

E AND R AMENDMENTS TO LB 1246

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3 Section 1. (1) For purposes of this section:

4 (a) Criminal justice agency has the same meaning as in section
5 29-3509;

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

8 (c) Sexual assault means a violation of section 28-319, 28-319.01,
9 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
10 28-322.05, 28-703, or 28-1463.03 or subdivision (1)(c) or (g) of section
11 28-386 or subdivision (1)(d), (e), or (f) of section 28-707.

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

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

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

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

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

27 (d) In cases where personal identifying information or the identity

1 of the victim are released as part of a child abduction alert system used
2 by law enforcement agencies, such as the AMBER Alert system;

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

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

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

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

13 (i) As a Title IX coordinator; or

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

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

18 Sec. 2. Section 29-4003, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 29-4003 (1)(a) The Sex Offender Registration Act applies to any
21 person who on or after January 1, 1997:

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

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

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

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

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

31 (E) Sexual assault of a child in the second or third degree pursuant

1 to section 28-320.01;

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

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

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

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

8 (J) Visual depiction of sexually explicit conduct of a child
9 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
10 28-1463.05;

11 (K) Knowingly possessing any visual depiction of sexually explicit
12 conduct which has a child as one of its participants or portrayed
13 observers pursuant to subsection (1) or (4) of section 28-813.01;

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

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

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

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

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

29 (iii) Is incarcerated in a jail, a penal or correctional facility,
30 or any other public or private institution or is under probation or
31 parole as a result of pleading guilty to or being found guilty of a

1 registrable offense under subdivision (1)(a)(i) or (ii) of this section
2 prior to January 1, 1997; or

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

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

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

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

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

14 (III) Manslaughter pursuant to section 28-305;

15 (IV) Assault in the first degree pursuant to section 28-308;

16 (V) Assault in the second degree pursuant to section 28-309;

17 (VI) Assault in the third degree pursuant to section 28-310;

18 (VII) Stalking pursuant to section 28-311.03;

19 (VIII) Violation of section 28-311.08 requiring registration under
20 the act pursuant to subsection (6) of section 28-311.08;

21 (IX) Kidnapping pursuant to section 28-313;

22 (X) False imprisonment pursuant to section 28-314 or 28-315;

23 (XI) Sexual abuse of an inmate or parolee in the first degree
24 pursuant to section 28-322.02;

25 (XII) Sexual abuse of an inmate or parolee in the second degree
26 pursuant to section 28-322.03;

27 (XIII) Sexual abuse of a protected individual pursuant to section
28 28-322.04;

29 (XIV) Incest pursuant to section 28-703;

30 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
31 28-707;

1 (XVI) Enticement by electronic communication device pursuant to
2 section 28-833; or

3 (XVII) Attempt, solicitation, aiding or abetting, being an
4 accessory, or conspiracy to commit an offense listed in subdivisions (1)
5 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

6 (B) In order for the Sex Offender Registration Act to apply to the
7 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
8 (VI), (VII), (IX), and (X) of this section, a court shall have found that
9 evidence of sexual penetration or sexual contact, as those terms are
10 defined in section 28-318, was present in the record, which shall include
11 consideration of the factual basis for a plea-based conviction and
12 information contained in the presentence report;

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

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

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

29 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
30 guilty of any offense that is substantially equivalent to a registrable
31 offense under subdivision (1)(c)(i) of this section by any village, town,

1 city, state, territory, commonwealth, or other jurisdiction of the United
2 States, by the United States Government, by court-martial or other
3 military tribunal, or by a foreign jurisdiction, notwithstanding a
4 procedure comparable in effect to that described under section 29-2264 or
5 any other procedure to nullify a conviction other than by pardon.

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

9 (i) Has ever pled guilty to, pled nolo contendere to, or been found
10 guilty of human trafficking under subsection (1) or (2) of section
11 28-831, and the court determines either by notification of sex offender
12 registration responsibilities or notation in the sentencing order that
13 the human trafficking was sex trafficking or sex trafficking of a minor
14 and not solely labor trafficking or labor trafficking of a minor; or

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

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

26 Sec. 3. Section 55-182, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 55-182 The rights of a member of the Nebraska National Guard in the
29 State of Nebraska shall include, but not be limited to, the right to:

30 (1) Seek employment with state, county, and local government;

31 (2) Not have membership in the Nebraska National Guard impact such

1 member's right to donate to political parties when not on duty status;

2 (3) Participate with state, county, or local government in a law
3 enforcement function as prescribed by that government;

4 (4) Receive the same protections a law enforcement officer is
5 afforded under section 23-3211 if the member is acting as a law
6 enforcement officer pursuant to subdivision (3) of this section; and

7 (5) Protection of such member's personal information as afforded
8 personnel of public bodies pursuant to subdivision (8) ~~(7)~~ of section
9 84-712.05, if the member is acting as a law enforcement officer pursuant
10 to subdivision (3) of this section.

