under the Nebraska Mental Health  
20 Commitment Act or the Sex Offender Commitment Act. If the subject is  
21 indigent, only one such person may be employed except with leave of the  
22 mental health board. Any person so employed by a subject determined by  
23 the board to be indigent, except a subject represented by the public  
24 defender or county conflict counsel as defined in section 30 of this act,  
25 shall apply to the board for expenses reasonably necessary to such  
26 person's effective assistance of the subject and for reasonable fees for  
27 services performed by such person in assisting the subject. The board  
28 shall then fix reasonable fees and expenses, and the county board shall  
29 allow payment to such person in the full amount fixed by the board.

30 **Sec. 45.** Section 81-1850, Revised Statutes Supplement, 2025, is  
31 amended to read:

- 1 81-1850 (1) For purposes of this section:
- 2 (a) Covered offense means:
- 3 (i) Murder in the first degree, section 28-303;
- 4 (ii) Murder in the second degree, section 28-304;
- 5 (iii) Manslaughter, section 28-305;
- 6 (iv) Motor vehicle homicide, section 28-306;
- 7 (v) Assault in the first degree, section 28-308;
- 8 (vi) Assault in the second degree, section 28-309;
- 9 (vii) Assault by strangulation or suffocation, section 28-310.01;
- 10 (viii) Terroristic threats, section 28-311.01;
- 11 (ix) Stalking, section 28-311.03;
- 12 (x) Kidnapping, section 28-313;
- 13 (xi) False imprisonment in the first degree, section 28-314;
- 14 (xii) Sexual abuse by a school employee, section 28-316.01;
- 15 (xiii) Sexual assault in the first degree, section 28-319;
- 16 (xiv) Sexual assault of a child in the first degree, section  
17 28-319.01;
- 18 (xv) Sexual assault in the second degree, section 28-320;
- 19 (xvi) Sexual assault of a child in the second or third degree,  
20 section 28-320.01;
- 21 (xvii) Child enticement by means of an electronic communication  
22 device, section 28-320.02;
- 23 (xviii) Sexual abuse of an inmate, a parolee, a probationer, or a  
24 problem solving court participant in the first degree, section 28-322.02;
- 25 (xix) Sexual abuse of an inmate, a parolee, a probationer, or a  
26 problem solving court participant in the second degree, section  
27 28-322.03;
- 28 (xx) ~~(xviii)~~ Sexual abuse of a protected individual, section  
29 28-322.04;
- 30 (xxi) Sexual abuse of a detainee, section 28-322.05;
- 31 (xxii) Sexual abuse by a conservator, guardian, or guardian ad

1 litem, section 12 of this act;

2 (xxiii) Sexual abuse by a child welfare service provider, section 13  
3 of this act;

4 (xxiv) (~~xix~~) Domestic assault in the first or second degree, section  
5 28-323;

6 (xxv) (~~xx~~) Sex trafficking, sex trafficking of a minor, labor  
7 trafficking, or labor trafficking of a minor, section 28-831; or

8 (xxvi) (~~xxi~~) An attempt, solicitation, or conspiracy to commit an  
9 offense listed in subdivision (1)(a) of this section; and

10 (b) Victim has the same meaning as in section 29-119.

11 (2)(a) Except as provided in subdivision (2)(b) of this section,  
12 when a person is convicted of a felony, the county attorney shall forward  
13 the name and address of any victim of such convicted person to the Board  
14 of Parole, the Department of Correctional Services, the county  
15 corrections agency, the Department of Health and Human Services, and the  
16 Board of Pardons, as applicable.

17 (b) A victim may waive the right to notification under this section  
18 by notifying the county attorney, in which case the county attorney is  
19 not required to comply with subdivision (2)(a) of this section.

20 (c) The Board of Parole, the Department of Correctional Services,  
21 the county corrections agency, the Department of Health and Human  
22 Services, and the Board of Pardons shall include the victim's name in the  
23 file of the convicted person, but the name shall not be part of the  
24 public record of any parole or pardons hearings of the convicted person.

25 (d) Any victim, including a victim who has waived his or her right  
26 to notification, may request the notification prescribed in this section,  
27 as applicable, by sending a written request to the Board of Parole, the  
28 Department of Correctional Services, the county corrections agency, the  
29 Department of Health and Human Services, or the Board of Pardons any time  
30 after the convicted person is incarcerated and until the convicted person  
31 is no longer under the jurisdiction of the Board of Parole, the county

1 corrections agency, the Department of Correctional Services, or the Board  
2 of Pardons or, if the convicted person is under the jurisdiction of the  
3 Department of Health and Human Services, within the three-year period  
4 after the convicted person is no longer under the jurisdiction of the  
5 Board of Parole, the county corrections agency, the Department of  
6 Correctional Services, or the Board of Pardons.

