

AMENDMENTS TO LB1246

Introduced by Slama, 1.

1           1. Insert the following new section:

2           Sec. 2. Section 29-4003, Revised Statutes Cumulative Supplement,  
3           2020, is amended to read:

4           29-4003 (1)(a) The Sex Offender Registration Act applies to any  
5           person who on or after January 1, 1997:

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

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

11          (B) False imprisonment of a minor pursuant to section 28-314 or  
12          28-315;

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

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

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

17          (F) Sexual assault of a child in the first degree pursuant to  
18          section 28-319.01;

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

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

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

23          (J) Visual depiction of sexually explicit conduct of a child  
24          pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section  
25          28-1463.05;

26          (K) Knowingly possessing any visual depiction of sexually explicit  
27          conduct which has a child as one of its participants or portrayed

1 observers pursuant to subsection (1) or (4) of section 28-813.01;

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

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

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

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

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

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

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

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

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

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

- 1 (II) Murder in the second degree pursuant to section 28-304;  
2 (III) Manslaughter pursuant to section 28-305;  
3 (IV) Assault in the first degree pursuant to section 28-308;  
4 (V) Assault in the second degree pursuant to section 28-309;  
5 (VI) Assault in the third degree pursuant to section 28-310;  
6 (VII) Stalking pursuant to section 28-311.03;  
7 (VIII) Violation of section 28-311.08 requiring registration under  
8 the act pursuant to subsection (6) of section 28-311.08;  
9 (IX) Kidnapping pursuant to section 28-313;  
10 (X) False imprisonment pursuant to section 28-314 or 28-315;  
11 (XI) Sexual abuse of an inmate or parolee in the first degree  
12 pursuant to section 28-322.02;  
13 (XII) Sexual abuse of an inmate or parolee in the second degree  
14 pursuant to section 28-322.03;  
15 (XIII) Sexual abuse of a protected individual pursuant to section  
16 28-322.04;  
17 (XIV) Incest pursuant to section 28-703;  
18 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
19 28-707;  
20 (XVI) Enticement by electronic communication device pursuant to  
21 section 28-833; or  
22 (XVII) Attempt, solicitation, aiding or abetting, being an  
23 accessory, or conspiracy to commit an offense listed in subdivisions (1)  
24 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.  
25 (B) In order for the Sex Offender Registration Act to apply to the  
26 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),  
27 (VI), (VII), (IX), and (X) of this section, a court shall have found that  
28 evidence of sexual penetration or sexual contact, as those terms are  
29 defined in section 28-318, was present in the record, which shall include  
30 consideration of the factual basis for a plea-based conviction and  
31 information contained in the presentence report;

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

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

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

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

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

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

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

1 the human trafficking was sex trafficking or sex trafficking of a minor  
2 and not solely labor trafficking or labor trafficking of a minor; or

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

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

14 2. Renumber the remaining sections and correct the repealer  
15 accordingly.