11 Sec. 4. Section 79-2,144, Revised Statutes Supplement, 2021, is
12 amended to read:

13 79-2,144 The state school security director appointed pursuant to
14 section 79-2,143 shall be responsible for providing leadership and
15 support for safety and security for the public schools. Duties of the
16 director include, but are not limited to:

17 (1) Collecting safety and security plans, required pursuant to rules
18 and regulations of the State Department of Education relating to
19 accreditation of schools, and other school security information from each
20 school system in Nebraska. School districts shall provide the state
21 school security director with the safety and security plans of the school
22 district and any other security information requested by the director,
23 but any plans or information submitted by a school district may be
24 withheld by the department pursuant to subdivision (9) ~~(8)~~ of section
25 84-712.05;

26 (2) Recommending minimum standards for school security on or before
27 January 1, 2016, to the State Board of Education;

28 (3) Conducting an assessment of the security of each public school
29 building, which assessment shall be completed by August 31, 2019;

30 (4) Identifying deficiencies in school security based on the minimum
31 standards adopted by the State Board of Education and making

1 recommendations to school boards for remedying such deficiencies;

2 (5) Establishing security awareness and preparedness tools and
3 training programs for public school staff;

4 (6) Establishing research-based model instructional programs for
5 staff, students, and parents to address the underlying causes for violent
6 attacks on schools;

7 (7) Overseeing suicide awareness and prevention training in public
8 schools pursuant to section 79-2,146;

9 (8) Establishing tornado preparedness standards which shall include,
10 but not be limited to, ensuring that every school conducts at least two
11 tornado drills per year;

12 (9) Responding to inquiries and requests for assistance relating to
13 school security from private, denominational, and parochial schools;

14 (10) Recommending curricular and extracurricular materials to assist
15 school districts in preventing and responding to cyberbullying and
16 digital citizenship issues; and

17 (11) Carrying out the department's responsibilities under the School
18 Safety and Security Reporting System Act.

19 Sec. 5. Section 84-712.05, Revised Statutes Supplement, 2021, is
20 amended to read:

21 84-712.05 The following records, unless publicly disclosed in an
22 open court, open administrative proceeding, or open meeting or disclosed
23 by a public entity pursuant to its duties, may be withheld from the
24 public by the lawful custodian of the records:

25 (1) Personal information in records regarding a student, prospective
26 student, or former student of any educational institution or exempt
27 school that has effectuated an election not to meet state approval or
28 accreditation requirements pursuant to section 79-1601 when such records
29 are maintained by and in the possession of a public entity, other than
30 routine directory information specified and made public consistent with
31 20 U.S.C. 1232g, as such section existed on February 1, 2013, and

1 regulations adopted thereunder;

2 (2) Medical records, other than records of births and deaths and
3 except as provided in subdivision (5) of this section, in any form
4 concerning any person; records of elections filed under section 44-2821;
5 and patient safety work product under the Patient Safety Improvement Act;

6 (3) Trade secrets, academic and scientific research work which is in
7 progress and unpublished, and other proprietary or commercial information
8 which if released would give advantage to business competitors and serve
9 no public purpose;

10 (4) Records which represent the work product of an attorney and the
11 public body involved which are related to preparation for litigation,
12 labor negotiations, or claims made by or against the public body or which
13 are confidential communications as defined in section 27-503;

14 (5) Records developed or received by law enforcement agencies and
15 other public bodies charged with duties of investigation or examination
16 of persons, institutions, or businesses, when the records constitute a
17 part of the examination, investigation, intelligence information, citizen
18 complaints or inquiries, informant identification, or strategic or
19 tactical information used in law enforcement training, except that this
20 subdivision shall not apply to records so developed or received:

21 (a) Relating to the presence of and amount or concentration of
22 alcohol or drugs in any body fluid of any person; or

