

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1181

Introduced by Bosn, 25.

Read first time January 21, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to victims' rights; to amend sections 23-1201,
2 25-21,279, 81-1844.01, 81-1848, 81-1848.01, 81-1848.02, and 83-109,
3 Reissue Revised Statutes of Nebraska, section 29-4705, Revised
4 Statutes Cumulative Supplement, 2024, and sections 29-2261 and
5 81-1850, Revised Statutes Supplement, 2025; to change provisions
6 relating to victims' rights; to define and redefine terms; to change
7 duties of prosecuting attorneys relating to plea agreements; to
8 transfer provisions; to harmonize provisions; to repeal the original
9 sections; and to outright repeal sections 29-119 and 29-120, Reissue
10 Revised Statutes of Nebraska.

11 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 23-1201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-1201 (1) For purposes of this section, the terms plea agreement
4 and victim have the same meanings as in section 81-1848.

5 (2) {1} Except as provided in subdivision (2) of section 84-205 or
6 if a person is participating in a pretrial diversion program established
7 pursuant to sections 29-3601 to 29-3604 or a juvenile pretrial diversion
8 program established pursuant to sections 43-260.02 to 43-260.07, it shall
9 be the duty of the county attorney, when in possession of sufficient
10 evidence to warrant the belief that a person is guilty and can be
11 convicted of a felony or misdemeanor, to prepare, sign, verify, and file
12 the proper complaint against such person and to appear in the several
13 courts of the county and prosecute the appropriate criminal proceeding on
14 behalf of the state and county. Prior to reaching a plea agreement with
15 defense counsel, the county attorney shall consult with or make a good
16 faith effort to consult with the victim regarding the content of and
17 reasons for such plea agreement. The county attorney shall record such
18 consultation or effort in his or her office file.

19 (3)(a) {2} It shall be the duty of the county attorney to prosecute
20 or defend, on behalf of the state and county, all suits, applications, or
21 motions, civil or criminal, arising under the laws of the state in which
22 the state or the county is a party or interested. The county attorney may
23 be directed by the Attorney General to represent the state in any action
24 or matter in which the state is interested or a party. When such services
25 require the performance of duties which are in addition to the ordinary
26 duties of the county attorney, he or she shall receive such fee for his
27 or her services, in addition to the salary as county attorney, as (i) {a}
28 the court shall order in any action involving court appearance or (ii)
29 {b} the Attorney General shall authorize in other matters, with the
30 amount of such additional fee to be paid by the state.

31 (b) It shall also be the duty of the county attorney to appear and

1 prosecute or defend on behalf of the state and county all such suits,
2 applications, or motions which may have been transferred by change of
3 venue from his or her county to any other county in the state. Any
4 counsel who may have been assisting the county attorney in any such
5 suits, applications, or motions in his or her county may be allowed to
6 assist in any other county to which such cause has been removed.

7 (4)(a) The county attorney shall file the annual inventory statement
8 with the county board of county personal property in his or her
9 possession as provided in sections 23-346 to 23-350.

10 (b) It shall be the further duty of the county attorney of each
11 county, within three days from the calling to his or her attention of any
12 violation of the requirements of the law concerning annual inventory
13 statements from county officers, to institute proceedings against such
14 offending officer and in addition thereto to prosecute the appropriate
15 action to remove such county officer from office. When it is the county
16 attorney who is charged with failure to comply with this section, the
17 Attorney General may bring the action.

18 (5) It shall be the duty of the county attorney to make a report on
19 the tenth day of each quarter to the county board which shall show final
20 disposition of all criminal cases the previous quarter, criminal cases
21 pending on the last day of the previous quarter, and criminal cases
22 appealed during the past quarter. The county board may waive the duty to
23 make such report.

24 **Sec. 2.** Section 25-21,279, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-21,279 Any victim as defined in section ~~81-1848~~ ~~29-119~~ may pursue
27 a civil action to seek an injunction to enforce the Nebraska Crime
28 Victim's Reparations Act and sections 81-1843 to 81-1851.

