

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 991**

Introduced by Halloran, 33; Briese, 41; Murman, 38.

Read first time January 14, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to sex offenses; to amend sections 28-311,  
2 28-319.01, 28-320.02, 28-833, 28-1463.04, 29-2028, and 81-1850,  
3 Reissue Revised Statutes of Nebraska, sections 42-1203 and  
4 83-174.02, Revised Statutes Cumulative Supplement, 2018, and  
5 sections 27-404, 27-412, 27-413, 28-101, 28-311.11, 28-318,  
6 28-813.01, 28-1463.05, 29-110, 29-119, 29-4003, and 83-4,143,  
7 Revised Statutes Supplement, 2019; to change provisions relating to  
8 sexual assault under the Nebraska Evidence Rules, enhanced penalties  
9 for certain sexual offenses, and sexual assault protection orders;  
10 to create the offense of child enticement by a school official by  
11 means of an electronic communication device; to create the offense  
12 of sexual assault of a student; to define and redefine terms; to  
13 prohibit enticement by electronic communication device by a school  
14 official as prescribed; to provide a statute of limitations for  
15 sexual assault of a student; to change provisions relating to  
16 corroboration of victim testimony in sexual offenses; to add  
17 registrable offenses under the Sex Offender Registration Act; to  
18 change provisions relating to the Address Confidentiality Act,  
19 victim notifications, evaluation of dangerous sex offenders, and  
20 eligibility for participation in an incarceration work camp; to  
21 change and provide penalties; to harmonize provisions; and to repeal  
22 the original sections.  
23 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 27-404, Revised Statutes Supplement, 2019, is  
2 amended to read:

3 27-404 (1) Evidence of a person's character or a trait of his or her  
4 character is not admissible for the purpose of proving that he or she  
5 acted in conformity therewith on a particular occasion, except:

6 (a) Evidence of a pertinent trait of his or her character offered by  
7 an accused, or by the prosecution to rebut the same;

8 (b) Evidence of a pertinent trait of character of the victim of the  
9 crime offered by an accused or by the prosecution to rebut the same, or  
10 evidence of a character trait of peacefulness of the victim offered by  
11 the prosecution in a homicide case to rebut evidence that the victim was  
12 the first aggressor. In a sexual assault case, reputation, opinion, or  
13 other evidence of past sexual behavior of the victim is governed by  
14 section 27-412; or

15 (c) Evidence of the character of a witness as provided in sections  
16 27-607 to 27-609.

17 (2) Evidence of other crimes, wrongs, or acts is not admissible to  
18 prove the character of a person in order to show that he or she acted in  
19 conformity therewith. It may, however, be admissible for other purposes,  
20 such as proof of motive, opportunity, intent, preparation, plan,  
21 knowledge, identity, or absence of mistake or accident.

22 (3) When such evidence is admissible pursuant to this section, in  
23 criminal cases evidence of other crimes, wrongs, or acts of the accused  
24 may be offered in evidence by the prosecution if the prosecution proves  
25 to the court by clear and convincing evidence that the accused committed  
26 the crime, wrong, or act. Such proof shall first be made outside the  
27 presence of any jury.

28 (4) Regarding the admissibility in a civil or criminal action of  
29 evidence of a person's commission of another offense or offenses of  
30 sexual assault under sections 28-319 to 28-322.05 and section 10 of this  
31 act, see sections 27-413 to 27-415.

1           Sec. 2. Section 27-412, Revised Statutes Supplement, 2019, is  
2 amended to read:

3           27-412 (1) The following evidence is not admissible in any civil or  
4 criminal proceeding involving alleged sexual misconduct except as  
5 provided in subsections (2) and (3) of this section:

6           (a) Evidence offered to prove that any victim engaged in other  
7 sexual behavior; and

8           (b) Evidence offered to prove any victim's sexual predisposition.

9           (2)(a) In a criminal case, the following evidence is admissible, if  
10 otherwise admissible under the Nebraska Evidence Rules:

11           (i) Evidence of specific instances of sexual behavior by the victim  
12 offered to prove that a person other than the accused was the source of  
13 semen, injury, or other physical evidence;

14           (ii) Evidence of specific instances of sexual behavior of the victim  
15 with respect to the accused offered by the accused to prove consent of  
16 the victim if it is first established to the court that such behavior is  
17 similar to the behavior involved in the case and tends to establish a  
18 pattern of behavior of the victim relevant to the issue of consent; and

19           (iii) Evidence, the exclusion of which would violate the  
20 constitutional rights of the accused.

21           (b) In a civil case, evidence offered to prove the sexual behavior  
22 or sexual predisposition of any victim is admissible if it is otherwise  
23 admissible under the Nebraska Evidence Rules and its probative value  
24 substantially outweighs the danger of harm to any victim and of unfair  
25 prejudice to any party. Evidence of a victim's reputation is admissible  
26 only if it has been placed in controversy by the victim.

27           (3)(a) A party intending to offer evidence under subsection (2) of  
28 this section shall:

29           (i) File a written motion at least fifteen days before trial  
30 specifically describing the evidence and stating the purpose for which it  
31 is offered unless the court, for good cause, requires a different time

1 for filing or permits filing during trial; and

2 (ii) Serve the motion on all parties and notify the victim or, when  
3 appropriate, the victim's guardian or representative.

