

AMENDMENTS TO LB 460

Introduced by Ashford

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

3 Section 1. Section 28-322.05, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 28-322.05 (1) Any person required to register under
6 the Sex Offender Registration Act (a) who is a sexually violent
7 predator under subdivision (4)(c) of section 29-4005 or is required
8 to register because of a conviction for one or more of the
9 following offenses, including enumerated in subsection (2) of
10 this section or any substantially equivalent offense committed in
11 another state, territory, commonwealth, or other jurisdiction of
12 the United States, and (b) who knowingly and intentionally uses a
13 social networking web site, instant messaging, or chat room service
14 that allows a person who is less than eighteen years of age to
15 access or use its social networking web site, instant messaging,
16 or chat room service, commits the offense of unlawful use of the
17 Internet by a prohibited sex offender.+

18 (2) Offenses enumerated for subsection (1) of this
19 section:

20 (a) Kidnapping of a minor pursuant to section 28-313;

21 (b) Sexual assault of a child in the first degree
22 pursuant to section 28-319.01;

23 (c) Sexual assault of a child in the second or third

1 degree pursuant to section 28-320.01;

2 (d) Incest of a minor pursuant to section 28-703;

3 (e) Pandering of a minor pursuant to section 28-802;

4 (f) Visual depiction of sexually explicit conduct of a
5 child pursuant to section 28-1463.03 or 28-1463.05;

6 (g) Possessing any visual depiction of sexually explicit
7 conduct pursuant to section 28-813.01;

8 (h) Criminal child enticement pursuant to section 28-311;

9 (i) Child enticement by means of an electronic
10 communication device pursuant to section 28-320.02; or

11 ~~(j) Enticement by electronic communication device~~
12 ~~pursuant to section 28-833; or~~

13 ~~(k) (j) An attempt or conspiracy to commit an offense~~
14 ~~listed in subdivisions ~~(1)(a)~~ (2)(a) through ~~(1)(j)~~ (2)(i) of this~~
15 ~~section.~~

16 ~~(2) (3) Unlawful use of the Internet by a prohibited sex~~
17 ~~offender is a Class I misdemeanor for a first offense. Any second~~
18 ~~or subsequent conviction under this section is a Class IIIA felony.~~

19 Sec. 2. Section 29-2264, Revised Statutes Cumulative
20 Supplement, 2010, is amended to read:

21 29-2264 (1) Whenever any person is placed on probation
22 by a court and satisfactorily completes the conditions of his or
23 her probation for the entire period or is discharged from probation
24 prior to the termination of the period of probation, the sentencing
25 court shall issue an order releasing the offender from probation.
26 Such order in all felony cases shall provide notice that the
27 person's voting rights are restored two years after completion of

1 probation. The order shall include information on restoring other
2 civil rights through the pardon process, including application to
3 and hearing by the Board of Pardons.

4 (2) Whenever any person is convicted of a misdemeanor or
5 felony and or is placed on probation by the court or is sentenced
6 to a fine only, he or she may, after satisfactory fulfillment
7 of the conditions of probation for the entire period or after
8 discharge from probation prior to the termination of the period of
9 probation and after payment of any fine, petition the sentencing
10 court to set aside the conviction.

11 (3) In determining whether to set aside the conviction,
12 the court shall consider:

13 (a) The behavior of the offender after sentencing;

14 (b) The likelihood that the offender will not engage in
15 further criminal activity; and

16 (c) Any other information the court considers relevant.

17 (4) The court may grant the offender's petition and issue
18 an order setting aside the conviction when in the opinion of the
19 court the order will be in the best interest of the offender and
20 consistent with the public welfare. The order shall:

21 (a) Nullify the conviction; and

22 (b) Remove all civil disabilities and disqualifications
23 imposed as a result of the conviction.

24 (5) The setting aside of a conviction in accordance with
25 the Nebraska Probation Administration Act shall not:

26 (a) Require the reinstatement of any office, employment,
27 or position which was previously held and lost or forfeited as a

1 result of the conviction;

2 (b) Preclude proof of a plea of guilty whenever such plea
3 is relevant to the determination of an issue involving the rights
4 or liabilities of someone other than the offender;

5 (c) Preclude proof of the conviction as evidence of the
6 commission of the misdemeanor or felony whenever the fact of its
7 commission is relevant for the purpose of impeaching the offender
8 as a witness, except that the order setting aside the conviction
9 may be introduced in evidence;

10 (d) Preclude use of the conviction for the purpose of
11 determining sentence on any subsequent conviction of a criminal
12 offense;

13 (e) Preclude the proof of the conviction as evidence
14 of the commission of the misdemeanor or felony in the event an
15 offender is charged with a subsequent offense and the penalty
16 provided by law is increased if the prior conviction is proved;

17 (f) Preclude the proof of the conviction to determine
18 whether an offender is eligible to have a subsequent conviction set
19 aside in accordance with the Nebraska Probation Administration Act;

20 (g) Preclude use of the conviction as evidence of
21 commission of the misdemeanor or felony for purposes of determining
22 whether an application filed or a license issued under sections
23 71-1901 to 71-1906.01 or the Child Care Licensing Act or a
24 certificate issued under sections 79-806 to 79-815 should be
25 denied, suspended, or revoked;

26 (h) Preclude proof of the conviction as evidence whenever
27 the fact of the conviction is relevant to a determination of

1 ~~the registration period risk of recidivism under section 29-4005,~~
2 29-4013; or

3 (i) Relieve a person who is convicted of an offense for
4 which registration is required under the Sex Offender Registration
5 Act of the duty to register and to comply with the terms of the
6 act.

7 (6) Except as otherwise provided for the notice in
8 subsection (1) of this section, changes made to this section by
9 Laws 2005, LB 713, shall be retroactive in application and shall
10 apply to all persons, otherwise eligible in accordance with the
11 provisions of this section, whether convicted prior to, on, or
12 subsequent to September 4, 2005.

13 Sec. 3. Section 29-4001, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

15 29-4001 Sections 29-4001 to 29-4014 and section 11 of
16 this act shall be known and may be cited as the Sex Offender
17 Registration Act.

18 Sec. 4. Section 29-4001.01, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 29-4001.01 For purposes of the Sex Offender Registration
21 Act:

22 (1) ~~Aggravated offense means any registrable offense~~
23 ~~under section 29-4003 which involves the penetration of, direct~~
24 ~~genital touching of, oral to anal contact with, or oral to genital~~
25 ~~contact with (a) a victim age thirteen years or older without the~~
26 ~~consent of the victim, (b) a victim under the age of thirteen~~
27 ~~years, or (c) a victim who the sex offender knew or should~~

1 have known was mentally or physically incapable of resisting or
2 appraising the nature of his or her conduct;

3 ~~(2)~~ (1) Blog means a web site contained on the Internet
4 that is created, maintained, and updated in a log, journal, diary,
5 or newsletter format by an individual, group of individuals,
6 or corporate entity for the purpose of conveying information or
7 opinions to Internet users who visit their web site;

8 ~~(3)~~ (2) Chat room means a web site or server space on
9 the Internet or communication network primarily designated for the
10 virtually instantaneous exchange of text or voice transmissions
11 or computer file attachments amongst two or more computers or
12 electronic communication device users;

13 ~~(4)~~ (3) Chat room identifiers means the username,
14 password, symbol, image, or series of symbols, letters, numbers, or
15 text characters used by a chat room participant to identify himself
16 or herself in a chat room or to identify the source of any content
17 transmitted from a computer or electronic communication device to
18 the web site or server space upon which the chat room is dedicated;

19 ~~(5)~~ (4) DNA sample has the same meaning as in section
20 29-4103;

21 ~~(6)~~ (5) Domain name means a series of text-based
22 symbols, letters, numbers, or text characters used to provide
23 recognizable names to numerically addressed Internet resources that
24 are registered by the Internet Corporation for Assigned Names and
25 Numbers;

26 ~~(7)~~ (6) Email means the exchange of electronic text
27 messages and computer file attachments between computers or other

