

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1096

Hearing Date: Wednesday February 14, 2024
Committee On: Judiciary
Introducer: Armendariz
One Liner: Provide that certain conduct relating to depictions of sexually explicit or obscene material or material harmful to minors is a deceptive trade practice under the Uniform Deceptive Trade Practices Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Bosn, DeBoer, Wayne, Ibach, Holdcroft, DeKay
Nay:		
Absent:		
Present Not Voting:	2	Senators Blood, McKinney

Testimony:

Proponents:

Senator Christy Armendariz
Bebe Strnad
Ivy Svoboda
Julie Shrader
Nate Grasz
Tom Venzor

Representing:

Opening Presenter
Nebraska Attorney General Office
Nebraska Alliance of Child Advocacy Centers
Restored Wings
Nebraska Family Alliance
Nebraska Catholic Conference

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB1096 amends the Uniform Deceptive Trade Practices Act to add a new deceptive trade practice. Under LB1096, a person engages in a deceptive trade practice if they make publicly available certain visual depictions of sexually explicit conduct, obscene material, or any material that is harmful to minors. This does not apply to telecommunication services.

Section-by-Section

Section 1: Amends Section 87-302 to add that a person engages in a deceptive trade practice when, in the course of their business, vocation, or occupation, they manufacture, produce, publish, distribute or otherwise make publicly



available visual depictions of sexually explicit conduct, obscene material, or any material that is harmful to minors.

This section applies if the material depicts a person under the age of 18, who is a trafficking victim, has not consented to their depiction, or participated without consent. This section does not apply to any telecommunications service.

LB1096 also defines the following terms: harmful to minors, obscene material, publish, trafficking victim, visual depiction or sexually explicit conduct, and without consent.

Section 2: Severability clause.

Section 3: Repeals original section.

Explanation of amendments:

AM2741 makes two substantive changes to the original bill. First, it adds that an individual engages in a deceptive trade practice if they monetize or promote visual depictions of sexually explicit conduct, obscene material, or any material that is harmful to minors. Second, it adds a definition for the term “promote.”

Justin Wayne, Chairperson

