

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 909

Introduced by Hardin, 48.

Read first time January 09, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 83-4,143 and 84-941.01, Reissue Revised Statutes of Nebraska,
3 section 27-404, Revised Statutes Cumulative Supplement, 2024, and
4 sections 26-102, 27-413, 28-101, 28-318, 28-712.01, 28-1701,
5 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes Supplement,
6 2025; to prohibit sexual abuse by a law enforcement officer; to
7 define and redefine terms; to require registration under the Sex
8 Offender Registration Act; to change offenses included within
9 certain protections for victims of sexual offenses and certain
10 victim notification requirements; to harmonize provisions; and to
11 repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 26-102, Revised Statutes Supplement, 2025, is
2 amended to read:

3 26-102 For purposes of the Protection Orders Act:

4 (1) Abuse has the same meaning as in section 42-903;

5 (2) Course of conduct has the same meaning as in section 28-311.02;

6 (3) Family or household members has the same meaning as in section
7 42-903;

8 (4) Harass has the same meaning as in section 28-311.02;

9 (5) Household pet means any animal maintained for companionship or
10 pleasure but does not include any animal kept primarily for commercial
11 purposes or for consumption or any livestock animal as defined in section
12 54-902;

13 (6) Law enforcement agency means the police department or town
14 marshal in incorporated municipalities, the office of the sheriff in
15 unincorporated areas, and the Nebraska State Patrol; and

16 (7) Sexual assault offense means:

17 (a) Conduct amounting to sexual assault under section 28-319 or
18 28-320, sexual abuse by a school worker under section 28-316.01, sexual
19 abuse by a law enforcement officer under section 5 of this act, sexual
20 assault of a child under section 28-319.01 or 28-320.01, a violation of
21 section 28-311.08, or an attempt to commit any of such offenses; or

22 (b) Subjecting or attempting to subject another person to sexual
23 contact or sexual penetration without such person's consent, as such
24 terms are defined in section 28-318.

25 **Sec. 2.** Section 27-404, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

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

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

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

8 (c) Evidence of the character of a witness as provided in sections
9 27-607 to 27-609.

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

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

21 ~~(4) Regarding the admissibility in a civil or criminal action of~~
22 ~~evidence of a person's commission of another offense or offenses of~~
23 ~~sexual assault under sections 28-316.01 and 28-319 to 28-322.05, see~~
24 ~~sections 27-413 to 27-415.~~

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

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

29 (1) Any violation of section 28-316.01, section 5 of this act, or
30 sections 28-319 to 28-322.5;

31 (b) An sexual assault under section 28-319 or 28-320, sexual abuse

1 ~~by a school worker under section 28-316.01, sexual assault of a child~~
2 ~~under section 28-319.01 or 28-320.01, sexual assault by use of an~~
3 ~~electronic communication device under section 28-320.02, sexual abuse of~~
4 ~~an inmate or parolee under sections 28-322.01 to 28-322.03, sexual abuse~~
5 ~~of a protected individual under section 28-322.04, sexual abuse of a~~
6 ~~detainee under section 28-322.05, an attempt or conspiracy to commit any~~
7 ~~of the crimes listed in this section; or~~

8 (3) The ~~the~~ commission of or conviction for a crime in another
9 jurisdiction that is substantially similar to any crime listed in this
10 section.

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

13 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
14 and section 5 of this act shall be known and may be cited as the Nebraska
15 Criminal Code.

16 **Sec. 5.** (1) For purposes of this section:

17 (a) Law enforcement officer has the same meaning as in section
18 81-1401;

19 (b) Minor means a person who is at least sixteen years of age but
20 less than nineteen years of age;

21 (c) Sexual contact has the same meaning as in section 28-318; and

22 (d) Sexual penetration has the same meaning as in section 28-318.

23 (2) A law enforcement officer shall not:

24 (a) Subject a minor to sexual penetration or sexual contact; or

25 (b) Engage in a pattern or scheme of conduct to subject a minor to
26 sexual penetration or sexual contact.