1 electronic communication devices over a communications network,
2 such as a local area computer network or the Internet;

3 ~~(8)~~ (7) Email address means the string of letters,
4 numbers, and symbols used to specify the source or destination of
5 an email message that is transmitted over a communication network;

6 ~~(9)~~ (8) Habitual living location means any place that
7 an offender may stay for a period of more than ~~three~~ five days
8 even though the sex offender maintains a separate permanent ~~address~~
9 residence or temporary domicile;

10 ~~(10)~~ (9) Instant messaging means a direct, dedicated,
11 and private communication service, accessed with a computer or
12 electronic communication device, that enables a user of the service
13 to send and receive virtually instantaneous text transmissions or
14 computer file attachments to other selected users of the service
15 through the Internet or a computer communications network;

16 ~~(11)~~ (10) Instant messaging identifiers means the
17 username, password, symbol, image, or series of symbols, letters,
18 numbers, images, or text characters used by an instant messaging
19 user to identify their presence to other instant messaging users or
20 the source of any content sent from their computer or electronic
21 communication device to another instant messaging user;

22 ~~(12)~~ (11) Minor means a person under eighteen years of
23 age;

24 ~~(13)~~ (12) Social networking web site means a web page
25 or collection of web sites contained on the Internet (a) that
26 enables users or subscribers to create, display, and maintain a
27 profile or Internet domain containing biographical data, personal

1 information, photos, or other types of media, (b) that can be
2 searched, viewed, or accessed by other users or visitors to the
3 web site, with or without the creator's permission, consent,
4 invitation, or authorization, and (c) that may permit some form of
5 communication, such as direct comment on the profile page, instant
6 messaging, or email, between the creator of the profile and users
7 who have viewed or accessed the creator's profile;

8 ~~(14)~~ (13) State DNA Data Base means the data base
9 established pursuant to section 29-4104; and

10 ~~(15)~~ (14) Temporary domicile means any place at which the
11 person actually lives or stays for a period of at least ~~three~~ five
12 working days.

13 Sec. 5. Section 29-4003, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

15 29-4003 (1)~~(a)~~ The Sex Offender Registration Act ~~applies~~
16 ~~to~~ requires the registration of any person who on or after January
17 1, 1997:

18 ~~(i)~~ (a) Has ever pled guilty to, pled nolo contendere to,
19 or been found guilty of any of the following:

20 ~~(A)~~ (i) Kidnapping of a minor pursuant to section 28-313,
21 except when the person is the parent of the minor and was not
22 convicted of any other offense in this section;

23 ~~(B)~~ (ii) False imprisonment of a minor pursuant to
24 section 28-314 or 28-315;

25 ~~(C)~~ (iii) Sexual assault pursuant to section 28-319 or
26 28-320;

27 ~~(D)~~ (iv) Sexual assault of a child in the second or third

1 degree pursuant to section 28-320.01;

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

4 ~~(F)~~ (vi) Sexual abuse of a vulnerable adult pursuant to
5 subdivision (1)(c) of section 28-386;

6 ~~(G)~~ (vii) Incest of a minor pursuant to section 28-703;

7 ~~(H)~~ (viii) Pandering of a minor pursuant to section
8 28-802;

9 ~~(I)~~ (ix) Visual depiction of sexually explicit conduct of
10 a child pursuant to section 28-1463.03 or 28-1463.05;

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

14 ~~(K)~~ (xi) Criminal child enticement pursuant to section
15 28-311;

16 ~~(L)~~ (xii) Child enticement by means of an electronic
17 communication device pursuant to section 28-320.02;

18 ~~(M)~~ (xiii) Debauching a minor pursuant to section 28-805;

19 or

20 ~~(N)~~ (xiv) Attempt, solicitation, aiding or abetting,
21 being an accessory, or conspiracy to commit an offense listed
22 in subdivisions ~~(1)(a)(i)(A)~~ (1)(a)(i) through ~~(1)(a)(i)(M)~~
23 (1)(a)(xiii) of this section;

24 ~~(ii)~~ (b) Has ever pled guilty to, pled nolo contendere
25 to, or been found guilty of any offense that is substantially
26 equivalent to a registrable offense under subdivision ~~(1)(a)(i)~~
27 (1)(a) of this section by any village, town, city, state,

1 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
4 a procedure comparable in effect to that described under section
5 29-2264 or any other procedure to nullify a conviction other than
6 by pardon;

7 ~~(iii)~~ (c) Is incarcerated in a jail, a penal or
8 correctional facility, or any other public or private institution
9 or is under probation or parole as a result of pleading guilty to
10 or being found guilty of a registrable offense under subdivision
11 ~~(1)(a)(i)~~ ~~or~~ ~~(ii)~~ (1)(a) or (b) of this section prior to January 1,
12 1997; or

13 ~~(iv)~~ (d) Enters the state and is required to register
14 as a sex offender under the laws of another village, town, city,
15 state, territory, commonwealth, or other jurisdiction of the United
16 States.

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

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

23 ~~(I)~~ Murder in the first degree pursuant to section
24 ~~28-303;~~

25 ~~(II)~~ Murder in the second degree pursuant to section
26 ~~28-304;~~

27 ~~(III)~~ Manslaughter pursuant to section ~~28-305;~~

1 ~~(IV) Assault in the first degree pursuant to section~~
2 ~~28-308;~~
3 ~~(V) Assault in the second degree pursuant to section~~
4 ~~28-309;~~
5 ~~(VI) Assault in the third degree pursuant to section~~
6 ~~28-310;~~
7 ~~(VII) Stalking pursuant to section 28-311.03;~~
8 ~~(VIII) Unlawful intrusion on a minor pursuant to section~~
9 ~~28-311.08;~~
10 ~~(IX) Kidnapping pursuant to section 28-313;~~
11 ~~(X) False imprisonment pursuant to section 28-314 or~~
12 ~~28-315;~~
13 ~~(XI) Sexual abuse of an inmate or parolee in the first~~
14 ~~degree pursuant to section 28-322.02;~~
15 ~~(XII) Sexual abuse of an inmate or parolee in the second~~
16 ~~degree pursuant to section 28-322.03;~~
17 ~~(XIII) Sexual abuse of a protected individual pursuant to~~
18 ~~section 28-322.04;~~
19 ~~(XIV) Incest pursuant to section 28-703;~~
20 ~~(XV) Child abuse pursuant to subdivision (1)(d) or (e) of~~
21 ~~section 28-707;~~
22 ~~(XVI) Enticement by electronic communication device~~
23 ~~pursuant to section 28-833; or~~
24 ~~(XVII) Attempt, solicitation, aiding or abetting, being~~
25 ~~an accessory, or conspiracy to commit an offense listed in~~
26 ~~subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this~~
27 ~~section.~~

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

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

18 ~~(iii) Enters the state and is required to register as~~
19 ~~a sex offender under the laws of another village, town, city,~~
20 ~~state, territory, commonwealth, or other jurisdiction of the United~~
21 ~~States.~~

22 (2) In the case of a person convicted of a violation
23 of section 28-313, 28-314, 28-315, or 28-805, the convicted person
24 is required to register under the Sex Offender Registration Act,
25 unless the sentencing court determines at the time of sentencing,
26 in light of all the facts, that the convicted person is not subject
27 to the act. The sentencing court shall make such determination part

1 of the sentencing order.

2 ~~(2)~~ (3) A person appealing a conviction of a registrable
3 offense under this section shall be required to comply with the act
4 during the appeals process.

