

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 160

Introduced by McCollister, 20.

Read first time January 09, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crime victims; to amend section 29-119,
- 2 Reissue Revised Statutes of Nebraska; to redefine victim; and to
- 3 repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-119, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-119 For purposes of this section and sections 23-1201, 29-120,
4 and 29-2261, unless the context otherwise requires:

5 (1) A plea agreement means that as a result of a discussion between
6 the defense counsel and the prosecuting attorney:

7 (a) A charge is to be dismissed or reduced; or

8 (b) A defendant, if he or she pleads guilty to a charge, may receive
9 less than the maximum penalty permitted by law; and

10 (2)(a) Victim means a person who, has had a personal confrontation
11 with an offender as a result of a homicide under sections 28-302 to
12 28-306, ~~a first degree sexual assault under section 28-319,~~ a first
13 degree assault under section 28-308, a second degree assault under
14 section 28-309, a third degree assault under section 28-310 when the
15 victim is an intimate partner as defined in section 28-323, a first
16 degree false imprisonment under section 28-314, a first degree sexual
17 assault under section 28-319, a sexual assault of a child in the first
18 degree under section 28-319.01, a second or third degree sexual assault
19 under section 28-320, a sexual assault of a child in the second or third
20 degree under section 28-320.01, domestic assault in the first, second, or
21 third degree under section 28-323, a sexual assault of a child in the
22 first degree under section 28-319.01, a second degree assault under
23 section 28-309, a first degree false imprisonment under section 28-314, a
24 second degree sexual assault under section 28-320, or a robbery under
25 section 28-324. Victim , ~~has had a personal confrontation with the~~
26 ~~offender~~ and also includes a person who has suffered serious bodily
27 injury as defined in section 28-109 as a result of a motor vehicle
28 accident when the driver was charged with a violation of section 60-6,196
29 or 60-6,197 or with a violation of a city or village ordinance enacted in
30 conformance with either section.

31 (b) In the case of a homicide, victim means the nearest surviving

1 relative under the law as provided by section 30-2303 but does not
2 include the alleged perpetrator of the homicide.

3 (c) In the case of a violation of section 28-813.01, 28-1463.03,
4 28-1463.04, or 28-1463.05, victim means a person who was a child as
5 defined in section 28-1463.02 and a participant or portrayed observer in
6 the visual depiction of sexually explicit conduct which is the subject of
7 the violation and who has been identified and can be reasonably notified.

8 (d) In the case of a sexual assault of a child, a possession offense
9 of a visual depiction of sexually explicit conduct, or a distribution
10 offense of a visual depiction of sexually explicit conduct, victim means
11 the child victim and the parents, guardians, or duly appointed legal
12 representative of the child victim but does not include the alleged
13 perpetrator of the crime.

14 Sec. 2. Original section 29-119, Reissue Revised Statutes of
15 Nebraska, is repealed.