

AMENDMENTS TO LB965

Introduced by Judiciary.

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

3 **Sec. 2.** Section 27-404, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 27-404 (1) Evidence of a person's character or a trait of his or her
6 character is not admissible for the purpose of proving that he or she
7 acted in conformity therewith on a particular occasion, except:

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

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

17 (c) Evidence of the character of a witness as provided in sections
18 27-607 to 27-609.

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

24 (3) When such evidence is admissible pursuant to this section, in
25 criminal cases evidence of other crimes, wrongs, or acts of the accused
26 may be offered in evidence by the prosecution if the prosecution proves
27 to the court by clear and convincing evidence that the accused committed

1 the crime, wrong, or act. Such proof shall first be made outside the
2 presence of any jury.

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

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

9 27-413 For purposes of sections 27-414 and 27-415, offense of sexual
10 assault means:

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

12 (2) Sexual ~~sexual~~ abuse by a school worker under section
13 28-316.01; τ

14 (3) Sexual ~~sexual~~ assault of a child under section 28-319.01 or
15 28-320.01; τ

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

18 (5) Sexual ~~sexual~~ abuse of an inmate, a ~~or~~ parolee, a probationer,
19 or a problem solving court participant under sections 28-322.01 to
20 28-322.03; τ

21 (6) Sexual ~~sexual~~ abuse of a protected individual under section
22 28-322.04; τ

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

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

26 (9) Sexual abuse by a child welfare service provider under section
27 13 of this act;

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

30 (11) The ~~the~~ commission of or conviction for a crime in another
31 jurisdiction that is substantially similar to any crime listed in this

1 section.

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

4 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
5 and sections 12 and 13 of this act shall be known and may be cited as the
6 Nebraska Criminal Code.

7 **Sec. 5.** Section 28-115, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 28-115 (1) Except as provided in subsection (2) of this section, any
10 person who commits any of the following criminal offenses against a
11 pregnant woman shall be punished by the imposition of the next higher
12 penalty classification than the penalty classification prescribed for the
13 criminal offense:

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

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

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

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

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

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

20 (g) Sexual assault of a child in the first degree, section
21 28-319.01;

22 (h) Sexual assault of a child in the second or third degree, section
23 28-320.01;

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

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

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

31 (l) Sexual abuse of a detainee in the first or second degree, under

1 section 28-322.05;

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

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

6 (o) ~~(m)~~ Domestic assault in the first, second, or third degree,
7 section 28-323;

8 (p) ~~(n)~~ Assault on an officer, an emergency responder, a state
9 correctional employee, a Department of Health and Human Services
10 employee, or a health care professional in the first degree, section
11 28-929;

12 (q) ~~(o)~~ Assault on an officer, an emergency responder, a state
13 correctional employee, a Department of Health and Human Services
14 employee, or a health care professional in the second degree, section
15 28-930;

16 (r) ~~(p)~~ Assault on an officer, an emergency responder, a state
17 correctional employee, a Department of Health and Human Services
18 employee, or a health care professional in the third degree, section
19 28-931;

20 (s) ~~(q)~~ Assault on an officer, an emergency responder, a state
21 correctional employee, a Department of Health and Human Services
22 employee, or a health care professional using a motor vehicle, section
23 28-931.01;

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

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

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

29 (2) The enhancement in subsection (1) of this section does not apply
30 to any criminal offense listed in subsection (1) of this section that is
31 already punishable as a Class I, IA, or IB felony. If any criminal

1 offense listed in subsection (1) of this section is punishable as a Class
2 I misdemeanor, the penalty under this section is a Class IIIA felony.

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

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

7 28-318 As used in sections 28-317 to 28-322.05 and sections 12 and
8 13 of this act, unless the context otherwise requires:

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

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

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

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

17 (5) Sexual contact means the intentional touching of the victim's
18 sexual or intimate parts or the intentional touching of the victim's
19 clothing covering the immediate area of the victim's sexual or intimate
20 parts. Sexual contact also means the touching by the victim of the
21 actor's sexual or intimate parts or the clothing covering the immediate
22 area of the actor's sexual or intimate parts when such touching is
23 intentionally caused by the actor. Sexual contact includes only such
24 conduct which can be reasonably construed as being for the purpose of
25 sexual arousal or gratification of either party. Sexual contact also
26 includes the touching of a child with the actor's sexual or intimate
27 parts on any part of the child's body for purposes of sexual abuse by a
28 school worker under section 28-316.01 or sexual assault of a child under
29 sections 28-319.01 and 28-320.01;