7 (3) A victim whose name appears in the file of the convicted person  
8 shall be notified by the Board of Parole:

9 (a) Within ninety days after conviction of an offender, of the  
10 tentative date of release and the earliest parole eligibility date of  
11 such offender;

12 (b) Of any parole hearings or proceedings;

13 (c) Of any decision of the Board of Parole;

14 (d) When a convicted person who is on parole is returned to custody  
15 because of parole violations; and

16 (e) If the convicted person has been adjudged a mentally disordered  
17 sex offender or is a convicted sex offender, when such convicted person  
18 is released from custody or treatment.

19 Such notification shall be given in person, by telecommunication, or  
20 by mail.

21 (4) A victim whose name appears in the file of the convicted person  
22 shall be notified by the Department of Correctional Services or a county  
23 corrections agency:

24 (a) When a convicted person is granted a furlough or release from  
25 incarceration for twenty-four hours or longer or any transfer of the  
26 convicted person to community status;

27 (b) When a convicted person is released into community-based  
28 programs, including educational release and work release programs. Such  
29 notification shall occur at the beginning and termination of any such  
30 program;

31 (c) When a convicted person escapes or does not return from a

1 granted furlough or release and again when the convicted person is  
2 returned into custody;

3 (d) When a convicted person is discharged from custody upon  
4 completion of his or her sentence. Such notice shall be given at least  
5 thirty days before discharge, when practicable;

6 (e) Of the (i) department's calculation of the earliest parole  
7 eligibility date of the prisoner with all potential good time or  
8 disciplinary credits considered if the sentence exceeds ninety days or  
9 (ii) county corrections agency's calculation of the earliest release date  
10 of the prisoner. The victim may request one notice of the calculation  
11 described in this subdivision. Such information shall be mailed not later  
12 than thirty days after receipt of the request;

13 (f) Of any reduction in the prisoner's minimum sentence; and

14 (g) Of the victim's right to submit a statement as provided in  
15 section 81-1848.

16 (5) A victim whose name appears in the file of a convicted person  
17 shall be notified by the Department of Health and Human Services:

18 (a) When a person described in subsection (6) of this section  
19 becomes the subject of a petition pursuant to the Nebraska Mental Health  
20 Commitment Act or the Sex Offender Commitment Act prior to his or her  
21 discharge from custody upon the completion of his or her sentence or  
22 within thirty days after such discharge. The county attorney who filed  
23 the petition shall notify the Department of Correctional Services of such  
24 petition. The Department of Correctional Services shall forward the names  
25 and addresses of victims appearing in the file of the convicted person to  
26 the Department of Health and Human Services; and

27 (b) When a person under a mental health board commitment pursuant to  
28 subdivision (a) of this subsection:

29 (i) Escapes from an inpatient facility providing board-ordered  
30 treatment and again when the person is returned to an inpatient facility;

31 (ii) Is discharged or has a change in disposition from inpatient

1 board-ordered treatment;

2 (iii) Is granted a furlough or release for twenty-four hours or  
3 longer; and

4 (iv) Is released into educational release programs or work release  
5 programs. Such notification shall occur at the beginning and termination  
6 of any such program.

7 (6) Subsection (5) of this section applies to a person convicted of  
8 a covered offense which is also alleged to be the recent act or threat  
9 underlying the commitment of such person as mentally ill and dangerous or  
10 as a dangerous sex offender as defined in section 83-174.01.

11 (7) A victim whose name appears in the file of a person convicted of  
12 a covered offense shall be notified, via certified mail, by the Board of  
13 Pardons:

14 (a) Of any pardon or commutation proceedings at least thirty  
15 calendar days prior to the proceedings; and

16 (b) If a pardon or commutation has been granted, within ten days  
17 after such granting.

18 (8) The Board of Parole, the Department of Correctional Services,  
19 the Department of Health and Human Services, and the Board of Pardons  
20 shall adopt and promulgate rules and regulations as needed to carry out  
21 this section.

22 (9) The victim's address and telephone number maintained by the  
23 Department of Correctional Services, the Department of Health and Human  
24 Services, the county corrections agency, the Board of Parole, and the  
25 Board of Pardons pursuant to subsection (2) of this section shall be  
26 exempt from disclosure under Nebraska public records laws and federal  
27 freedom of information laws, as such federal laws existed on January 1,  
28 2004.

29 **Sec. 46.** Section 83-4,143, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 83-4,143 (1) It is the intent of the Legislature that the Board of

1 Parole may recommend placement of felony offenders at the incarceration  
2 work camp. The offenders recommended by the board shall be offenders  
3 currently housed at other Department of Correctional Services adult  
4 correctional facilities and shall complete the incarceration work camp  
5 programming prior to release on parole.