5 Sec. 6. Section 29-4004, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 29-4004 (1) Any person ~~subject to~~ required to register
8 under the Sex Offender Registration Act shall register ~~within~~
9 ~~three~~ with the sheriff of the county in which the person has a
10 residence, temporary domicile, or habitual living location within
11 five working days after becoming subject to the act, ~~at a location~~
12 ~~designated by the Nebraska State Patrol for purposes of accepting~~
13 ~~such registration.~~

14 (2) Any person required to register under the act shall
15 inform the sheriff of the county in which he or she resides, in
16 person, and complete a form as prescribed by the Nebraska State
17 Patrol for such purpose, writing, if he or she has a new address,
18 residence, temporary domicile, or habitual living location, within
19 ~~three~~ such county five working days ~~before~~ after the residence
20 change. The sheriff shall submit such information to the sex
21 offender registration and community notification division of the
22 Nebraska State Patrol ~~on the day it is received and in a manner~~
23 ~~prescribed by the Nebraska State Patrol for such purpose.~~ within
24 five working days after receipt of the information.

25 (3) Any person required to register under the act shall
26 inform the sheriff of the county in which he or she resides,
27 in person, and complete a form as prescribed by the Nebraska

1 ~~State Patrol for such purpose,~~ writing, if he or she has a new
2 ~~address,~~ residence, temporary domicile, or habitual living location
3 in a different county in this state, within ~~three~~ five working
4 days ~~before~~ after the address change. The sheriff shall submit
5 such information to the sex offender registration and community
6 notification division of the Nebraska State Patrol ~~on the day it~~
7 ~~is received and in a manner as prescribed by the Nebraska State~~
8 ~~Patrol for such purpose,~~ within five working days after receipt of
9 such information. If the change in ~~address,~~ residence, temporary
10 domicile, or habitual living location is to a location within the
11 State of Nebraska, the division shall notify the sheriff of each
12 affected county of the new ~~address,~~ residence, temporary domicile,
13 or habitual living location, within ~~three~~ five working days. The
14 person shall report to the county sheriff of his or her new county
15 of residence and register with such county sheriff within ~~three~~
16 five working days after the address change.

17 (4) Any person required to register under the act shall
18 inform the sheriff of the county in which he or she resides, in
19 ~~person,~~ and complete a form as prescribed by the Nebraska State
20 ~~Patrol for such purpose,~~ writing, if he or she moves to a new
21 out-of-state address, within ~~three~~ five working days ~~before~~ after
22 the address change. The sheriff shall submit such information to
23 the sex offender registration and community notification division
24 of the Nebraska State Patrol within five working days after receipt
25 of the information. The division shall forward the information to
26 the other state's central repository for sex offender registration.
27 ~~on the day it is received and in a manner as prescribed by the~~

1 ~~Nebraska State Patrol for such purpose. If the change in address,~~
2 ~~temporary domicile, or habitual living location is to a location~~
3 ~~outside of the State of Nebraska, the division shall notify the~~
4 ~~sheriff of each affected county in Nebraska and the other state's,~~
5 ~~country's, or territory's central repository for sex offender~~
6 ~~registration of the new out-of-state address, temporary domicile,~~
7 ~~or habitual living location, within three working days.~~

8 ~~(5)~~ Any person required to register under the act who is
9 employed, carries on a vocation, or attends school shall inform, in
10 person, the sheriff of the county in which he or she is employed,
11 carries on a vocation, or attends school and complete a form as
12 prescribed by the Nebraska State Patrol for such purpose, within
13 three working days after becoming employed, carrying on a vocation,
14 or attending school. The person shall also notify the sheriff,
15 in person, of any changes in employment, vocation, or school of
16 attendance, and complete a form as prescribed by the Nebraska
17 State Patrol for such purpose, within three working days after
18 the change. The sheriff shall submit such information to the sex
19 offender registration and community notification division of the
20 Nebraska State Patrol on the day it is received and in a manner as
21 prescribed by the Nebraska State Patrol for such purpose.

22 ~~(6)~~ (5) Any person required to register under the act who
23 is residing, has a temporary domicile, or is habitually living in
24 another state, and is employed, carries on a vocation, or attends
25 school in this state, shall report and register, in person, with
26 the sheriff of the county in which he or she is employed, carries
27 on a vocation, or attends school in this state and complete a

1 ~~form as prescribed by the Nebraska State Patrol for such purpose,~~
2 within ~~three~~ five working days after becoming employed, carrying
3 on a vocation, or attending school. The person shall also notify
4 the sheriff of any changes in employment, vocation, or school
5 of attendance, in person, ~~and complete a form as prescribed by~~
6 ~~the Nebraska State Patrol for such purpose,~~ writing, within ~~three~~
7 five working days after the change. The sheriff shall submit
8 such information to the sex offender registration and community
9 notification division of the Nebraska State Patrol ~~on the day it is~~
10 ~~received and in a manner as prescribed by the Nebraska State Patrol~~
11 ~~for such purpose,~~ within five working days after receipt of such
12 information. For purposes of this subsection:

13 (a) Attends school means enrollment in any educational
14 institution in this state on a full-time or part-time basis; and

15 (b) Is employed or carries on a vocation means any
16 full-time or part-time employment, with or without compensation,
17 which lasts for a duration of more than fourteen days or for an
18 aggregate period exceeding thirty days in a calendar year.

19 ~~(7)~~ (6) Any person incarcerated for a registrable offense
20 under section 29-4003 in a jail, penal or correctional facility, or
21 other public or private institution who is not already registered
22 shall be registered by the jail, penal or correctional facility,
23 or public or private institution prior to his or her discharge,
24 parole, furlough, work release, or release. The person shall be
25 informed and information shall be obtained as required in section
26 29-4006.

27 (7) Any person required to register under the act shall

1 inform the sheriff of the county in which he or she has a
2 residence, temporary domicile, or habitual living location, in
3 writing, of each postsecondary educational institution at which
4 he or she is employed, carries on a vocation, or attends school,
5 within five working days after such employment or attendance.
6 The person shall also notify the sheriff of any change in such
7 employment or attendance status at the postsecondary educational
8 institution, in writing, within five working days after such
9 change. The sheriff shall forward the information regarding such
10 employment or attendance to the sex offender registration and
11 community notification division of the Nebraska State Patrol within
12 five working days after receipt of the information.

13 (8) Any person required to register or who is registered
14 under the act, but is incarcerated for more than ~~three~~ five working
15 days, shall inform the sheriff of the county in which he or she
16 is incarcerated, in writing, within ~~three~~ five working days after
17 incarceration, of his or her incarceration and his or her expected
18 release date, if any such date is available. The sheriff shall
19 forward the information regarding incarceration to the sex offender
20 registration and community notification division of the Nebraska
21 State Patrol ~~immediately on the day on which it was received and in~~
22 ~~a manner prescribed by the Nebraska State Patrol for such purpose.~~
23 within five working days after receipt of the information.

24 (9) Any person required to register or who is registered
25 under the act who no longer has a residence, temporary domicile, or
26 habitual living location shall report such change in ~~person~~ writing
27 to the sheriff of the county in which he or she is located, within

1 ~~three~~ five working days after such change in residence, temporary
2 domicile, or habitual living location. Such person shall update
3 his or her registration, in ~~person~~, writing, to the sheriff of
4 the county in which he or she is located, on a form approved by
5 the sex offender registration and community notification division
6 of the Nebraska State Patrol at least once every thirty calendar
7 days during the time he or she remains without residence, temporary
8 domicile, or habitual living location.

9 (10) Each registering entity shall forward all written
10 information, photographs, and fingerprints obtained pursuant to the
11 act to the sex offender registration and community notification
12 division of the Nebraska State Patrol ~~on the day it is received~~
13 ~~and in a manner prescribed by the Nebraska State Patrol for~~
14 ~~such purpose.~~ within five working days. The information shall be
15 forwarded on forms furnished by the division. The division shall
16 maintain a central registry of sex offenders required to register
17 under the act. Any collected DNA samples shall be forwarded to the
18 State DNA Data Base.

19 (11) The sex offender registration and community
20 notification division of the Nebraska State Patrol shall determine
21 whether a name-change order received from the clerk of a district
22 court pursuant to section 25-21,271 is for a person in the central
23 registry of sex offenders and, if so, shall include the changed
24 name with the former name in the registry, file or cross-reference
25 the information under both names, and notify the sheriff of the
26 county in which such person then resides.