29 **Sec. 3.** Section 29-2261, Revised Statutes Supplement, 2025, is
30 amended to read:

31 29-2261 (1) Unless it is impractical to do so, when an offender has

1 been convicted of a felony other than murder in the first degree, the
2 court shall not impose sentence without first ordering a presentence
3 investigation of the offender and according due consideration to a
4 written report of such investigation. When an offender has been convicted
5 of murder in the first degree and (a) a jury renders a verdict finding
6 the existence of one or more aggravating circumstances as provided in
7 section 29-2520 or (b)(i) the information contains a notice of
8 aggravation as provided in section 29-1603 and (ii) the offender waives
9 his or her right to a jury determination of the alleged aggravating
10 circumstances, the court shall not commence the sentencing determination
11 proceeding as provided in section 29-2521 without first ordering a
12 presentence investigation of the offender and according due consideration
13 to a written report of such investigation.

14 (2) A court may order a presentence investigation in any case,
15 except in cases in which an offender has been convicted of a Class IIIA
16 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
17 infraction, or any corresponding city or village ordinance.

18 (3) The presentence investigation and report shall include, when
19 available, an analysis of the circumstances attending the commission of
20 the crime, the offender's history of delinquency or criminality, physical
21 and mental condition, family situation and background, economic status,
22 education, occupation, and personal habits, and any other matters that
23 the probation officer deems relevant or the court directs to be included.
24 All local and state police agencies and Department of Correctional
25 Services adult correctional facilities shall furnish to the probation
26 officer copies of such criminal records, in any such case referred to the
27 probation officer by the court of proper jurisdiction, as the probation
28 officer shall require without cost to the court or the probation officer.

29 Such investigation shall also include:

30 (a) Any written statements submitted to the county attorney by a
31 victim; and

1 (b) Any written statements submitted to the probation officer by a
2 victim.

3 (4) If there are no written statements submitted to the probation
4 officer, he or she shall certify to the court that:

5 (a) He or she has attempted to contact the victim; and

6 (b) If he or she has contacted the victim, such officer offered to
7 accept the written statements of the victim or to reduce such victim's
8 oral statements to writing.

9 (5) For purposes of subsections (3) and (4) of this section, the
10 term victim has the same meaning as is section 81-1848 shall be as
11 defined in section 29-119.

12 (6) ~~(5)~~ Before imposing sentence, the court may order the offender
13 to submit to psychiatric observation and examination for a period of not
14 exceeding sixty days or such longer period as the court determines to be
15 necessary for that purpose. The offender may be remanded for this purpose
16 to any available clinic or mental hospital, or the court may appoint a
17 qualified psychiatrist to make the examination. The report of the
18 examination shall be submitted to the court.

19 (7)(a) ~~(6)(a)~~ Any presentence report, substance abuse evaluation, or
20 psychiatric examination shall be privileged and shall not be disclosed
21 directly or indirectly to anyone other than a judge; probation officers
22 to whom an offender's file is duly transferred; the probation
23 administrator or his or her designee; alcohol and drug counselors, mental
24 health practitioners, psychiatrists, and psychologists licensed or
25 certified under the Uniform Credentialing Act to conduct substance abuse
26 evaluations and treatment; or others entitled by law to receive such
27 information, including personnel and mental health professionals for the
28 Nebraska State Patrol specifically assigned to sex offender registration
29 and community notification for the sole purpose of using such report,
30 evaluation, or examination for assessing risk and for community
31 notification of registered sex offenders.

1 (b) For purposes of this subsection, mental health professional
2 means (i) a practicing physician licensed to practice medicine in this
3 state under the Medicine and Surgery Practice Act, (ii) a practicing
4 psychologist licensed to engage in the practice of psychology in this
5 state as provided in section 38-3111 or as provided under similar
6 provisions of the Psychology Interjurisdictional Compact, (iii) a
7 practicing mental health professional licensed or certified in this state
8 as provided in the Mental Health Practice Act, or (iv) a practicing
9 professional counselor holding a privilege to practice in Nebraska under
10 the Licensed Professional Counselors Interstate Compact.