23 (b) Relating to the cause of or circumstances surrounding the death
24 of an employee arising from or related to his or her employment if, after
25 an investigation is concluded, a family member of the deceased employee
26 makes a request for access to or copies of such records. This subdivision
27 does not require access to or copies of informant identification, the
28 names or identifying information of citizens making complaints or
29 inquiries, other information which would compromise an ongoing criminal
30 investigation, or information which may be withheld from the public under
31 another provision of law. For purposes of this subdivision, family member

1 means a spouse, child, parent, sibling, grandchild, or grandparent by
2 blood, marriage, or adoption;

3 (6) The identity and personal identifying information of an alleged
4 victim of sexual assault or sex trafficking as provided in section 1 of
5 this act;

6 (7) (6) Appraisals or appraisal information and negotiation records
7 concerning the purchase or sale, by a public body, of any interest in
8 real or personal property, prior to completion of the purchase or sale;

9 (8) (7) Personal information in records regarding personnel of
10 public bodies other than salaries and routine directory information;

11 (9) (8) Information solely pertaining to protection of the security
12 of public property and persons on or within public property, such as
13 specific, unique vulnerability assessments or specific, unique response
14 plans, either of which is intended to prevent or mitigate criminal acts
15 the public disclosure of which would create a substantial likelihood of
16 endangering public safety or property; computer or communications network
17 schema, passwords, and user identification names; guard schedules; lock
18 combinations; or public utility infrastructure specifications or design
19 drawings the public disclosure of which would create a substantial
20 likelihood of endangering public safety or property, unless otherwise
21 provided by state or federal law;

22 (10) (9) Information that relates details of physical and cyber
23 assets of critical energy infrastructure or critical electric
24 infrastructure, including (a) specific engineering, vulnerability, or
25 detailed design information about proposed or existing critical energy
26 infrastructure or critical electric infrastructure that (i) relates
27 details about the production, generation, transportation, transmission,
28 or distribution of energy, (ii) could be useful to a person in planning
29 an attack on such critical infrastructure, and (iii) does not simply give
30 the general location of the critical infrastructure and (b) the identity
31 of personnel whose primary job function makes such personnel responsible

1 for (i) providing or granting individuals access to physical or cyber
2 assets or (ii) operating and maintaining physical or cyber assets, if a
3 reasonable person, knowledgeable of the electric utility or energy
4 industry, would conclude that the public disclosure of such identity
5 could create a substantial likelihood of risk to such physical or cyber
6 assets. Subdivision (10)(b) ~~(9)(b)~~ of this section shall not apply to the
7 identity of a chief executive officer, general manager, vice president,
8 or board member of a public entity that manages critical energy
9 infrastructure or critical electric infrastructure. The lawful custodian
10 of the records must provide a detailed job description for any personnel
11 whose identity is withheld pursuant to subdivision (10)(b) ~~(9)(b)~~ of this
12 section. For purposes of subdivision (10) ~~(9)~~ of this section, critical
13 energy infrastructure and critical electric infrastructure mean existing
14 and proposed systems and assets, including a system or asset of the bulk-
15 power system, whether physical or virtual, the incapacity or destruction
16 of which would negatively affect security, economic security, public
17 health or safety, or any combination of such matters;

18 (11) ~~(10)~~ The security standards, procedures, policies, plans,
19 specifications, diagrams, access lists, and other security-related
20 records of the Lottery Division of the Department of Revenue and those
21 persons or entities with which the division has entered into contractual
22 relationships. Nothing in this subdivision shall allow the division to
23 withhold from the public any information relating to amounts paid persons
24 or entities with which the division has entered into contractual
25 relationships, amounts of prizes paid, the name of the prize winner, and
26 the city, village, or county where the prize winner resides;

27 (12) ~~(11)~~ With respect to public utilities and except as provided in
28 sections 43-512.06 and 70-101, personally identified private citizen
29 account payment and customer use information, credit information on
30 others supplied in confidence, and customer lists;

31 (13) ~~(12)~~ Records or portions of records kept by a publicly funded

1 library which, when examined with or without other records, reveal the
2 identity of any library patron using the library's materials or services;
3 (14) ~~(13)~~ Correspondence, memoranda, and records of telephone calls
4 related to the performance of duties by a member of the Legislature in
5 whatever form. The lawful custodian of the correspondence, memoranda, and
6 records of telephone calls, upon approval of the Executive Board of the
7 Legislative Council, shall release the correspondence, memoranda, and
8 records of telephone calls which are not designated as sensitive or
9 confidential in nature to any person performing an audit of the
10 Legislature. A member's correspondence, memoranda, and records of
11 confidential telephone calls related to the performance of his or her
12 legislative duties shall only be released to any other person with the
13 explicit approval of the member;