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

29 (4) Any law enforcement officer who engages in sexual penetration
30 with a minor is guilty of sexual abuse by a law enforcement officer in
31 the first degree. Sexual abuse by a law enforcement officer in the first

1 degree is a Class IIA felony.

2 (5) Any law enforcement officer who engages in sexual contact with a
3 minor is guilty of sexual abuse by a law enforcement officer in the
4 second degree. Sexual abuse by a law enforcement officer in the second
5 degree is a Class IIIA felony.

6 (6) Any law enforcement officer who engages in a pattern or scheme
7 of conduct with the intent to subject a minor to sexual penetration or
8 sexual contact is guilty of sexual abuse by a law enforcement officer in
9 the third degree. Sexual abuse by a law enforcement officer in the third
10 degree is a Class IV felony.

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

13 28-318 As used in sections 28-317 to 28-322.05, unless the context
14 otherwise requires:

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

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

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

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

23 (5) Sexual contact means the intentional touching of the victim's
24 sexual or intimate parts or the intentional touching of the victim's
25 clothing covering the immediate area of the victim's sexual or intimate
26 parts. Sexual contact also means the touching by the victim of the
27 actor's sexual or intimate parts or the clothing covering the immediate
28 area of the actor's sexual or intimate parts when such touching is
29 intentionally caused by the actor. Sexual contact includes only such
30 conduct which can be reasonably construed as being for the purpose of
31 sexual arousal or gratification of either party. Sexual contact also

1 includes the touching of a child with the actor's sexual or intimate
2 parts on any part of the child's body for purposes of sexual abuse by a
3 school worker under section 28-316.01, sexual abuse by a law enforcement
4 officer under section 5 of this act, or sexual assault of a child under
5 sections 28-319.01 and 28-320.01;

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

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

15 (8) Without consent means:

16 (a)(i) The victim was compelled to submit due to the use of force or
17 threat of force or coercion, or (ii) the victim expressed a lack of
18 consent through words, or (iii) the victim expressed a lack of consent
19 through conduct, or (iv) the consent, if any was actually given, was the
20 result of the actor's deception as to the identity of the actor or the
21 nature or purpose of the act on the part of the actor;

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

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

27 (9) Force or threat of force means (a) the use of physical force
28 which overcomes the victim's resistance or (b) the threat of physical
29 force, express or implied, against the victim or a third person that
30 places the victim in fear of death or in fear of serious personal injury
31 to the victim or a third person where the victim reasonably believes that

1 the actor has the present or future ability to execute the threat.

2 **Sec. 7.** Section 28-712.01, Revised Statutes Supplement, 2025, is
3 amended to read:

4 28-712.01 (1)(a) The department may assign a report for alternative
5 response consistent with the Child Protection and Family Safety Act.

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

9 (i) Murder in the first or second degree as defined in section
10 28-303 or 28-304 or manslaughter as defined in section 28-305;

11 (ii) Assault in the first, second, or third degree or assault by
12 strangulation or suffocation as defined in section 28-308, 28-309,
13 28-310, or 28-310.01;

14 (iii) Sexual abuse, including acts prohibited by section 28-316.01,
15 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02,
16 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-707 or section 5 of this
17 act;

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

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

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

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

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

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

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

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

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

10 (xiii) A household member illegally manufactures methamphetamine or
11 opioids;

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

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

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

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

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

26 (ii) Use of alcohol or controlled substances as defined in section
27 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to
28 care and provide safety for the child; or

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

1 (2) The Review, Evaluate, and Decide Team shall convene to review
2 reports pursuant to the department's rules, regulations, and policies, to
3 evaluate the information, and to determine assignment for alternative
4 response or traditional response. The team shall utilize consistent
5 criteria to review the severity of the allegation of child abuse or
6 neglect, access to the perpetrator, vulnerability of the child, family
7 history including previous reports, parental cooperation, parental or
8 caretaker protective factors, and other information as deemed necessary.
9 At the conclusion of the review, the report shall be assigned to either
10 traditional response or alternative response. Decisions of the team shall
11 be made by consensus. If the team cannot come to consensus, the report
12 shall be assigned for a traditional response.