11 ~~(8)~~ (7) The court shall permit inspection of the presentence report,
12 substance abuse evaluation, or psychiatric examination or parts of the
13 report, evaluation, or examination, as determined by the court, by the
14 prosecuting attorney and defense counsel. Such inspection shall be by
15 electronic access only unless the court determines such access is not
16 available to the prosecuting attorney or defense counsel. The State Court
17 Administrator shall determine and develop the means of electronic access
18 to such presentence reports, evaluations, and examinations. Upon
19 application by the prosecuting attorney or defense counsel, the court may
20 order that addresses, telephone numbers, and other contact information
21 for victims or witnesses named in the report, evaluation, or examination
22 be redacted upon a showing by a preponderance of the evidence that such
23 redaction is warranted in the interests of public safety. The court may
24 permit inspection of the presentence report, substance abuse evaluation,
25 or psychiatric examination or examination of parts of the report,
26 evaluation, or examination by any other person having a proper interest
27 therein whenever the court finds it is in the best interest of a
28 particular offender. The court may allow fair opportunity for an offender
29 to provide additional information for the court's consideration.

30 ~~(9)~~ (8) If an offender is sentenced to imprisonment, a copy of the
31 report of any presentence investigation, substance abuse evaluation, or

1 psychiatric examination shall be transmitted immediately to the
2 Department of Correctional Services. Upon request, the department shall
3 provide a copy of the report to the Board of Parole and the Board of
4 Pardons.

5 ~~(10)~~ ~~(9)~~ Notwithstanding subsections ~~(7)~~ ~~(6)~~ and ~~(8)~~ ~~(7)~~ of this
6 section, the Supreme Court or an agent of the Supreme Court acting under
7 the direction and supervision of the Chief Justice shall have access to
8 psychiatric examinations, substance abuse evaluations, and presentence
9 investigations and reports for research purposes. The Supreme Court and
10 its agent shall treat such information as confidential, and nothing
11 identifying any individual shall be released.

12 **Sec. 4.** Section 29-4705, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 29-4705 (1) For purposes of this section, the terms plea agreement
15 and victim have the same meanings as in section 81-1848.

16 (2) If a jailhouse informant receives leniency related to a pending
17 charge, a conviction, or a sentence for a crime against a victim as
18 ~~defined in section 29-119~~, in connection with offering or providing
19 testimony against a suspect or defendant, the prosecutor shall notify
20 such victim.

21 (3) Prior to reaching a plea agreement, the prosecutor shall proceed
22 as provided in subsection (2) ~~(1)~~ of section 23-1201. For purposes of
23 this section, leniency means any plea bargain, reduced or dismissed
24 charges, bail consideration, or reduction or modification of sentence.

25 **Sec. 5.** Section 81-1844.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-1844.01 (1) The Nebraska Commission on Law Enforcement and
28 Criminal Justice shall create a pamphlet or document that contains the
29 following information:

- 30 (a) A brief statement of the procedural steps of a criminal case;
31 (b) The rights and procedures under sections 81-1843 to 81-1851;

1 (c) Suggested procedures if the victim or the victim's immediate
2 family is subjected to acts or threats of physical violence or
3 intimidation by the defendant or at the direction of the defendant; and

4 (d) The availability of victim's compensation awards and the address
5 of the Crime Victim's Reparations Committee.

6 (2) Not later than seventy-two hours after arraignment of the
7 defendant for the crime, the county attorney shall distribute to the
8 victim, as defined in section ~~81-1848~~ 29-119, the pamphlet or document of
9 victim's rights created by the commission pursuant to this section.

10 **Sec. 6.** Section 81-1848, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-1848 (1) For purposes of this section:

13 (a) Intimate partner has the same meaning as in section 28-323;

14 (b) Plea agreement means an agreement under which, as a result of a
15 discussion between the defendant or defense counsel and the prosecuting
16 attorney:

17 (i) A charge is to be dismissed or reduced; or

18 (ii) The defendant, if he or she pleads guilty to a charge, may
19 receive less than the maximum penalty permitted by law; and

20 (c) Victim means:

21 (i) A person who has had a personal confrontation with an offender
22 as a result of a homicide under sections 28-302 to 28-306, a first degree
23 assault under section 28-308, a second degree assault under section
24 28-309, a third degree assault under section 28-310 when the victim is an
25 intimate partner, a first degree false imprisonment under section 28-314,
26 a first degree sexual assault under section 28-319, a sexual assault of a
27 child in the first degree under section 28-319.01, a second or third
28 degree sexual assault under section 28-320, a sexual assault of a child
29 in the second or third degree under section 28-320.01, a domestic assault
30 in the first, second, or third degree under section 28-323, or a robbery
31 under section 28-324;

1 (ii) A person who has suffered serious bodily injury as defined in
2 section 28-109 as a result of a motor vehicle accident when the driver
3 was charged with a violation of section 60-6,196 or 60-6,197 or with a
4 violation of a city or village ordinance enacted in conformance with
5 either section;

6 (iii) In the case of a homicide, the nearest surviving relative of
7 the deceased, but the term victim does not include the alleged
8 perpetrator of the homicide. Victim also includes any surviving immediate
9 family member of the homicide victim, such as a spouse, domestic partner,
10 parent, sibling, child, or grandparent, as well as any other survivor
11 who, as determined on a case-by-case basis, may suffer severe emotional
12 harm as a result of the victim's death;

13 (iv) In the case of a violation of the Child Sexual Abuse Material
14 Prevention Act:

15 (A) A person who was a child as defined in section 28-1802 and a
16 participant or portrayed observer in the child sexual abuse material that
17 is the subject of the violation and who has been identified and can be
18 reasonably notified; and

19 (B) The parents, guardians, or duly appointed legal representative
20 of the child victim, but the term victim does not include the alleged
21 perpetrator of the crime;

22 (v) In the case of a sexual assault of a child, the child victim and
23 the parents, guardians, or duly appointed legal representative of the
24 child victim, but the term victim does not include the alleged
25 perpetrator of the crime;

26 (vi) A person who was the victim of a theft under section 28-511,
27 28-512, 28-513, or 28-517 when (A) the value of the thing involved is
28 five thousand dollars or more and (B) the victim and perpetrator were
29 intimate partners; and

30 (vii) A sexual assault victim as defined in section 29-4309.

31 (2) In a case involving multiple victims, a victim of an offense

1 described in subdivision (1)(c) of this section who is identified in or
2 associated with a specific criminal count in a complaint, information, or
3 indictment shall be considered a victim for purposes of this section
4 notwithstanding the fact that such count is dismissed pursuant to a plea
5 agreement.

6 ~~(3) (1) Victims as defined in section 29-119~~ A victim shall have the
7 following rights:

8 (a) To review publicly available criminal justice information about
9 individuals, including arrest warrants, arrests, detentions, indictments,
10 and other formal charges. This also includes the outcomes of these cases,
11 such as sentencing, supervision, or release, but does not include
12 intelligence or investigative information;

13 ~~(a) To examine information which is a matter of public record and~~
14 ~~collected by criminal justice agencies on individuals consisting of~~
15 ~~identifiable descriptions and notations of issuance of arrest warrants,~~
16 ~~arrests, detentions, indictments, charges by information, and other~~
17 ~~formal criminal charges. Such information shall include any disposition~~
18 ~~arising from such arrests, charges, sentencing, correctional supervision,~~
19 ~~and release, but shall not include intelligence or investigative~~
20 ~~information;~~

21 (b) To receive from the county attorney advance reasonable notice of
22 any scheduled court proceedings and notice of any changes in that
23 schedule;

24 (c) To be heard by the court, either through a written statement or
25 oral comment, during any bond modification proceeding. The court may, in
26 its discretion, determine the manner, scope, and timing of the victim's
27 participation, consistent with the interests of justice and the efficient
28 administration of the proceeding;

29 (d) To be consulted regarding a plea agreement as provided in
30 subsection (4) of this section;

31 ~~(e) (e)~~ To be present throughout the entire trial of the defendant,

1 except that the court may exclude the victim from the trial or any
2 portion thereof if the court finds that the victim's presence would
3 compromise the defendant's right to a fair trial. The mere fact that a
4 victim is subpoenaed or may testify is not sufficient to exclude the
5 victim unless the court makes such finding; unless the victim is to be
6 called as a witness or the court finds sequestration of the victim
7 necessary for a fair trial. If the victim is to be called as a witness,
8 the court may order the victim to be sequestered;