30 (6) Sexual penetration means sexual intercourse in its ordinary
31 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,

1 however slight, of any part of the actor's or victim's body or any object
2 manipulated by the actor into the genital or anal openings of the
3 victim's body which can be reasonably construed as being for nonmedical,
4 nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not
5 require emission of semen;

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

8 (8) Without consent means:

9 (a)(i) The victim was compelled to submit due to the use of force or
10 threat of force or coercion, or (ii) the victim expressed a lack of
11 consent through words, or (iii) the victim expressed a lack of consent
12 through conduct, or (iv) the consent, if any was actually given, was the
13 result of the actor's deception as to the identity of the actor or the
14 nature or purpose of the act on the part of the actor;

15 (b) The victim need only resist, either verbally or physically, so
16 as to make the victim's refusal to consent genuine and real and so as to
17 reasonably make known to the actor the victim's refusal to consent; and

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

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

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

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

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

30 (2) (1) Inmate or parolee means any individual confined in a
31 facility operated by the department ~~Department of Correctional Services~~

1 or a ~~city or county correctional or jail~~ facility or

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

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

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

6 (6) (2) Person means:

7 (a) Any ~~an~~ individual employed by the department ~~Department of~~
8 ~~Correctional Services~~, including any individual working in central
9 administration of the department, any individual working under contract
10 with the department, and any individual ~~, other than an inmate's spouse,~~
11 to whom the department has authorized or delegated control over an inmate
12 or an inmate's activities; ~~;~~ ;

13 (b) Any ~~an~~ individual employed by a ~~city or county correctional or~~
14 ~~jail facility~~, including any individual working in central administration
15 of the ~~city or county correctional or jail facility~~, any individual
16 working under contract with the ~~city or county correctional or jail~~
17 ~~facility~~, and any individual ~~, other than an inmate's spouse,~~ to whom the
18 ~~city or county correctional or jail facility~~ has authorized or delegated
19 control over an inmate or an inmate's activities; ~~;~~ ; and

20 (c) Any ~~an~~ individual employed by the office, including, but not
21 limited to:

22 (i) Any probation officer, chief probation officer, juvenile
23 probation officer, or juvenile intake officer, as those terms are defined
24 in section 29-2246; or

25 (ii) Any individual:

26 (A) Working in probation administration or for any probation
27 district;

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

30 (C) To whom the office or a problem solving court has authorized or
31 delegated control over a probationer or problem solving court

1 participant, or such person's activities, whether by contract or
2 otherwise; Office of Probation Administration who performs official
3 duties within any facility operated by the Department of Correctional
4 Services or a city or county correctional or jail facility.

5 (7) Probationer means:

6 (a) Any individual under probation supervision, including, but not
7 limited to, as a result of a sentence of probation or post-release
8 supervision, pursuant to a deferred judgment, or pursuant to the Nebraska
9 Juvenile Code; or

10 (b) Any individual subject to a presentence or predisposition
11 investigation being completed by the office or subject to a probation
12 intake; and

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

15 **Sec. 9.** Section 28-322.01, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 28-322.01 (1) A person commits the offense of sexual abuse of an
18 inmate, ~~a~~ ~~or~~ parolee, ~~a~~ probationer, ~~or~~ a problem solving court
19 participant if such person subjects an inmate, ~~a~~ ~~or~~ parolee, ~~a~~
20 probationer, ~~or~~ a problem solving court participant to sexual penetration
21 or sexual contact ~~as those terms are defined in section 28-318.~~

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

25 (3) ~~(2)~~ An otherwise lawful pat-down or body cavity search by a
26 person is not a violation of this section.

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

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

31 28-322.02 Any person who subjects an inmate, ~~a~~ ~~or~~ parolee, ~~a~~

1 probationer, or a problem solving court participant to sexual penetration
2 in violation of section 28-322.01 is guilty of sexual abuse of an inmate,
3 a ¶ parolee, a probationer, or a problem solving court participant in
4 the first degree. Sexual abuse of an inmate, a ¶ parolee, a probationer,
5 or a problem solving court participant in the first degree is a Class IIA
6 felony.