6 (2) When the Board of Parole is of the opinion that a felony  
7 offender currently incarcerated in a Department of Correctional Services  
8 adult correctional facility may benefit from a brief and intensive period  
9 of regimented, structured, and disciplined programming immediately prior  
10 to release on parole, the board may direct placement of such an offender  
11 in an incarceration work camp for a period not to exceed one hundred  
12 eighty days as a condition of release on parole. The board may consider  
13 such placement if the felony offender (a) is medically and mentally fit  
14 to participate, with allowances given for reasonable accommodation as  
15 determined by medical and mental health professionals, and (b) has not  
16 previously been incarcerated for a violent felony crime. Offenders  
17 convicted of a crime under sections 28-319 to 28-322.05 and sections 12  
18 and 13 of this act or of any capital crime are not eligible to be placed  
19 in an incarceration work camp.

20 (3) The Director of Correctional Services may assign a felony  
21 offender to an incarceration work camp if he or she believes it is in the  
22 best interests of the felony offender and of society, except that  
23 offenders convicted of a crime under sections 28-319 to 28-322.05 and  
24 sections 12 and 13 of this act or of any capital crime are not eligible  
25 to be assigned to an incarceration work camp pursuant to this subsection.

26 **Sec. 47.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 84-941.01 Potentially disqualifying conviction includes a conviction  
29 for:

30 (1) Criminal attempt as provided in section 28-201, conspiracy as  
31 provided in section 28-202, or aiding and abetting as provided in section

- 1 28-206, to commit an offense listed in this section;
- 2 (2) Murder as provided in sections 28-303 or 28-304;
- 3 (3) Manslaughter as provided in section 28-305;
- 4 (4) Motor vehicle homicide as provided in section 28-306;
- 5 (5) Assault in the first or second degree as provided in sections
- 6 28-308 and 28-309;
- 7 (6) Terroristic threats as provided in section 28-311.01;
- 8 (7) Stalking as provided in section 28-311.03;
- 9 (8) Kidnapping as provided in section 28-313;
- 10 (9) False imprisonment as provided in sections 28-314 and 28-315;
- 11 (10) A sexual act subject to criminal penalties as provided in
- 12 sections 28-317 to 28-322.05 and sections 12 and 13 of this act;
- 13 (11) Domestic assault as provided in section 28-323;
- 14 (12) Robbery as provided in section 28-324;
- 15 (13) Arson as provided in sections 28-502, 28-503, and 28-504;
- 16 (14) Fraud subject to criminal penalties as provided in sections
- 17 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- 18 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
- 19 28-515;
- 20 (16) Forgery as provided in sections 28-602 and 28-603;
- 21 (17) Incest as provided in section 28-703;
- 22 (18) Child abuse as provided in section 28-707;
- 23 (19) Human trafficking, labor trafficking, sex trafficking, labor
- 24 trafficking of a minor, or sex trafficking of a minor as provided in
- 25 section 28-831;
- 26 (20) False reporting as provided in section 28-907;
- 27 (21) Perjury as provided in section 28-915;
- 28 (22) Assault on an officer, an emergency responder, certain
- 29 employees, or a health care professional in the first degree as provided
- 30 in section 28-929;
- 31 (23) Assault on an officer, an emergency responder, certain

1 employees, or a health care professional in the second degree as provided  
2 in section 28-930;

3 (24) Assault on an officer, an emergency responder, certain  
4 employees, or a health care professional in the third degree as provided  
5 in section 28-931;

6 (25) Assault on an officer, an emergency responder, certain  
7 employees, or a health care professional using a motor vehicle as  
8 provided in section 28-931.01;

9 (26) An offense that has as an element the threat to inflict serious  
10 bodily injury as defined in section 28-109 or death on another person,  
11 the intentional infliction of serious bodily injury as defined in section  
12 28-109 on another person, or intentionally causing the death of another  
13 person;

14 (27) An offense for which registration is required under the Sex  
15 Offender Registration Act; or

16 (28) Any offense under the laws of another jurisdiction that is  
17 substantially equivalent to any of the offenses listed in this section.

18 **Sec. 48.** Sections 17, 20, 22, 23, 24, 25, 26, 27, 28, and 50 of this  
19 act become operative on October 1, 2026. The other sections of this act  
20 become operative on their effective date.

21 **Sec. 49.** If any section in this act or any part of any section is  
22 declared invalid or unconstitutional, the declaration shall not affect  
23 the validity or constitutionality of the remaining portions.

24 **Sec. 50.** Original section 28-610, Reissue Revised Statutes of  
25 Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are  
26 repealed.

27 **Sec. 51.** Original sections 28-322.02, 28-322.03, 28-323, 28-508,  
28 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946,  
29 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of  
30 Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903,  
31 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and

1 sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01,  
2 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes  
3 Supplement, 2025, are repealed.