27 Sec. 7. Section 29-4005, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 29-4005 ~~(1)(a)~~ (1) Except as provided in ~~subsection (2)~~
3 subsections (2) and (3) of this section, any person to whom the
4 Sex Offender Registration Act applies shall be required to register
5 during any period of supervised release, probation, or parole and
6 shall continue to comply with the act for ~~the~~ a period of time
7 ten years after the date of discharge from probation, parole, or
8 supervised release or release from incarceration, whichever date is
9 most recent. The ten-year registration requirement shall not apply
10 to any person while he or she is incarcerated in a jail, a penal or
11 correctional facility, or any other public or private institution.
12 The ten-year registration requirement does not include any ~~7~~ as set
13 ~~forth in subdivision (b) of this subsection. A sex offender shall~~
14 ~~keep the registration current for the full registration period but~~
15 ~~shall not be subject to verification procedures during any time the~~
16 ~~sex offender is in custody or under an inpatient civil commitment,~~
17 ~~unless the sex offender is allowed a reduction in his or her~~
18 ~~registration period under subsection (2) of this section.~~

19 (b) The full registration period is as follows:

20 (i) Fifteen years, if the sex offender was convicted
21 of a registrable offense under section 29-4003 not punishable by
22 imprisonment for more than one year;

23 (ii) ~~Twenty-five years,~~ if the sex offender was convicted
24 of a registrable offense under section 29-4003 punishable by
25 imprisonment for more than one year; or

26 (iii) Life, if the sex offender was convicted of
27 a registrable offense under section 29-4003 punishable by

1 imprisonment for more than one year and was convicted of an
2 aggravated offense or had a prior sex offense conviction or has
3 been determined to be a lifetime registrant in another state,
4 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.

7 (2) A sex offender who is required to register for
8 fifteen years may request a reduction in the registration period to
9 ten years upon completion of ten years of the registration period
10 after the date of discharge from probation, parole, supervised
11 release, or incarceration, whichever date is most recent. The sex
12 offender shall make the request to the Nebraska State Patrol. The
13 sex offender shall provide proof that, during such registration
14 period, he or she:

15 (a) Was not convicted of any offense for which
16 imprisonment for more than one year could have been imposed;

17 (b) Was not convicted of any sex offense;

18 (c) Successfully completed any period of probation,
19 parole, supervised release, or incarceration; and

20 (d) Successfully completed an appropriate sex offender
21 treatment program.

22 (3) Any time period when any person who is required to
23 register under the act knowingly or willfully fails to comply with
24 such registration requirement, shall not be counted as completed
25 registration time and shall be used to recalculate the registration
26 period. The recalculation shall be completed by the sex offender
27 registration and community notification division of the Nebraska

1 ~~State Patrol.~~

2 (2) A person required to register under the act shall
3 be required to register for the rest of his or her life if
4 the offense creating the obligation to register is an aggravated
5 offense, if the person is determined to be a sexually violent
6 predator under subsection (3) of this section, if the person has
7 a prior conviction for a registrable offense, or if the person is
8 required to register as a sex offender for the rest of his or her
9 life under the laws of another state, territory, commonwealth, or
10 other jurisdiction of the United States. A sentencing court shall
11 make that fact part of the sentencing order.

12 (3) (a) When sentencing a person for a registrable offense
13 under the act, a court may also determine if the person is a
14 sexually violent predator. When making its determination the court
15 shall consider information contained in the presentence report and
16 the recommendation of experts in the behavior and treatment of sex
17 offenders, victims' rights advocates, and representatives of law
18 enforcement agencies.

19 (b) In addition to complying with the annual verification
20 requirements in section 29-4006 and the lifetime registration
21 requirements of subsection (2) of this section, a person determined
22 to be a sexually violent predator shall verify the registration
23 information quarterly after the initial registration date.

24 (4) For purposes of this section:

25 (a) Aggravated offense means any registrable offense
26 under section 29-4003 which involves the penetration of (i) a
27 victim age twelve years or more through the use of force or the

1 threat of serious violence or (ii) a victim under the age of twelve
2 years;

3 (b) Mental abnormality means a congenital or acquired
4 condition of a person that affects the emotional or volitional
5 capacity of the person in a manner that predisposes that person to
6 the commission of a criminal sexual act to a degree that makes the
7 person a menace to the health and safety of other persons; and

8 (c) Sexually violent predator means a person who has been
9 convicted of one or more registrable offenses under section 29-4003
10 and who suffers from a mental abnormality or personality disorder
11 that makes the person likely to engage in sexually violent offenses
12 directed at a stranger, or at a person with whom a relationship
13 has been established or promoted, for the primary purpose of
14 victimization.

15 Sec. 8. Section 29-4006, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 29-4006 (1) Registration information required by the Sex
18 Offender Registration Act shall be entered into a data base in
19 a format approved by the sex offender registration and community
20 notification division of the Nebraska State Patrol and shall
21 include, but not be limited to, the following information:

22 (a) The legal name and all aliases which the person has
23 used or under which the person has been known;

24 (b) The person's date of birth and any alias dates of
25 birth;

26 (c) The person's social security number;

27 (d) The address of each residence at which the person

1 resides, has a temporary domicile, has a habitual living location,
2 or will reside;

3 (e) The name and address of any place where the person
4 is an employee or will be an employee, including work locations
5 without a single worksite;

6 (f) The name and address of any place where the person is
7 a student or will be a student;

8 (g) The license plate number and a description of any
9 vehicle owned or operated by the person and its regular storage
10 location;

11 (h) The person's motor vehicle operator's license number,
12 including the person's valid motor vehicle operator's license or
13 state identification card submitted for photocopying;

14 (i) The person's original travel and immigration
15 documents submitted for photocopying;

16 (j) The person's original professional licenses or
17 certificates submitted for photocopying;

18 (k) The person's remote communication device identifiers
19 and addresses, including, but not limited to, all global unique
20 identifiers, serial numbers, Internet protocol addresses, telephone
21 numbers, and account numbers specific to the device;

22 (l) The person's telephone numbers;

23 (m) A physical description of the person;

24 (n) A digital link to the text of the provision of law
25 defining the criminal offense or offenses for which the person is
26 registered under the act;

27 (o) Access to the criminal history of the person,

1 including the date of all arrests and convictions, the status
2 of parole, probation, or supervised release, registration status,
3 and the existence of any outstanding arrest warrants for the
4 person;

5 (p) A current photograph of the person;

6 (q) A set of fingerprints and palm prints of the person;

7 (r) A DNA sample of the person; and

8 (s) All email addresses, instant messaging identifiers,
9 chat room identifiers, global unique identifiers, and other
10 Internet communication identifiers that the person uses or plans to
11 use, all domain names registered by the registrant, and all blogs
12 and Internet sites maintained by the person or to which the person
13 has uploaded any content or posted any messages or information.

14 (2) When the person provides any information under
15 subdivision (1)(k) or (s) of this section, the registrant shall
16 sign a consent form, provided by the law enforcement agency
17 receiving this information, authorizing the:

18 (a) Search of all the computers or electronic
19 communication devices possessed by the person; and

20 (b) Installation of hardware or software to monitor
21 the person's Internet usage on all the computers or electronic
22 communication devices possessed by the person.

23 (3) Except as provided in section 29-4005, the
24 registration information shall be verified as provided in
25 subsections (4), ~~(5)~~, and ~~(6)~~ and (5) of this section for the
26 duration of the registration period. The person shall appear in
27 person for such verification at the office of the sheriff of the

1 county in which he or she resides, has a temporary domicile, or is
2 habitually living for purposes of accepting verifications and shall
3 have his or her photograph and fingerprints taken upon request of
4 verification personnel.