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

9 28-322.03 Any person who subjects an inmate, a ¶ parolee, a
10 probationer, or a problem solving court participant to sexual contact in
11 violation of section 28-322.01 is guilty of sexual abuse of an inmate, a
12 ¶ parolee, a probationer, or a problem solving court participant in the
13 second degree. Sexual abuse of an inmate, a ¶ parolee, a probationer, or
14 a problem solving court participant in the second degree is a Class IIIA
15 felony.

16 **Sec. 12.** (1) A conservator, guardian, or guardian ad litem shall
17 not subject any individual whom he or she has been appointed to serve as
18 a conservator, guardian, or guardian ad litem to sexual penetration or
19 sexual contact.

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

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

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

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

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

2 (a) Child welfare service provider means any:

3 (i) Individual or entity providing child welfare services,
4 including, but not limited to, any person with a contract or agreement
5 with the Department of Health and Human Services to provide child welfare
6 services; and

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

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

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

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

16 (4) A child welfare service provider who subjects a minor to sexual
17 penetration in violation of this section is guilty of sexual abuse by a
18 child welfare service provider in the first degree. Such offense is a
19 Class IIA felony.

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

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

26 28-470 (1) A health professional who is authorized to prescribe or
27 dispense an opioid overdose reversal medication, if acting with
28 reasonable care, may prescribe, administer, or dispense such medication
29 to any of the following persons without being subject to administrative
30 action or criminal prosecution:

31 (a) A person who is apparently experiencing or who is likely to

1 experience an opioid-related overdose; or

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

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

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

13 (b) Administers such medication to a person who is apparently
14 experiencing an opioid-related overdose.

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

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

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

31 (4) A peace officer or law enforcement employee who, acting in good

1 faith, obtains an opioid overdose reversal medication from the peace
2 officer's or employee's law enforcement agency and administers such
3 medication to a person who is apparently experiencing an opioid-related
4 overdose shall not be:

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

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

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

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

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

31 (6) (5) For purposes of this section:

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

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

3 (c) Emergency responder means an emergency medical responder, an
4 emergency medical technician, an advanced emergency medical technician,
5 or a paramedic licensed under the Emergency Medical Services Practice Act
6 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

7 (d) Health professional means a physician, physician assistant,
8 nurse practitioner, or pharmacist licensed under the Uniform
9 Credentialing Act;

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

12 (f) Law enforcement employee means an employee of a law enforcement
13 agency, a contractor of a law enforcement agency, or an employee of such
14 contractor who regularly, as part of his or her duties, handles,
15 processes, or is likely to come into contact with any evidence or
16 property which may include or contain opioids;

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

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

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

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

28 28-703 (1) A Any person commits the offense of incest if he or she
29 who shall knowingly;

30 (a) Inter-marries or engages intermarry or engage in sexual
31 penetration or sexual contact with any person who falls within the

1 degrees of consanguinity set forth in section 28-702;

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

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

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

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

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

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

15 28-712.01 (1)(a) The department may assign a report for alternative
16 response consistent with the Child Protection and Family Safety Act.

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

20 (i) Murder in the first or second degree as defined in section
21 28-303 or 28-304 or manslaughter as defined in section 28-305;

22 (ii) Assault in the first, second, or third degree or assault by
23 strangulation or suffocation as defined in section 28-308, 28-309,
24 28-310, or 28-310.01;

25 (iii) Sexual abuse, including acts prohibited by section 28-319,
26 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
27 28-322.04, 28-322.05, 28-703, or 28-707 or sections 12 and 13 of this
28 act;

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

31 (v) Neglect of a minor child that results in serious bodily injury

1 as defined in section 28-109, requires hospitalization of the child, or
2 results in an injury to the child that requires ongoing medical care,
3 behavioral health care, or physical or occupational therapy, including a
4 growth delay, which may be referred to as failure to thrive, that has
5 been diagnosed by a physician and is due to parental neglect;

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

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

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

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

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

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

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

21 (xiii) A household member illegally manufactures methamphetamine or
22 opioids;

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

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

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

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

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

6 (ii) Use of alcohol or controlled substances as defined in section
7 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to
8 care and provide safety for the child; or