13 (3) In the case of an alternative response, the department shall
14 complete a comprehensive assessment. The department shall transfer the
15 case being given alternative response to traditional response if the
16 department determines that a child is unsafe or if the concern for the
17 safety of the child is due to a temporary living arrangement. Upon
18 completion of the comprehensive assessment, if it is determined that the
19 child is safe, participation in services offered to the family receiving
20 an alternative response is voluntary, the case shall not be transferred
21 to traditional response based upon the family's failure to enroll or
22 participate in such services, and the subject of the report shall not be
23 entered into the central registry of child protection cases maintained
24 pursuant to section 28-718.

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

30 (5) The department shall make available to the appropriate
31 investigating law enforcement agency, child advocacy center, and county

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

22 **Sec. 8.** Section 28-1701, Revised Statutes Supplement, 2025, is
23 amended to read:

24 28-1701 (1) A person shall not be arrested or prosecuted for an
25 eligible alcohol or drug offense if such person witnessed or was the
26 victim of a sexual assault and such person:

27 (a) Either:

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

30 (ii) Requested emergency medical assistance for the victim of the
31 sexual assault; and

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

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

7 (a) Evidence supporting the arrest or prosecution of the person for
8 the offense was obtained or discovered as a result of the investigation
9 or prosecution of a sexual assault; and

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

12 (3) For purposes of this section:

13 (a) Eligible alcohol or drug offense means:

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

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

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

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

25 (b) Sexual assault means:

26 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
27 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
28 28-322.05, 28-703, or 28-1805 or section 5 of this act, sex trafficking
29 or sex trafficking of a minor under section 28-831, or subdivision (1)(c)
30 or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of section
31 28-707; or

1 (ii) 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 listed in subdivision (3)(b)(i) of this section
4 as the underlying offense.

5 **Sec. 9.** Section 29-4003, Revised Statutes Supplement, 2025, is
6 amended to read:

7 29-4003 (1)(a) The Sex Offender Registration Act applies to any
8 person who on or after January 1, 1997:

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

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

14 (B) False imprisonment of a minor pursuant to section 28-314 or
15 28-315;

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

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

18 (E) Sexual abuse by a law enforcement officer pursuant to section 5
19 of this act;

20 (F) ~~(E)~~ Sexual assault of a child in the second or third degree
21 pursuant to section 28-320.01;

22 (G) ~~(F)~~ Sexual assault of a child in the first degree pursuant to
23 section 28-319.01;

24 (H) ~~(G)~~ Sexual abuse of a vulnerable adult or senior adult pursuant
25 to subdivision (1)(c) of section 28-386;

26 (I) ~~(H)~~ Incest of a minor pursuant to section 28-703;

27 (J) ~~(I)~~ Pandering of a minor pursuant to section 28-802;

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

30 (L) ~~(K)~~ Knowingly possessing or receiving any child sexual abuse
31 material pursuant to subsection (1) or (5) of section 28-1803;

1 ~~(M)~~ ~~(L)~~ Criminal child enticement pursuant to section 28-311;

2 ~~(N)~~ ~~(M)~~ Child enticement by means of an electronic communication
3 device pursuant to section 28-320.02;

4 ~~(O)~~ ~~(N)~~ Debauching a minor pursuant to section 28-805; or

5 ~~(P)~~ ~~(O)~~ Attempt, solicitation, aiding or abetting, being an
6 accessory, or conspiracy to commit an offense listed in subdivisions (1)
7 (a)(i)(A) through ~~(1)(a)(i)(P)~~ ~~(1)(a)(i)(N)~~ of this section;

