

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 773

Introduced by Clements, 2; Bostelman, 23; Brasch, 16; Ebke, 32; Erdman,
47; Halloran, 33; Kuehn, 38; Linehan, 39; Lowe, 37;
Thibodeau, 6; Watermeier, 1.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-1310, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to intimidation by telephone call; to prohibit intimidation
- 4 by electronic message; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-1310 (1) A person commits the offense of intimidation by
4 telephone call or electronic message if, with intent to ~~terrify,~~
5 intimidate, threaten, or harass, annoy, or offend, the person:

6 (a) Telephones or transmits an electronic message directly to
7 another anonymously, whether or not conversation or an electronic message
8 response ensues, and disturbs the peace, quiet, or ~~and~~ right of privacy
9 of any person at the place where the calls or electronic messages are
10 received;~~or~~

11 (b) Telephones or transmits an electronic message directly to
12 another and uses ~~indecent, lewd, lascivious, or~~ obscene language or
13 suggests any obscene indecent, lewd, or lascivious act;~~or~~

14 (c) Telephones or transmits an electronic message directly to
15 another and threatens to inflict injury to any person or to the property
16 of any person;~~or~~

17 (d) Intentionally fails to disengage the connection; or

18 (e) Telephones or transmits an electronic message directly to
19 another and attempts to extort money or any other thing of value from any
20 person.

21 ~~(2) The use of indecent, lewd, or obscene language or the making of~~
22 ~~a threat or lewd suggestion shall be prima facie evidence of intent to~~
23 ~~terrify, intimidate, threaten, harass, annoy, or offend.~~

24 ~~(2) (3)~~ The offense shall be deemed to have been committed either at
25 the place where the call or electronic message was made or where it was
26 received.

27 ~~(3) (4)~~ Intimidation by telephone call or electronic message is a
28 Class III misdemeanor.

29 (4) For purposes of this section:

30 (a) Electronic communication device has the same meaning as in
31 section 28-833; and

1 (b) Electronic message means a text message, an electronic mail
2 message, or any other communication which, in its ordinary and intended
3 use, is received by an electronic communication device.

4 Sec. 2. Original section 28-1310, Reissue Revised Statutes of
5 Nebraska, is repealed.