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

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

24 (3) In the case of an alternative response, the department shall
25 complete a comprehensive assessment. The department shall transfer the
26 case being given alternative response to traditional response if the
27 department determines that a child is unsafe or if the concern for the
28 safety of the child is due to a temporary living arrangement. Upon
29 completion of the comprehensive assessment, if it is determined that the
30 child is safe, participation in services offered to the family receiving
31 an alternative response is voluntary, the case shall not be transferred

1 to traditional response based upon the family's failure to enroll or
2 participate in such services, and the subject of the report shall not be
3 entered into the central registry of child protection cases maintained
4 pursuant to section 28-718.

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

10 (5) The department shall make available to the appropriate
11 investigating law enforcement agency, child advocacy center, and county
12 attorney a copy of all reports relative to a case of suspected child
13 abuse or neglect. Aggregate, nonidentifying data regarding reports of
14 child abuse or neglect receiving an alternative response shall be made
15 available quarterly to requesting agencies outside the department. Such
16 alternative response data shall include, but not be limited to, the
17 nature of the initial child abuse or neglect report, the age of the child
18 or children, the nature of services offered, the location of the cases,
19 the number of cases per month, and the number of alternative response
20 cases that were transferred to traditional response. Other than the
21 office of Inspector General of Nebraska Child Welfare, the Public
22 Counsel, law enforcement agency personnel, child advocacy center
23 employees, and county attorneys, no other agency or individual shall be
24 provided specific, identifying reports of child abuse or neglect being
25 given alternative response. The office of Inspector General of Nebraska
26 Child Welfare shall have access to all reports relative to cases of
27 suspected child abuse or neglect subject to traditional response and
28 those subject to alternative response. The department and the office
29 shall develop procedures allowing for the Inspector General's review of
30 cases subject to alternative response. The Inspector General shall
31 include in the report pursuant to section 50-1818 a summary of all cases

1 reviewed pursuant to this subsection.

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

4 28-1701 (1) A person shall not be arrested or prosecuted for an
5 eligible alcohol or drug offense if such person witnessed or was the
6 victim of a sexual assault and such person:

7 (a) Either:

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

10 (ii) Requested emergency medical assistance for the victim of the
11 sexual assault; and

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

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

18 (a) Evidence supporting the arrest or prosecution of the person for
19 the offense was obtained or discovered as a result of the investigation
20 or prosecution of a sexual assault; and

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

23 (3) For purposes of this section:

24 (a) Eligible alcohol or drug offense means:

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

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

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

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

5 (b) Sexual assault means:

6 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
7 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, sex
9 trafficking or sex trafficking of a minor under section 28-831, or
10 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
11 or (f) of section 28-707; or

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

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

12 29-4309 For the purposes of the Sexual Assault Victims' Bill of
13 Rights Act:

14 (1)(a) Advocate means:

15 (i) Any employee or supervised volunteer of a domestic violence and
16 sexual assault victim assistance program or of any other agency,
17 business, or organization that is not affiliated with a law enforcement
18 or prosecutor's office, whose primary purpose is assisting domestic
19 violence and sexual assault victims. This includes employees or
20 supervised volunteers of an Indian tribe or a postsecondary educational
21 institution;

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

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

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

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

1 (3) Sexual assault means a violation of section 28-319, 28-319.01,
2 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
3 28-322.05, 28-703, or 28-1805 or sections 12 and 13 of this act, sex
4 trafficking or sex trafficking of a minor under section 28-831, or
5 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
6 or (f) of section 28-707;

7 (4) Sexual assault forensic evidence means evidence collected by a
8 health care provider contained within any sexual assault forensic
9 evidence collection kit, including a toxicology kit, or any forensic
10 evidence collected by law enforcement through the course of an
11 investigation; and

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

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

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

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

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

25 29-4316 (1) For purposes of this section:

26 (a) Criminal justice agency has the same meaning as in section
27 29-3509;

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

30 (c) Sexual assault means a violation of section 28-319, 28-319.01,
31 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,

1 28-322.05, 28-703, or 28-1805 or sections 12 and 13 of this act or
2 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
3 or (f) of section 28-707.

