

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 52

FINAL READING

Introduced by Ibach, 44; Bosn, 25; Holdcroft, 36; DeKay, 40.

Read first time January 09, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to victims; to amend section 81-1850, Reissue
- 2 Revised Statutes of Nebraska; to change offenses included within
- 3 certain victim notification requirements; to change provisions
- 4 relating to disclosure of certain information; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-1850, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1850 (1) For purposes of this section:

4 (a) Covered offense means:

5 (i) Murder in the first degree, ~~pursuant to section 28-303;~~

6 (ii) Murder in the second degree, ~~pursuant to section 28-304;~~

7 (iii) Manslaughter, section 28-305;

8 (iv) Motor vehicle homicide, section 28-306;

9 (v) Assault in the first degree, section 28-308;

10 (vi) Assault in the second degree, section 28-309;

11 (vii) Assault by strangulation or suffocation, section 28-310.01;

12 (viii) Terroristic threats, section 28-311.01;

13 (ix) Stalking, section 28-311.03;

14 (x) ~~(iii)~~ Kidnapping, pursuant to section 28-313;

15 (xi) False imprisonment in the first degree, section 28-314;

16 (xii) Sexual abuse by a school employee, section 28-316.01;

17 ~~(iv) Assault in the first degree pursuant to section 28-308;~~

18 ~~(v) Assault in the second degree pursuant to section 28-309;~~

19 (xiii) ~~(vi)~~ Sexual assault in the first degree, pursuant to section
20 28-319;

21 (xiv) Sexual assault of a child in the first degree, section
22 28-319.01;

23 (xv) ~~(vii)~~ Sexual assault in the second degree, pursuant to section
24 28-320;

25 ~~(viii) Sexual assault of a child in the first degree pursuant to~~
26 ~~section 28-319.01;~~

27 (xvi) ~~(ix)~~ Sexual assault of a child in the second or third degree,
28 pursuant to section 28-320.01;

29 (xvii) Child enticement by means of an electronic communication
30 device, section 28-320.02;

31 (xviii) Sexual abuse of a protected individual, section 28-322.04;

1 (xix) Domestic assault in the first or second degree, section
2 28-323;

3 ~~(x) Stalking pursuant to section 28-311.03; or~~

4 (xx) Sex trafficking, sex trafficking of a minor, labor trafficking,
5 or labor trafficking of a minor, section 28-831; or

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

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

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

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

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

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

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

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

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

10 (b) Of any parole hearings or proceedings;

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

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

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

17 Such notification shall be given in person, by telecommunication, or
18 by mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (iii) Is granted a furlough or release for twenty-four hours or

1 longer; and

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

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

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

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

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

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

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

27 **Sec. 2.** Original section 81-1850, Reissue Revised Statutes of
28 Nebraska, is repealed.