5 (4) A person required to register under the act for
6 ~~fifteen~~ ten years shall report every twelve months in the month
7 of his or her birth, in person, to the office of the sheriff of
8 the county in which he or she resides for purposes of accepting
9 verifications, regardless of the original registration month. The
10 sheriff shall submit such verification information to the sex
11 offender registration and community notification division of the
12 Nebraska State Patrol on the day it is received and in a manner
13 prescribed by the Nebraska State Patrol for such purpose.

14 ~~(5) A person required to register under the act for~~
15 ~~twenty-five years shall report, in person, every six months to~~
16 ~~the office of the sheriff of the county in which he or she~~
17 ~~resides for purposes of accepting verification. The person shall~~
18 ~~report, in person, in the month of his or her birth and in the~~
19 ~~sixth month following the month of his or her birth, regardless~~
20 ~~of the original registration month. The sheriff shall submit such~~
21 ~~verification information to the sex offender registration and~~
22 ~~community notification division of the Nebraska State Patrol on the~~
23 ~~day it is received and in a manner prescribed by the Nebraska State~~
24 ~~Patrol for such purpose.~~

25 ~~(6)~~ (5) A person required to register under the act for
26 life shall report, in person, every three months to the office of
27 the sheriff of the county in which he or she resides for purposes

1 of accepting verification. The person shall report, in person, in
2 the month of his or her birth and every three months following the
3 month of his or her birth, regardless of the original registration
4 month. The sheriff shall submit such verification information to
5 the sex offender registration and community notification division
6 of the Nebraska State Patrol on the day it is received and in a
7 manner prescribed by the Nebraska State Patrol for such purpose.

8 ~~(7)~~ (6) The verification form shall be signed by the
9 person required to register under the act and state whether the
10 address last reported to the division is still correct.

11 ~~(8)~~ (7) Upon receipt of registration and confirmation
12 of the registry requirement, the sex offender registration and
13 community notification division of the Nebraska State Patrol shall
14 notify the person by certified mail of his or her registry duration
15 and verification schedule.

16 ~~(9)~~ (8) If the person required to register under the act
17 fails to report in person as required in subsection (4)~~), (5)~~ ~~or~~
18 ~~(6)~~ (5) of this section, the person shall be in violation of
19 this section.

20 ~~(10)~~ (9) If the person required to register under the
21 act falsifies the registration or verification information or form
22 or fails to provide or timely update law enforcement of any
23 of the information required to be provided by the Sex Offender
24 Registration Act, the person shall be in violation of this section.

25 ~~(11)~~ (10) The verification requirements of a person
26 required to register under the act shall not apply during periods
27 of such person's incarceration or inpatient civil commitment.

1 Verification shall be resumed as soon as such person is placed
2 on any type of supervised release, parole, or probation or
3 outpatient civil commitment or is released from incarceration or
4 civil commitment. Prior to any type of release from incarceration
5 or inpatient civil commitment, the person shall report a change
6 of ~~address~~, residence, in writing, to the sheriff of the county
7 in which he or she is incarcerated and the sheriff of the county
8 in which he or she resides, has a temporary domicile, or has a
9 habitual living location. The sheriff shall submit the change of
10 ~~address~~ residence to the sex offender registration and community
11 notification division of the Nebraska State Patrol on the day it is
12 received and in a manner prescribed by the Nebraska State Patrol
13 for such purpose.

14 ~~(12)~~ (11) Any person required to register under the act
15 shall, in person, inform the sheriff of any legal change in name
16 within three working days after such change and provide a copy of
17 the legal documentation supporting the change in name. The sheriff
18 shall submit the information to the sex offender registration and
19 community notification division of the Nebraska State Patrol, in
20 writing, immediately after receipt of the information and in a
21 manner prescribed by the Nebraska State Patrol for such purpose.

22 ~~(13)~~ (12) Any person required to register under the Sex
23 Offender Registration Act shall inform the sheriff with whom he
24 or she is required to register of any changes in or additions
25 to such person's list of email addresses, instant messaging
26 identifiers, chat room identifiers, global unique identifiers,
27 and other Internet communication identifiers that the registrant

1 uses or plans to use, all domain names registered by the person,
2 and all blogs and Internet web sites maintained by the person or
3 to which the person has uploaded any content or posted any messages
4 or information, in writing, by the next working day. The sheriff
5 receiving this updated information shall submit the information to
6 the sex offender registration and community notification division
7 of the Nebraska State Patrol, in writing, by the next working day
8 after receipt of the information.

9 ~~(14)~~ (13) At any time that a person required to register
10 under the act violates the registry requirements and cannot be
11 located, the registry information shall reflect that the person has
12 absconded, a warrant shall be sought for the person's arrest, and
13 the United States Marshals Service shall be notified.

14 Sec. 9. Section 29-4007, Revised Statutes Cumulative
15 Supplement, 2010, is amended to read:

16 29-4007 (1) When sentencing a person convicted of a
17 registrable offense under section 29-4003, the court shall:

18 (a) Provide written notification of the duty to register
19 under the Sex Offender Registration Act at the time of sentencing
20 to any defendant who has pled guilty or has been found guilty of a
21 registrable offense under section 29-4003. The written notification
22 shall:

23 (i) Inform the ~~defendant~~ person of whether or not he or
24 she is subject to the act, the duration of time he or she will be
25 subject to the act, and that he or she shall report to a location
26 designated by the Nebraska State Patrol for purposes of accepting
27 such registration within ~~three~~ five working days after the date of

1 the written notification to register;

2 (ii) Inform the ~~defendant~~ person that if he or she
3 moves to another ~~address~~ residence, temporary domicile, or habitual
4 living location within the same county, he or she must report to
5 the county sheriff of the county in which he or she is residing
6 within ~~three~~ five working days ~~before~~ after his or her move;

7 (iii) Inform the ~~defendant~~ person that if he or she no
8 longer has a residence, temporary domicile, or habitual living
9 location, he or she shall report such change in person to the
10 sheriff of the county in which he or she is located within
11 ~~three~~ five working days after such change; ~~in residence, temporary~~
12 ~~domicile, or habitual living location;~~

13 (iv) Inform the ~~defendant~~ person that if he or she moves
14 to another county in the State of Nebraska, he or she must notify,
15 in person, the county sheriff of the county in which he or she had
16 been last residing, had a temporary domicile, or had a habitual
17 living location and the county sheriff of the county in which he or
18 she is residing, has a temporary domicile, or is habitually living
19 of his or her current ~~address.~~ residence, temporary domicile, or
20 habitual living location. The notice must be given within ~~three~~
21 five working days ~~before~~ after his or her move;

22 (v) Inform the ~~defendant~~ person that if he or she moves
23 to another state, he or she must report, in person, the change of
24 ~~address~~ residence to the county sheriff of the county in which he
25 or she has been residing, has had a temporary domicile, or has had
26 a habitual living location and must comply with the registration
27 requirements of the state to which he or she is moving. The notice

1 must be given within ~~three~~ five working days ~~before~~ after his or
2 her move;

3 (vi) Inform the ~~defendant~~ person that he or she shall

4 (A) inform the sheriff of the county in which he or she resides,
5 has a temporary domicile, or is habitually living, in ~~person~~,
6 writing, of each educational institution at which he or she is
7 employed, carries on a vocation, or attends school, within ~~three~~
8 five working days after such employment or attendance, and (B)
9 notify the sheriff of any change in such employment or attendance
10 status of such person at such educational institution, within ~~three~~
11 five working days;

12 (vii) Inform the ~~defendant~~ person that he or she shall

13 (A) inform the sheriff of the county in which the employment site
14 is located, in person, of the name and address of any place where
15 he or she is or will be an employee, within ~~three~~ five working days
16 after such employment, and (B) inform the sheriff of the county in
17 which the employment site is located, in person, of any change in
18 his or her employment;

19 (viii) Inform the ~~defendant~~ person that if he or she goes

20 to another state to work or goes to another state as a student and
21 still resides, has a temporary domicile, or has a habitual living
22 location in this state, he or she must comply with the registration
23 requirements of both states;