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

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

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

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

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

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

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

- 1 (III) Manslaughter pursuant to section 28-305;
- 2 (IV) Assault in the first degree pursuant to section 28-308;
- 3 (V) Assault in the second degree pursuant to section 28-309;
- 4 (VI) Assault in the third degree pursuant to section 28-310;
- 5 (VII) Stalking pursuant to section 28-311.03;
- 6 (VIII) Violation of section 28-311.08 requiring registration under
7 the act pursuant to subsection (6) of section 28-311.08;
- 8 (IX) Kidnapping pursuant to section 28-313;
- 9 (X) False imprisonment pursuant to section 28-314 or 28-315;
- 10 (XI) Sexual abuse of an inmate or parolee in the first degree
11 pursuant to section 28-322.02;
- 12 (XII) Sexual abuse of an inmate or parolee in the second degree
13 pursuant to section 28-322.03;
- 14 (XIII) Sexual abuse of a protected individual pursuant to section
15 28-322.04;
- 16 (XIV) Incest pursuant to section 28-703;
- 17 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
18 28-707;
- 19 (XVI) Enticement by electronic communication device pursuant to
20 section 28-833; or
- 21 (XVII) Attempt, solicitation, aiding or abetting, being an
22 accessory, or conspiracy to commit an offense listed in subdivisions (1)
23 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
- 24 (B) In order for the Sex Offender Registration Act to apply to the
25 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
26 (VI), (VII), (IX), and (X) of this section, a court shall have found that
27 evidence of sexual penetration or sexual contact, as those terms are
28 defined in section 28-318, was present in the record, which shall include
29 consideration of the factual basis for a plea-based conviction and
30 information contained in the presentence report;
- 31 (ii) Has ever pled guilty to, pled nolo contendere to, or been found

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

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

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

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

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

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

27 (i) Has ever pled guilty to, pled nolo contendere to, or been found
28 guilty of human trafficking under subsection (1) or (2) of section
29 28-831, and the court determines either by notification of sex offender
30 registration responsibilities or notation in the sentencing order that
31 the human trafficking was sex trafficking or sex trafficking of a minor

1 and not solely labor trafficking or labor trafficking of a minor; or

2 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
3 guilty of any offense that is substantially equivalent to a registrable
4 offense under subdivision (1)(d)(i) of this section by any village, town,
5 city, state, territory, commonwealth, or other jurisdiction of the United
6 States, by the United States Government, by court-martial or other
7 military tribunal, or by a foreign jurisdiction, notwithstanding a
8 procedure comparable in effect to that described under section 29-2264 or
9 any other procedure to nullify a conviction other than by pardon.

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

13 **Sec. 10.** Section 29-4309, Revised Statutes Supplement, 2025, is
14 amended to read:

15 29-4309 For the purposes of the Sexual Assault Victims' Bill of
16 Rights Act:

17 (1)(a) Advocate means:

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

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

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

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

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

4 (3) Sexual assault means a violation of section 28-316.01, 28-319,
5 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
6 28-322.04, 28-322.05, 28-703, or 28-1805 or section 5 of this act, sex
7 trafficking or sex trafficking of a minor under section 28-831, or
8 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
9 or (f) of section 28-707;

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

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

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

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

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

26 **Sec. 11.** Section 29-4316, Revised Statutes Supplement, 2025, is
27 amended to read:

28 29-4316 (1) For purposes of this section:

29 (a) Criminal justice agency has the same meaning as in section
30 29-3509;

31 (b) Sex trafficking means sex trafficking or sex trafficking of a

1 minor in violation of section 28-831; and

2 (c) Sexual assault means a violation of section 28-319, 28-316.01,
3 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
4 28-322.04, 28-322.05, 28-703, or 28-1805 or section 5 of this act or
5 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
6 or (f) of section 28-707.

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

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

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

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

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

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

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

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

30 (g) To the Department of Health and Human Services and other
31 assisting agencies as necessary to carry out their duties in

1 investigations of child abuse or neglect;

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

4 (i) As a Title IX coordinator; or

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

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

9 **Sec. 12.** Section 81-1850, Revised Statutes Supplement, 2025, is
10 amended to read:

11 81-1850 (1) For purposes of this section:

12 (a) Covered offense means:

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

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

15 (iii) Manslaughter, section 28-305;

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

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

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

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

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

21 (ix) Stalking, section 28-311.03;

22 (x) Kidnapping, section 28-313;