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

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

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

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

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

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

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

24 (f) To the sharing of reports and information regarding child abuse
25 and neglect with a child abuse and neglect investigation team or child
26 abuse and neglect treatment team provided for in section 28-728;

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

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

- 1 (i) As a Title IX coordinator; or
- 2 (ii) To receive reports related to sexual assault or sex trafficking
- 3 or to provide supportive measures related to such reports; or
- 4 (i) To communication with advocates and health care providers as
- 5 defined in section 29-4309.

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

8 81-1850 (1) For purposes of this section:

9 (a) Covered offense means:

- 10 (i) Murder in the first degree, section 28-303;
- 11 (ii) Murder in the second degree, section 28-304;
- 12 (iii) Manslaughter, section 28-305;
- 13 (iv) Motor vehicle homicide, section 28-306;
- 14 (v) Assault in the first degree, section 28-308;
- 15 (vi) Assault in the second degree, section 28-309;
- 16 (vii) Assault by strangulation or suffocation, section 28-310.01;
- 17 (viii) Terroristic threats, section 28-311.01;
- 18 (ix) Stalking, section 28-311.03;
- 19 (x) Kidnapping, section 28-313;
- 20 (xi) False imprisonment in the first degree, section 28-314;
- 21 (xii) Sexual abuse by a school employee, section 28-316.01;
- 22 (xiii) Sexual assault in the first degree, section 28-319;
- 23 (xiv) Sexual assault of a child in the first degree, section
- 24 28-319.01;
- 25 (xv) Sexual assault in the second degree, section 28-320;
- 26 (xvi) Sexual assault of a child in the second or third degree,
- 27 section 28-320.01;
- 28 (xvii) Child enticement by means of an electronic communication
- 29 device, section 28-320.02;
- 30 (xviii) Sexual abuse of an inmate, a parolee, a probationer, or a
- 31 problem solving court participant in the first degree, section 28-322.02;

1 (xix) Sexual abuse of an inmate, a parolee, a probationer, or a
2 problem solving court participant in the second degree, section
3 28-322.03;

4 (xx) ~~(xviii)~~ Sexual abuse of a protected individual, section
5 28-322.04;

6 (xxi) Sexual abuse of a detainee, section 28-322.05;

7 (xxii) Sexual abuse by a conservator, guardian, or guardian ad
8 litem, section 12 of this act;

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

11 (xxiv) ~~(xix)~~ Domestic assault in the first or second degree, section
12 28-323;

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

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

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

18 (2)(a) Except as provided in subdivision (2)(b) of this section,
19 when a person is convicted of a felony, the county attorney shall forward
20 the name and address of any victim of such convicted person to the Board
21 of Parole, the Department of Correctional Services, the county
22 corrections agency, the Department of Health and Human Services, and the
23 Board of Pardons, as applicable.

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

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

1 (d) Any victim, including a victim who has waived his or her right
2 to notification, may request the notification prescribed in this section,
3 as applicable, by sending a written request to the Board of Parole, the
4 Department of Correctional Services, the county corrections agency, the
5 Department of Health and Human Services, or the Board of Pardons any time
6 after the convicted person is incarcerated and until the convicted person
7 is no longer under the jurisdiction of the Board of Parole, the county
8 corrections agency, the Department of Correctional Services, or the Board
9 of Pardons or, if the convicted person is under the jurisdiction of the
10 Department of Health and Human Services, within the three-year period
11 after the convicted person is no longer under the jurisdiction of the
12 Board of Parole, the county corrections agency, the Department of
13 Correctional Services, or the Board of Pardons.

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

16 (a) Within ninety days after conviction of an offender, of the
17 tentative date of release and the earliest parole eligibility date of
18 such offender;

19 (b) Of any parole hearings or proceedings;

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

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

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

26 Such notification shall be given in person, by telecommunication, or
27 by mail.

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

31 (a) When a convicted person is granted a furlough or release from

1 incarceration for twenty-four hours or longer or any transfer of the
2 convicted person to community status;

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

7 (c) When a convicted person escapes or does not return from a
8 granted furlough or release and again when the convicted person is
9 returned into custody;

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

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

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

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

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

25 (a) When a person described in subsection (6) of this section
26 becomes the subject of a petition pursuant to the Nebraska Mental Health
27 Commitment Act or the Sex Offender Commitment Act prior to his or her
28 discharge from custody upon the completion of his or her sentence or
29 within thirty days after such discharge. The county attorney who filed
30 the petition shall notify the Department of Correctional Services of such
31 petition. The Department of Correctional Services shall forward the names