9 (f) To read, or to appoint a representative to read, his or her
10 written impact statement aloud at the sentencing proceeding. The court
11 may impose reasonable limitations, such as limits on the duration of such
12 reading, to ensure the orderly and fair administration of justice;
13 however, such limits shall not impede a victim's ability to deliver an
14 oral statement if the victim so desires;

15 (g) (d) To be notified by the county attorney by any means
16 reasonably calculated to give prompt actual notice of the following:

17 (i) The crimes for which the defendant is charged, the defendant's
18 bond, and the time and place of any scheduled court proceedings;

19 (ii) In a case involving abuse as defined in section 42-903, any
20 request for a modification of the defendant's bond;

21 (iii) (ii) The final disposition of the case;

22 (iv) (iii) The crimes for which the defendant was convicted;

23 (v) (iv) The victim's right to submit an ~~make a written or oral~~
24 impact statement to be used in the probation officer's preparation of a
25 presentence investigation report concerning the defendant as provided in
26 section 29-2261;

27 (vi) (v) The address and telephone number of the probation office
28 which is to prepare the presentence investigation report;

29 (vii) (vi) That a presentence investigation report and any statement
30 by the victim included in such report will be made available to the
31 defendant unless exempted from disclosure by order of the court; and

1 (viii) ~~(vii)~~ The victim's right to read, or to appoint a
2 representative to read, his or her ~~submit~~ a written impact statement
3 aloud at the sentencing proceeding as provided in subdivision (3)(f) of
4 this section or to read his or her ~~impact statement submitted pursuant to~~
5 ~~subdivision (1)(d)(iv) of this section at the sentencing proceeding;~~

6 (h) ~~(e)~~ To be notified by the county attorney by any means
7 reasonably calculated to give prompt actual notice of the time and place
8 of any subsequent judicial proceedings if the defendant was acquitted on
9 grounds of insanity;

10 (i) ~~(f)~~ To be notified as provided in section 81-1850, to testify
11 before the Board of Parole or submit a written statement for
12 consideration by the board, and to be notified of the decision of and any
13 action taken by the board;

14 (j) ~~(g)~~ To submit a written statement for consideration at any
15 conditional release proceedings, Board of Parole proceedings, pardon
16 proceedings, or commutation proceedings. Conditional release proceeding
17 means a proceeding convened pursuant to a Department of Correctional
18 Services' decision to grant a furlough from incarceration for twenty-four
19 hours or longer or a release into community-based programs, including
20 educational release and work release; and

21 (k) ~~(h)~~ To have any personal identifying information, other than the
22 victim's name, not be disclosed on pleadings and documents filed in
23 criminal actions that may be available to the public. The Supreme Court
24 shall adopt and promulgate rules to implement this subdivision.

25 (4) Consistent with section 23-1201, prior to entering into a plea
26 agreement, a prosecuting attorney shall consult with or make a good faith
27 effort to consult with a victim regarding the content of and reasons for
28 such plea agreement.

29 (5) ~~(2)~~ Victims and witnesses of crimes shall have the following
30 rights:

31 (a) To be informed on all writs of subpoena or notices to appear

1 that they are entitled to apply for and may receive a witness fee;

2 (b) To be notified that a court proceeding to which they have been
3 subpoenaed will not go on as scheduled in order to save the person an
4 unnecessary trip to court;

5 (c) To receive protection from harm and threats of harm arising out
6 of their cooperation with law enforcement and prosecution efforts and to
7 be provided with information as to the level of protection available;

8 (d) To be informed of financial assistance and other social services
9 available as a result of being a witness or a victim of a crime,
10 including information on how to apply for the assistance and services;

11 (e) To be informed of the procedure to be followed in order to apply
12 for and receive any witness fee to which they are entitled;

13 (f) To be provided, whenever possible, a secure waiting area during
14 court proceedings that does not require them to be in close proximity to
15 defendants and families and friends of defendants;

16 (g) To have any stolen or other personal property expeditiously
17 returned by law enforcement agencies when no longer needed as evidence.
18 If feasible, all such property, except weapons, currency, contraband,
19 property subject to evidentiary analysis, and property the ownership of
20 which is disputed, shall be returned to the person within ten days after
21 being taken;