24 (ix) Inform the ~~defendant~~ person that fingerprints, palm

25 prints, a DNA sample if not previously collected, and a photograph
26 will be obtained by any registering entity in order to comply with
27 the registration requirements;

1 (x) Inform the defendant person of registry and
2 verification locations;

3 ~~(xii)~~ Inform the defendant of the reduction request
4 requirements, if eligible, under section 29-4005;

5 ~~(xii)~~ (xi) Inform the defendant person that he or
6 she must provide a list to all sheriffs with whom he or
7 she must register of all email addresses, instant messaging
8 identifiers, chat room identifiers, global unique identifiers,
9 and other Internet communication identifiers that the defendant
10 uses or plans to use, all domain names registered by the defendant,
11 and all blogs and Internet web sites maintained by the defendant
12 or to which the defendant has uploaded any content or posted any
13 messages or information;

14 ~~(xiii)~~ (xii) Inform the defendant person that he or
15 she is required to inform the sheriff with whom he or she is
16 required to register of any changes in or additions to his or
17 her list of email addresses, instant messaging identifiers, chat
18 room identifiers, global unique identifiers, and other Internet
19 communication identifiers that the defendant uses or plans to
20 use, all domain names registered by the defendant, and all blogs
21 and Internet web sites maintained by the defendant or to which
22 the defendant has uploaded any content or posted any messages or
23 information, in writing, by the next working day after such change
24 or addition; and

25 ~~(xiv)~~ (xiii) Inform the defendant person that throughout
26 the applicable registration period, if applicable, he or she is
27 prohibited from accessing or using any Internet social networking

1 web site or any instant messaging or chat room service that has the
2 likelihood of allowing the defendant to have contact with any child
3 who is under the age of eighteen years ~~if~~ should the Nebraska State
4 Patrol classify such defendant as having a moderate or high risk
5 of recidivism or the defendant has been convicted and is currently
6 being sentenced for:

7 (A) Kidnapping of a minor pursuant to section 28-313;

8 (B) False imprisonment of a minor pursuant to section
9 28-314 or 28-315;

10 (C) Sexual assault in the first degree pursuant to
11 subdivision (1)(c) of section 28-319 or sexual assault of a child
12 in the first degree pursuant to section 28-319.01;

13 (D) Sexual assault of a child in the second or third
14 degree pursuant to section 28-320.01;

15 (E) Incest of a minor pursuant to section 28-703;

16 (F) Visual depiction of sexually explicit conduct of a
17 child pursuant to section 28-1463.03 or 28-1463.05;

18 (G) Knowingly possessing any visual depiction of sexually
19 explicit conduct pursuant to section 28-813.01;

20 (H) Criminal child enticement pursuant to section 28-311;

21 (I) Child enticement by means of an electronic
22 communication device pursuant to section 28-320.02; or

23 ~~(J) Enticement by electronic communication device~~
24 ~~pursuant to section 28-833; or~~

25 ~~(K)~~ (J) Any attempt or conspiracy to commit an offense
26 listed in subdivisions (1)(a)(xiv)(A) through ~~(1)(a)(xiv)(J)~~
27 (1)(a)(xiii)(I) of this section;

1 (b) Require the defendant to read and sign a form stating
2 that the duty of the defendant to register under the Sex Offender
3 Registration Act has been explained;

4 (c) Retain a copy of the written notification signed by
5 the defendant; ~~and~~

6 (d) If the defendant is adjudicated a sexually violent
7 predator as defined in section 29-4005, include the supporting
8 reports and other information supporting this finding; and

9 ~~(d)~~ (e) Provide a copy of the signed, written
10 notification, the judgment and sentence, the information or
11 amended information, and the journal entry of the court to the
12 county attorney, the defendant, the sex offender registration and
13 community notification division of the Nebraska State Patrol, and
14 the county sheriff of the county in which the defendant resides,
15 has a temporary domicile, or has a habitual living location.

16 (2) When a person is convicted of a registrable offense
17 under section 29-4003 and is not subject to immediate incarceration
18 upon sentencing, prior to being released by the court, the
19 sentencing court shall ensure that the defendant is registered
20 by a Nebraska State Patrol office or other location designated by
21 the patrol for purposes of accepting registrations. the sheriff
22 of the county in which the defendant is convicted no later
23 than the time of sentencing. The sheriff shall obtain full
24 registration information and documents as required by section
25 29-4006, and forward the information and documents to the sex
26 offender registration and community notification division of the
27 Nebraska State Patrol within five working days.

1 (3) (a) The Department of Correctional Services or a city
2 or county correctional or jail facility shall provide written
3 notification of the duty to register pursuant to the Sex Offender
4 Registration Act to any person committed to its custody for a
5 registrable offense under section 29-4003 prior to the person's
6 release from incarceration. ~~The written notification shall:~~

7 (i) Inform the person of whether or not he or she is
8 subject to the act, the duration of time he or she will be
9 subject to the act, and that he or she shall report to a location
10 designated by the Nebraska State Patrol for purposes of accepting
11 such registration within ~~three~~ five working days after the date of
12 the written notification to register;

13 (ii) Inform the person that if he or she moves to another
14 ~~address~~ residence, temporary domicile, or habitual living location
15 within the same county, he or she must report ~~all address~~ such
16 ~~changes, in person,~~ writing, to the county sheriff of the county in
17 which he or she has been residing within ~~three~~ five working days
18 ~~before~~ after his or her move;

19 (iii) Inform the defendant that if he or she no longer
20 has a residence, temporary domicile, or habitual living location,
21 he or she shall report such change in person to the sheriff of the
22 county in which he or she is located within ~~three~~ five working days
23 after such change in residence, temporary domicile, or habitual
24 living location;

25 (iv) Inform the person that if he or she moves to another
26 county in the State of Nebraska, he or she must notify, in person,
27 the county sheriff of the county in which he or she had been

1 last residing, had a temporary domicile, or had a habitual living
2 location and the county sheriff of the county in which he or she is
3 residing, has a temporary domicile, or is habitually living of his
4 or her current ~~address~~ residence, temporary domicile, or habitual
5 living location. The notice must be given within ~~three~~ five working
6 days ~~before~~ after his or her move;

7 (v) Inform the person that if he or she moves to another
8 state, he or she must report, in person, the change of ~~address~~
9 residence to the county sheriff of the county in which he or
10 she has been residing, has had a temporary domicile, or has
11 been habitually living and must comply with the registration
12 requirements of the state to which he or she is moving. The report
13 must be given within ~~three~~ five working days ~~before~~ after his or
14 her move;

15 (vi) Inform the person that he or she shall (A) inform
16 the sheriff of the county in which he or she resides, has a
17 temporary domicile, or is habitually living, in ~~person~~, writing,
18 of each educational institution at which he or she is employed,
19 carries on a vocation, or attends school, within ~~three~~ five working
20 days after such employment or attendance, and (B) notify the
21 sheriff of any change in such employment or attendance status of
22 such person at such educational institution, within ~~three~~ five
23 working days after such change;

24 (vii) Inform the person that he or she shall (A) inform
25 the sheriff of the county in which the employment site is located,
26 in person, of the name and address of any place where he or she is
27 or will be an employee, within ~~three~~ five working days after such

1 employment, and (B) inform the sheriff of the county in which the
2 employment site is located, in ~~person~~, writing, of any change in
3 his or her employment;

4 (viii) Inform the person that if he or she goes to
5 another state to work or goes to another state as a student and
6 still resides, has a temporary domicile, or has a habitual living
7 location in this state, he or she must comply with the registration
8 requirements of both states;

9 (ix) Inform the defendant that fingerprints, palm prints,
10 a DNA sample if not previously collected, and a photograph will
11 be obtained by any registering entity in order to comply with the
12 registration requirements;

13 (x) Inform the defendant of registry and verification
14 locations;

15 ~~(xi) Inform the defendant of the reduction request~~
16 ~~requirements, if eligible, under section 29-4005;~~