1 and addresses of victims appearing in the file of the convicted person to
2 the Department of Health and Human Services; and

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

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

7 (ii) Is discharged or has a change in disposition from inpatient
8 board-ordered treatment;

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

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

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

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

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

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

25 (8) The Board of Parole, the Department of Correctional Services,
26 the Department of Health and Human Services, and the Board of Pardons
27 shall adopt and promulgate rules and regulations as needed to carry out
28 this section.

29 (9) The victim's address and telephone number maintained by the
30 Department of Correctional Services, the Department of Health and Human
31 Services, the county corrections agency, the Board of Parole, and the

1 Board of Pardons pursuant to subsection (2) of this section shall be
2 exempt from disclosure under Nebraska public records laws and federal
3 freedom of information laws, as such federal laws existed on January 1,
4 2004.

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

7 83-4,143 (1) It is the intent of the Legislature that the Board of
8 Parole may recommend placement of felony offenders at the incarceration
9 work camp. The offenders recommended by the board shall be offenders
10 currently housed at other Department of Correctional Services adult
11 correctional facilities and shall complete the incarceration work camp
12 programming prior to release on parole.

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

27 (3) The Director of Correctional Services may assign a felony
28 offender to an incarceration work camp if he or she believes it is in the
29 best interests of the felony offender and of society, except that
30 offenders convicted of a crime under sections 28-319 to 28-322.05 and
31 sections 12 and 13 of this act or of any capital crime are not eligible

1 to be assigned to an incarceration work camp pursuant to this subsection.

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

4 84-941.01 Potentially disqualifying conviction includes a conviction
5 for:

6 (1) Criminal attempt as provided in section 28-201, conspiracy as
7 provided in section 28-202, or aiding and abetting as provided in section
8 28-206, to commit an offense listed in this section;

9 (2) Murder as provided in sections 28-303 or 28-304;

10 (3) Manslaughter as provided in section 28-305;

11 (4) Motor vehicle homicide as provided in section 28-306;

12 (5) Assault in the first or second degree as provided in sections
13 28-308 and 28-309;

14 (6) Terroristic threats as provided in section 28-311.01;

15 (7) Stalking as provided in section 28-311.03;

16 (8) Kidnapping as provided in section 28-313;

17 (9) False imprisonment as provided in sections 28-314 and 28-315;

18 (10) A sexual act subject to criminal penalties as provided in
19 sections 28-317 to 28-322.05 and sections 12 and 13 of this act;

20 (11) Domestic assault as provided in section 28-323;

21 (12) Robbery as provided in section 28-324;

22 (13) Arson as provided in sections 28-502, 28-503, and 28-504;

23 (14) Fraud subject to criminal penalties as provided in sections
24 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

25 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
26 28-515;

27 (16) Forgery as provided in sections 28-602 and 28-603;

28 (17) Incest as provided in section 28-703;

29 (18) Child abuse as provided in section 28-707;

30 (19) Human trafficking, labor trafficking, sex trafficking, labor
31 trafficking of a minor, or sex trafficking of a minor as provided in

1 section 28-831;

2 (20) False reporting as provided in section 28-907;

3 (21) Perjury as provided in section 28-915;

4 (22) Assault on an officer, an emergency responder, certain
5 employees, or a health care professional in the first degree as provided
6 in section 28-929;

7 (23) Assault on an officer, an emergency responder, certain
8 employees, or a health care professional in the second degree as provided
9 in section 28-930;

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

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

16 (26) An offense that has as an element the threat to inflict serious
17 bodily injury as defined in section 28-109 or death on another person,
18 the intentional infliction of serious bodily injury as defined in section
19 28-109 on another person, or intentionally causing the death of another
20 person;

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

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

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

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

31 **Sec. 50.** Original section 28-610, Reissue Revised Statutes of

1 Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are
2 repealed.

3 **Sec. 51.** Original sections 28-322.02, 28-322.03, 28-323, 28-508,
4 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946,
5 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of
6 Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903,
7 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and
8 sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01,
9 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes
10 Supplement, 2025, are repealed.