22 (h) To be provided with appropriate employer intercession services
23 to insure that employers of victims and witnesses will cooperate with the
24 criminal justice process in order to minimize an employee's loss of pay
25 and other benefits resulting from court appearances;

26 (i) To be entitled to a speedy disposition of the case in which they
27 are involved as a victim or witness in order to minimize the length of
28 time they must endure the stress of their responsibilities in connection
29 with the matter; and

30 ~~(j) To be informed by the county attorney of the final disposition~~
31 ~~of a felony case in which they were involved and to be notified pursuant~~

1 ~~to section 81-1850 whenever the defendant in such case is released from~~
2 ~~custody; and~~

3 (j) ~~(k)~~ To have the family members of all homicide victims afforded
4 all of the rights under this subsection and services analogous to those
5 provided under section 81-1847.

6 **Sec. 7.** Section 81-1848.01, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-1848.01 (1) Upon the filing of an appeal by the defendant, the
9 county attorney upon whom notice of appeal was served shall notify the
10 Attorney General in writing of the name and last-known address of any
11 victim as defined in section ~~81-1848 29-119~~.

12 (2) The Attorney General shall notify the victim of the following:

13 (a) That the defendant has filed an appeal of the conviction;

14 (b) A brief explanation of the appeal process, including possible
15 dispositions;

16 (c) Whether the defendant has been released on bail or other
17 recognizance pending the disposition of the appeal;

18 (d) The time and place of any appellate proceedings and any changes
19 in the time or place of those proceedings;

20 (e) The result of the appeal; and

21 (f) The final disposition of the case within thirty days after the
22 final disposition.

23 (3) In the event the defendant's conviction is reversed and the case
24 is remanded to the trial court for further proceedings, the victim has
25 the same rights as he or she had during the previous proceedings which
26 led to the appeal.

27 **Sec. 8.** Section 81-1848.02, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1848.02 (1) As provided in subsections (2) and (3) of this
30 section, the victim, as defined in section ~~81-1848 29-119~~, and the
31 prosecuting attorney shall be immediately notified of an escape by a

1 prisoner confined and accused of, convicted of, or sentenced for
2 committing a crime against the victim. The notice shall be given by any
3 means reasonably calculated to give prompt actual notice to the victim
4 and the prosecuting attorney.

5 (2) If the escape occurs before the sentence is executed or before
6 the prisoner is delivered to the custody of the Department of
7 Correctional Services or the county corrections agency, the chief law
8 enforcement officer of the agency in charge of the prisoner's detention
9 shall notify the victim and the prosecuting attorney of the escape.

10 (3) If the prisoner is confined pursuant to a sentence, the chief
11 administrator of the facility where the prisoner was confined shall
12 notify the victim and the prosecuting attorney.

13 **Sec. 9.** Section 81-1850, Revised Statutes Supplement, 2025, is
14 amended to read:

15 81-1850 (1) For purposes of this section:

16 (a) Covered offense means:

17 (i) Murder in the first degree, section 28-303;

18 (ii) Murder in the second degree, section 28-304;

19 (iii) Manslaughter, section 28-305;

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

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

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

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

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

25 (ix) Stalking, section 28-311.03;

26 (x) Kidnapping, section 28-313;

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

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

29 (xiii) Sexual assault in the first degree, section 28-319;

30 (xiv) Sexual assault of a child in the first degree, section
31 28-319.01;

1 (xv) Sexual assault in the second degree, section 28-320;

2 (xvi) Sexual assault of a child in the second or third degree,
3 section 28-320.01;

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

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

7 (xix) Domestic assault in the first or second degree, section
8 28-323;

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

11 (xxi) An attempt, solicitation, or conspiracy to commit an offense
12 listed in subdivision (1)(a) of this section; and

13 (b) Victim has the same meaning as in section ~~81-1848~~ ~~29-119~~.