17 ~~(xii)~~ (xi) Inform the defendant that he or she must
18 provide a list to all sheriffs with whom he or she must register
19 of all email addresses, instant messaging identifiers, chat
20 room identifiers, global unique identifiers, and other Internet
21 communication identifiers that the defendant uses or plans to
22 use, all domain names registered by the defendant, and all blogs
23 and Internet web sites maintained by the defendant or to which
24 the defendant has uploaded any content or posted any messages or
25 information;

26 ~~(xiii)~~ (xii) Inform the defendant that he or she is
27 required to inform the sheriff with whom he or she is required

1 to register of any changes in or additions to his or her
2 list of email addresses, instant messaging identifiers, chat
3 room identifiers, global unique identifiers, and other Internet
4 communication identifiers that the defendant uses or plans to
5 use, all domain names registered by the defendant, and all blogs
6 and Internet web sites maintained by the defendant or to which
7 the defendant has uploaded any content or posted any messages or
8 information, in writing, by the next working day after such change
9 or addition; and

10 ~~(xiv)~~ (xiii) Inform the defendant that throughout the
11 applicable registration period, if applicable, he or she is
12 prohibited from accessing or using any Internet social networking
13 web site or any instant messaging or chat room service that has the
14 likelihood of allowing the defendant to have contact with any child
15 who is under the age of eighteen years ~~if~~ should the Nebraska State
16 Patrol classify such defendant as having a moderate or high risk
17 of recidivism or the defendant has been convicted and is currently
18 being sentenced for:

- 19 (A) Kidnapping of a minor pursuant to section 28-313;
20 (B) False imprisonment of a minor pursuant to section
21 28-314 or 28-315;
22 (C) Sexual assault in the first degree pursuant to
23 subdivision (1)(c) of section 28-319 or sexual assault of a child
24 in the first degree pursuant to section 28-319.01;
25 (D) Sexual assault of a child in the second or third
26 degree pursuant to section 28-320.01;
27 (E) Incest of a minor pursuant to section 28-703;

1 (F) Visual depiction of sexually explicit conduct of a
2 child pursuant to section 28-1463.03 or 28-1463.05;

3 (G) Knowingly possessing any visual depiction of sexually
4 explicit conduct pursuant to section 28-813.01;

5 (H) Criminal child enticement pursuant to section 28-311;

6 (I) Child enticement by means of an electronic
7 communication device pursuant to section 28-320.02; or

8 ~~(J) Enticement by electronic communication device~~
9 ~~pursuant to section 28-833; or~~

10 ~~(K) (J) Any attempt or conspiracy to commit an offense~~
11 ~~listed in subdivisions (3) (a) (xiv) (A) through (3) (a) (xiv) (J)~~
12 (3) (a) (xiii) (I) of this section.

13 (b) The Department of Correctional Services or a city or
14 county correctional or jail facility shall:

15 (i) Require the person to read and sign the notification
16 form stating that the duty to register under the Sex Offender
17 Registration Act has been explained;

18 (ii) Retain a signed copy of the written notification to
19 register; and

20 (iii) Provide a copy of the signed, written notification
21 to register to the person and to the sex offender registration and
22 community notification division of the Nebraska State Patrol.

23 (4) If a person is convicted of a registrable offense
24 under section 29-4003 and is immediately incarcerated, he or she
25 shall be registered as required under the act prior to discharge,
26 parole, or work release.

27 (5) The Department of Motor Vehicles shall cause written

1 notification of the duty to register to be provided on the
2 applications for a motor vehicle operator's license and for a
3 commercial driver's license.

4 (6) All written notification as provided in this section
5 shall be on a form approved by the Attorney General.

6 Sec. 10. Section 29-4009, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 29-4009 (1) Information obtained under the Sex Offender
9 Registration Act shall not be confidential, except that the
10 following information shall only be disclosed to law enforcement
11 agencies, including federal or state probation or parole agencies,
12 if appropriate:

13 (a) A sex offender's social security number;

14 (b) Any references to arrests of a sex offender that did
15 not result in conviction;

16 (c) A sex offender's travel or immigration document
17 information;

18 (d) A sex offender's remote communication device
19 identifiers and addresses;

20 (e) A sex offender's email addresses, instant messaging
21 identifiers, chat room identifiers, global unique identifiers, and
22 other Internet communication identifiers;

23 (f) A sex offender's telephone numbers;

24 (g) A sex offender's motor vehicle operator's license
25 information or state identification card number; and

26 (h) The name of any employer of a sex offender.

27 (2) The identity of any victim of a sex offense shall not

1 be released.

2 (3) The release of information authorized by this
3 section shall conform with the rules and regulations adopted and
4 promulgated by the Nebraska State Patrol pursuant to section
5 29-4013.

6 Sec. 11. (1) Any person having a duty to register under
7 the Sex Offender Registration Act may file a petition with the
8 district court for an order to expunge the information except for a
9 person required under the act to register for his or her lifetime.

10 (2) The petition shall be filed in the district court of
11 the county in which the petitioner was convicted of a registrable
12 offense under section 29-4003. If the petitioner was convicted in
13 another state, the petition shall be filed in the district court of
14 the county in which the petitioner resides. A nonresident may file
15 in the district court of the county in which he or she is employed
16 or carries on a vocation, attends school, or had a prior duty to
17 register pursuant to the act. The county attorney shall be named as
18 the respondent and shall be served with a copy of the petition.

19 (3) The court may grant the petition and issue an order
20 to expunge the information if the petitioner shows by clear and
21 convincing evidence that the (a) petitioner's duty to register has
22 expired, (b) petitioner does not have a criminal charge pending and
23 is not under criminal investigation for a registrable offense under
24 section 29-4003, and (c) petitioner is not a substantial risk to
25 commit another registrable offense under section 29-4003.

26 Sec. 12. Section 29-4011, Revised Statutes Cumulative
27 Supplement, 2010, is amended to read:

1 29-4011 (1) Any person required to register under the Sex
2 Offender Registration Act who violates the act is guilty of a Class
3 IV felony unless the act which caused the person to be placed on
4 the registry was a misdemeanor, in which case a violation of the
5 Sex Offender Registration Act shall be a crime of the same class or
6 within the same penalty range as the original act.

7 (2) Any person required to register under the act who
8 violates the act and who has previously been convicted of a
9 violation of the act is guilty of a Class III felony and shall
10 be sentenced to a mandatory minimum term of at least one year in
11 prison unless the violation which caused the person to be placed on
12 the registry was a misdemeanor, in which case the violation of the
13 act shall be a Class IV felony.

14 (3) Any law enforcement agency with jurisdiction in the
15 area in which a person required to register under the act resides,
16 has a temporary domicile, maintains a habitual living location,
17 is employed, carries on a vocation, or attends school shall
18 investigate and enforce violations of the act.

19 Sec. 13. Section 29-4013, Revised Statutes Cumulative
20 Supplement, 2010, is amended to read:

21 29-4013 (1) The Nebraska State Patrol shall adopt and
22 promulgate rules and regulations to carry out the registration
23 provisions of the Sex Offender Registration Act.

24 (2) (a) The Nebraska State Patrol shall adopt and
25 promulgate rules and regulations for the release of information
26 pursuant to section 29-4009.

27 (b) The rules and regulations adopted by the Nebraska

1 State Patrol shall identify and incorporate factors relevant to the
2 sex offender's risk of recidivism. Factors relevant to the risk of
3 recidivism include, but are not limited to:

4 (i) Conditions of release that minimize the risk of
5 recidivism, including probation, parole, counseling, therapy, or
6 treatment;

7 (ii) Physical conditions that minimize the risk of
8 recidivism, including advanced age or debilitating illness; and

9 (iii) Any criminal history of the sex offender indicative
10 of a high risk of recidivism, including:

11 (A) Whether the conduct of the sex offender was found to
12 be characterized by repetitive and compulsive behavior;

13 (B) Whether the sex offender committed the sexual offense
14 against a child;

15 (C) Whether the sexual offense involved the use of a
16 weapon, violence, or infliction of serious bodily injury;

17 (D) The number, date, and nature of prior offenses;

18 (E) Whether psychological or psychiatric profiles
19 indicate a risk of recidivism;

20 (F) The sex offender's response to treatment;

21 (G) Any recent threats by the sex offender against a
22 person or expressions of intent to commit additional crimes; and

23 (H) Behavior of the sex offender while confined.