14 (15) ~~(14)~~ Records or portions of records kept by public bodies which
15 would reveal the location, character, or ownership of any known
16 archaeological, historical, or paleontological site in Nebraska when
17 necessary to protect the site from a reasonably held fear of theft,
18 vandalism, or trespass. This section shall not apply to the release of
19 information for the purpose of scholarly research, examination by other
20 public bodies for the protection of the resource or by recognized tribes,
21 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
22 the federal Native American Graves Protection and Repatriation Act;

23 (16) ~~(15)~~ Records or portions of records kept by public bodies which
24 maintain collections of archaeological, historical, or paleontological
25 significance which reveal the names and addresses of donors of such
26 articles of archaeological, historical, or paleontological significance
27 unless the donor approves disclosure, except as the records or portions
28 thereof may be needed to carry out the purposes of the Unmarked Human
29 Burial Sites and Skeletal Remains Protection Act or the federal Native
30 American Graves Protection and Repatriation Act;

31 (17) ~~(16)~~ Library, archive, and museum materials acquired from

1 nongovernmental entities and preserved solely for reference, research, or
2 exhibition purposes, for the duration specified in subdivision (17)(b)
3 ~~(16)(b)~~ of this section, if:

4 (a) Such materials are received by the public custodian as a gift,
5 purchase, bequest, or transfer; and

6 (b) The donor, seller, testator, or transferor conditions such gift,
7 purchase, bequest, or transfer on the materials being kept confidential
8 for a specified period of time;

9 (18) ~~(17)~~ Job application materials submitted by applicants, other
10 than finalists or a priority candidate for a position described in
11 section 85-106.06 selected using the enhanced public scrutiny process in
12 section 85-106.06, who have applied for employment by any public body as
13 defined in section 84-1409. For purposes of this subdivision, (a) job
14 application materials means employment applications, resumes, reference
15 letters, and school transcripts and (b) finalist means any applicant who
16 is not an applicant for a position described in section 85-106.06 and (i)
17 who reaches the final pool of applicants, numbering four or more, from
18 which the successful applicant is to be selected, (ii) who is an original
19 applicant when the final pool of applicants numbers less than four, or
20 (iii) who is an original applicant and there are four or fewer original
21 applicants;

22 (19)(a) ~~(18)(a)~~ Records obtained by the Public Employees Retirement
23 Board pursuant to section 84-1512 and (b) records maintained by the board
24 of education of a Class V school district and obtained by the board of
25 trustees or the Public Employees Retirement Board for the administration
26 of a retirement system provided for under the Class V School Employees
27 Retirement Act pursuant to section 79-989;

28 (20) ~~(19)~~ Social security numbers; credit card, charge card, or
29 debit card numbers and expiration dates; and financial account numbers
30 supplied to state and local governments by citizens;

31 (21) ~~(20)~~ Information exchanged between a jurisdictional utility and

1 city pursuant to section 66-1867;

2 ~~(22)~~ ~~(21)~~ Draft records obtained by the Nebraska Retirement Systems
3 Committee of the Legislature and the Governor from Nebraska Public
4 Employees Retirement Systems pursuant to subsection (4) of section
5 84-1503;

6 ~~(23)~~ ~~(22)~~ All prescription drug information submitted pursuant to
7 section 71-2454, all data contained in the prescription drug monitoring
8 system, and any report obtained from data contained in the prescription
9 drug monitoring system; and

10 ~~(24)~~ ~~(23)~~ Information obtained by any government entity, whether
11 federal, state, county, or local, regarding firearm registration,
12 possession, sale, or use that is obtained for purposes of an application
13 permitted or required by law or contained in a permit or license issued
14 by such entity. Such information shall be available upon request to any
15 federal, state, county, or local law enforcement agency.

16 Sec. 6. Original section 55-182, Reissue Revised Statutes of
17 Nebraska, section 29-4003, Revised Statutes Cumulative Supplement, 2020,
18 and sections 79-2,144 and 84-712.05, Revised Statutes Supplement, 2021,
19 are repealed.

20 2. On page 1, line 2, after the second comma insert "section
21 29-4003, Revised Statutes Cumulative Supplement, 2020,"; and in line 5
22 after the second semicolon insert "to add a registrable offense and
23 provide for applicability under the Sex Offender Registration Act;".