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

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

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

28 (d) Any victim, including a victim who has waived his or her right
29 to notification, may request the notification prescribed in this section,
30 as applicable, by sending a written request to the Board of Parole, the
31 Department of Correctional Services, the county corrections agency, the

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

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

12 (a) Within ninety days after conviction of an offender, of the
13 tentative date of release and the earliest parole eligibility date of
14 such offender;

15 (b) Of any parole hearings or proceedings;

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

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

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

22 Such notification shall be given in person, by telecommunication, or
23 by mail.

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

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

30 (b) When a convicted person is released into community-based
31 programs, including educational release and work release programs. Such

1 notification shall occur at the beginning and termination of any such
2 program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (9) The victim's address and telephone number maintained by the
26 Department of Correctional Services, the Department of Health and Human
27 Services, the county corrections agency, the Board of Parole, and the
28 Board of Pardons pursuant to subsection (2) of this section shall be
29 exempt from disclosure under Nebraska public records laws and federal
30 freedom of information laws, as such federal laws existed on January 1,
31 2004.

1 **Sec. 10.** Section 83-109, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-109 (1) The Department of Health and Human Services shall have
4 general control over the admission of patients and residents to all
5 institutions over which it has jurisdiction. Each individual shall be
6 assigned to the institution best adapted to care for him or her.

7 (2) A record of every patient or resident of every institution shall
8 be kept complete from the date of his or her entrance to the date of his
9 or her discharge or death. Such records shall be accessible only (a) to
10 the department, a legislative committee, the Governor, any federal agency
11 requiring medical records to adjudicate claims for federal benefits, and
12 any public or private agency under contract to provide facilities,
13 programs, and patient services, (b) upon order of a judge, court, or
14 mental health board, (c) in accordance with sections 20-161 to 20-166,
15 (d) to the Nebraska State Patrol pursuant to section 69-2409.01, (e) to
16 those portions of the record required to be released to a victim as
17 defined in section 81-1848 ~~29-119~~ in order to comply with the victim
18 notification requirements pursuant to subsections (5) and (6) of section
19 81-1850, (f) to law enforcement and county attorneys when a crime occurs
20 on the premises of an institution, (g) upon request when a patient or
21 resident has been deceased for fifty years or more, (h) to current
22 treatment providers, or (i) to treatment providers for coordination of
23 care related to transfer or discharge. In addition, a patient or resident
24 or his or her legally authorized representative may authorize the
25 specific release of his or her records, or portions thereof, by filing
26 with the department a signed written consent.

27 (3) Transfers of patients or residents from one institution to
28 another shall be within the exclusive jurisdiction of the department and
29 shall be recorded in the office of the department, with the reasons for
30 such transfers.

31 (4) When the department is unable to assign a patient to a regional

1 center or commit him or her to any other institution at the time of
2 application, a record thereof shall be kept and the patient accepted at
3 the earliest practicable date.

4 (5) The superintendents of the regional centers and Beatrice State
5 Developmental Center shall notify the department immediately whenever
6 there is any question regarding the propriety of the commitment,
7 detention, transfer, or placement of any person admitted to a state
8 institution. The department shall then investigate the matter and take
9 such action as shall be proper. Any interested party who is not satisfied
10 with such action may appeal such action, and the appeal shall be in
11 accordance with the Administrative Procedure Act.

12 (6) The department shall have full authority on its own suggestion
13 or upon the application of any interested person to investigate the
14 physical and mental status of any patient or resident of any regional
15 center or the Beatrice State Developmental Center. If upon such
16 investigation the department considers such patient or resident fit to be
17 released from the regional center or Beatrice State Developmental Center,
18 it shall cause such patient or resident to be discharged or released on
19 convalescent leave.

20 **Sec. 11.** Original sections 23-1201, 25-21,279, 81-1844.01, 81-1848,
21 81-1848.01, 81-1848.02, and 83-109, Reissue Revised Statutes of Nebraska,
22 section 29-4705, Revised Statutes Cumulative Supplement, 2024, and
23 sections 29-2261 and 81-1850, Revised Statutes Supplement, 2025, are
24 repealed.

25 **Sec. 12.** The following sections are outright repealed: Sections
26 29-120, Reissue Revised Statutes of Nebraska, and 29-119, Revised
27 Statutes Supplement, 2025.