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

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

25 (xiii) Sexual abuse by a law enforcement officer, section 5 of this
26 act;

27 (xiv) ~~(xiii)~~ Sexual assault in the first degree, section 28-319;

28 (xv) ~~(xiv)~~ Sexual assault of a child in the first degree, section
29 28-319.01;

30 (xvi) ~~(xv)~~ Sexual assault in the second degree, section 28-320;

31 (xvii) ~~(xvi)~~ Sexual assault of a child in the second or third

1 degree, section 28-320.01;

2 ~~(xviii)~~ ~~(xvii)~~ Child enticement by means of an electronic
3 communication device, section 28-320.02;

4 (xix) Sexual abuse of an inmate or parolee, section 28-322.02;

5 (xx) Sexual abuse of an inmate or parolee, section 28-322.03;

6 (xxi) ~~(xviii)~~ Sexual abuse of a protected individual, section
7 28-322.04;

8 (xxii) Sexual abuse of a detainee, section 28-322.05;

9 (xxiii) ~~(xix)~~ Domestic assault in the first or second degree,
10 section 28-323;

11 (xxiv) ~~(xx)~~ Sex trafficking, sex trafficking of a minor, labor
12 trafficking, or labor trafficking of a minor, section 28-831; or

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

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

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

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

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

30 (d) Any victim, including a victim who has waived his or her right
31 to notification, may request the notification prescribed in this section,

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

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

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

17 (b) Of any parole hearings or proceedings;

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

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

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

24 Such notification shall be given in person, by telecommunication, or
25 by mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 freedom of information laws, as such federal laws existed on January 1,
2 2004.

3 **Sec. 13.** Section 83-4,143, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 83-4,143 (1) It is the intent of the Legislature that the Board of
6 Parole may recommend placement of felony offenders at the incarceration
7 work camp. The offenders recommended by the board shall be offenders
8 currently housed at other Department of Correctional Services adult
9 correctional facilities and shall complete the incarceration work camp
10 programming prior to release on parole.

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

25 (3) The Director of Correctional Services may assign a felony
26 offender to an incarceration work camp if he or she believes it is in the
27 best interests of the felony offender and of society, except that
28 offenders incarcerated for covered offenses ~~convicted of a crime under~~
29 ~~sections 28-319 to 28-322.05 or of any capital crime~~ are not eligible to
30 be assigned to an incarceration work camp pursuant to this subsection.

31 (4) For purposes of this section, covered offense means:

- 1 (a) A capital crime; or
2 (b) A violation of section 28-316 or section 5 of this act or
3 sections 28-319 to 28-322.05.

4 **Sec. 14.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 84-941.01 Potentially disqualifying conviction includes a conviction
7 for:

8 (1) Criminal attempt as provided in section 28-201, conspiracy as
9 provided in section 28-202, or aiding and abetting as provided in section
10 28-206, to commit an offense listed in this section;

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

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

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

14 (5) Assault in the first or second degree as provided in sections
15 28-308 and 28-309;

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

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

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

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

20 (10) A sexual act subject to criminal penalties as provided in
21 section 28-316.01 or section 5 of this act or sections 28-317 to
22 28-322.05;

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

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

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

26 (14) Fraud subject to criminal penalties as provided in sections
27 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

28 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
29 28-515;

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

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

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

2 (19) Human trafficking, labor trafficking, sex trafficking, labor
3 trafficking of a minor, or sex trafficking of a minor as provided in
4 section 28-831;

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

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

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

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

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

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

19 (26) An offense that has as an element the threat to inflict serious
20 bodily injury as defined in section 28-109 or death on another person,
21 the intentional infliction of serious bodily injury as defined in section
22 28-109 on another person, or intentionally causing the death of another
23 person;

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

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

28 **Sec. 15.** Original sections 83-4,143 and 84-941.01, Reissue Revised
29 Statutes of Nebraska, section 27-404, Revised Statutes Cumulative
30 Supplement, 2024, and sections 26-102, 27-413, 28-101, 28-318, 28-712.01,
31 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes

1 Supplement, 2025, are repealed.