24 ~~(b)~~ (c) The procedures for release of information
25 established by the Nebraska State Patrol shall provide for
26 law enforcement and public three levels of notification using
27 electronic systems. by the law enforcement agency in whose

1 jurisdiction the sex offender is to be released depending on the
2 risk of recidivism by the sex offender as follows:

3 (i) If the risk of recidivism is low, other law
4 enforcement agencies shall be notified;

5 (ii) If the risk of recidivism is moderate, in addition
6 to the notice required by subdivision (i) of this subdivision,
7 schools, day care centers, health care facilities providing
8 services to children or vulnerable adults, and religious and youth
9 organizations shall be notified; and

10 (iii) If the risk of recidivism is high, in addition
11 to the notice required by subdivisions (i) and (ii) of this
12 subdivision, the public shall be notified through means designed
13 to reach members of the public, which are limited to direct
14 contact, news releases, a method utilizing a telephone system, or
15 the Internet. The Nebraska State Patrol shall provide notice of
16 sex offenders with a high risk of recidivism to at least one
17 legal newspaper published in and of general circulation in the
18 county where the offender is registered or, if none is published
19 in the county, in a legal newspaper of general circulation in such
20 county. If any means of notification proposes a fee for usage, then
21 nonprofit organizations holding a certificate of exemption under
22 section 501(c) of the Internal Revenue Code shall not be charged.

23 ~~(3) Information concerning the address or whereabouts of~~
24 ~~a sex offender may be disclosed to his or her victim or victims.~~

25 ~~(4) The following shall have access to public~~
26 ~~notification information: Any agency responsible for conducting~~
27 ~~employment-related background checks under section 3 of the~~

1 ~~National Child Protection Act of 1993, 42 U.S.C. 5119a, any~~
2 ~~social service entity responsible for protecting minors in the~~
3 ~~child welfare system, any volunteer organization in which contact~~
4 ~~with minors or other vulnerable individuals might occur, any~~
5 ~~public housing agency in each area in which a registered sex~~
6 ~~offender resides or is an employee or a student, any governmental~~
7 ~~agency conducting confidential background checks for employment,~~
8 ~~volunteer, licensure, or certification purposes, and any health~~
9 ~~care provider who serves children or vulnerable adults for~~
10 ~~the purpose of conducting confidential background checks for~~
11 ~~employment. If any means of notification proposes a fee for usage,~~
12 ~~then nonprofit organizations holding a certificate of exemption~~
13 ~~under section 501(c) of the Internal Revenue Code shall not be~~
14 ~~charged.~~

15 (d) The Nebraska State Patrol shall establish procedures
16 for the evaluation of the risk of recidivism and implementation of
17 community notification that promote the uniform application of the
18 notification rules and regulations required by this section.

19 (e) The Nebraska State Patrol or a designee shall assign
20 a notification level, based upon the risk of recidivism, to all
21 persons required to register under the act.

22 ~~(5)~~ (f) Personnel and mental health professionals for
23 the sex offender registration and community notification division
24 of the Nebraska State Patrol shall have access to all documents
25 that are generated by any governmental agency that may have
26 bearing on sex offender registration risk assessment and community
27 notification pursuant to this section. This may include, but is

1 not limited to, law enforcement reports, presentence reports,
2 criminal histories, birth certificates, or death certificates.
3 The division shall not be charged for access to documents under
4 this ~~subsection~~, subdivision. Access to such documents will ensure
5 that a fair ~~determination of what is an appropriate registration~~
6 ~~period~~ risk assessment is completed using the totality of all
7 information available. For purposes of this subdivision, mental
8 health professional means (i) a practicing physician licensed to
9 practice medicine in this state under the Medicine and Surgery
10 Practice Act, (ii) a practicing psychologist licensed to engage in
11 the practice of psychology in this state as provided in section
12 38-3111, or (iii) a practicing mental health professional licensed
13 or certified in this state as provided in the Mental Health
14 Practice Act.

15 ~~(6)~~ (3) Nothing in subsection (2) of this section shall
16 be construed to prevent law enforcement officers from providing
17 community notification concerning any person who poses a danger
18 under circumstances that are not provided for in the Sex Offender
19 Registration Act.

20 Sec. 14. Section 29-4016, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 29-4016 For purposes of the Sexual Predator Residency
23 Restriction Act:

24 (1) Child care facility means a facility licensed
25 pursuant to the Child Care Licensing Act;

26 (2) Political subdivision means a village, a city, a
27 county, a school district, a public power district, or any other

1 unit of local government;

2 (3) School means a public, private, denominational, or
3 parochial school which meets the requirements for accreditation or
4 approval prescribed in Chapter 79;

5 (4) Sex offender means an individual who has been
6 convicted of a crime listed in section 29-4003 and who is required
7 to register as a sex offender pursuant to the Sex Offender
8 Registration Act; and

9 (5) Sexual predator means an individual who is required
10 to register under the Sex Offender Registration Act, who has
11 committed an aggravated offense as defined in section 29-4001.01, a
12 high risk of recidivism as determined by the Nebraska State Patrol
13 under section 29-4013, and who has victimized a person eighteen
14 years of age or younger.

15 Sec. 15. Section 83-174.03, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 83-174.03 (1) Any individual who, on or after July 14,
18 2006, (a) is convicted of or completes a term of incarceration
19 for a registrable offense under section 29-4003 and has a previous
20 conviction for a registrable offense under such section, (b) is
21 convicted of sexual assault of a child in the first degree pursuant
22 to section 28-319.01, or (c) is convicted of or completes a term
23 of incarceration for an aggravated offense as defined in section
24 ~~29-4001.01,~~ 29-4005, shall, upon completion of his or her term
25 of incarceration or release from civil commitment, be supervised
26 in the community by the Office of Parole Administration for the
27 remainder of his or her life.

1 (2) Notice shall be provided to the Office of Parole
2 Administration by an agency or political subdivision which has
3 custody of an individual required to be supervised in the community
4 pursuant to subsection (1) of this section at least sixty days
5 prior to the release of such individual from custody.

6 (3) Individuals required to be supervised in the
7 community pursuant to subsection (1) of this section shall
8 undergo a risk assessment and evaluation by the Office of Parole
9 Administration to determine the conditions of community supervision
10 to be imposed to best protect the public from the risk that the
11 individual will reoffend.

12 (4) Conditions of community supervision imposed on an
13 individual by the Office of Parole Administration may include the
14 following:

15 (a) Drug and alcohol testing if the conviction resulting
16 in the imposition of community supervision involved the use of
17 drugs or alcohol;

18 (b) Restrictions on employment and leisure activities
19 necessary to minimize interaction with potential victims;

20 (c) Requirements to report regularly to the individual's
21 community supervision officer;

22 (d) Requirements to reside at a specified location and
23 notify the individual's community supervision officer of any change
24 in ~~address~~ residence or employment;

25 (e) A requirement to allow the Office of Parole
26 Administration access to medical records from the individual's
27 current and former providers of treatment;

1 (f) A requirement that the individual submit himself or
2 herself to available medical, psychological, psychiatric, or other
3 treatment, including, but not limited to, polygraph examinations;
4 or

5 (g) Any other conditions designed to minimize the risk of
6 recidivism, including, but not limited to, the use of electronic
7 monitoring, which are not unduly restrictive.

8 Sec. 16. Original sections 28-322.05, 29-2264, 29-4001,
9 29-4001.01, 29-4003, 29-4004, 29-4005, 29-4006, 29-4007, 29-4009,
10 29-4011, 29-4013, 29-4016, and 83-174.03, Revised Statutes
11 Cumulative Supplement, 2010, are repealed.