4 (b) Before admitting evidence under this section, the court shall  
5 conduct a hearing in camera outside the presence of any jury.

6 (4) Evidence of the victim's consent is not admissible in any civil  
7 proceeding involving alleged:

8 (a) Sexual penetration when the actor is nineteen years of age or  
9 older and the victim is less than sixteen years of age; ~~or~~

10 (b) Sexual contact when the actor is nineteen years of age or older  
11 and the victim is less than fifteen years of age; or -

12 (c) Sexual penetration or sexual contact when the actor is a school  
13 official who is at least nineteen years of age and the victim is a school  
14 student at least sixteen years of age and less than nineteen years of  
15 age. For purposes of this subdivision, the terms school and school  
16 official have the same meanings as in section 10 of this act.

17 Sec. 3. Section 27-413, Revised Statutes Supplement, 2019, is  
18 amended to read:

19 27-413 For purposes of sections 27-414 and 27-415, offense of sexual  
20 assault means any violation of sections 28-319 to 28-322.05 or section 10  
21 of this act ~~sexual assault under section 28-319 or 28-320, sexual assault~~  
22 ~~of a child under section 28-319.01 or 28-320.01, sexual assault by use of~~  
23 ~~an electronic communication device under section 28-320.02, sexual abuse~~  
24 ~~of an inmate or parolee under sections 28-322.01 to 28-322.03, sexual~~  
25 ~~abuse of a protected individual under section 28-322.04, sexual abuse of~~  
26 ~~a detainee under section 28-322.05, an attempt or conspiracy to commit~~  
27 ~~any such crime of the crimes listed in this section, or the commission of~~  
28 ~~or conviction for a crime in another jurisdiction that is substantially~~  
29 ~~similar to any such crime listed in this section.~~

30 Sec. 4. Section 28-101, Revised Statutes Supplement, 2019, is  
31 amended to read:

1           28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section  
2 10 of this act shall be known and may be cited as the Nebraska Criminal  
3 Code.

4           Sec. 5. Section 28-311, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6           28-311 (1)(a) No person, by any means and without privilege to do  
7 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,  
8 coax, entice, or lure any child under the age of fourteen years to enter  
9 into any vehicle, whether or not the person knows the age of the child.

10           (b) No person, by any means and without privilege to do so, shall  
11 solicit, coax, entice, or lure or attempt to solicit, coax, entice, or  
12 lure any child under the age of fourteen years to enter into any place  
13 with the intent to seclude the child from his or her parent, guardian, or  
14 other legal custodian or the general public, whether or not the person  
15 knows the age of the child. For purposes of this subdivision, seclude  
16 means to take, remove, hide, secrete, conceal, isolate, or otherwise  
17 unlawfully separate.

18           (2) It is an affirmative defense to a charge under this section  
19 that:

20           (a) The person had the express or implied permission of the parent,  
21 guardian, or other legal custodian of the child in undertaking the  
22 activity;

23           (b)(i) The person is a law enforcement officer, emergency services  
24 provider as defined in section 71-507, firefighter, or other person who  
25 regularly provides emergency services, is the operator of a bookmobile or  
26 other such vehicle operated by the state or a political subdivision and  
27 used for informing, educating, organizing, or transporting children, is a  
28 paid employee of, or a volunteer for, a nonprofit or religious  
29 organization which provides activities for children, or is an employee or  
30 agent of or a volunteer acting under the direction of any board of  
31 education and (ii) the person listed in subdivision (2)(b)(i) of this

1 section was, at the time the person undertook the activity, acting within  
2 the scope of his or her lawful duties in that capacity; or

3 (c) The person undertook the activity in response to a bona fide  
4 emergency situation or the person undertook the activity in response to a  
5 reasonable belief that it was necessary to preserve the health, safety,  
6 or welfare of the child.

7 (3) Any person who violates this section commits criminal child  
8 enticement and is guilty of a Class IIIA felony. If such person has  
9 previously been convicted of (a) criminal child enticement under this  
10 section, (b) sexual assault of a child in the first degree under section  
11 28-319.01, (c) sexual assault of a child in the second or third degree  
12 under section 28-320.01, (d) child enticement by means of an electronic  
13 communication device or child enticement by a school official by means of  
14 an electronic communication device under section 28-320.02, (e) sexual  
15 assault of a student in the first or second degree under section 10 of  
16 this act, or (f) ~~(e)~~ assault under section 28-308, 28-309, or 28-310,  
17 kidnapping under section 28-313, or false imprisonment under section  
18 28-314 or 28-315 when the victim was under eighteen years of age when  
19 such person violates this section, such person is guilty of a Class IIA  
20 felony.

21 Sec. 6. Section 28-311.11, Revised Statutes Supplement, 2019, is  
22 amended to read:

23 28-311.11 (1) Any victim of a sexual assault offense may file a  
24 petition and affidavit for a sexual assault protection order as provided  
25 in subsection (3) of this section. Upon the filing of such a petition and  
26 affidavit in support thereof, the court may issue a sexual assault  
27 protection order without bond enjoining the respondent from (a) imposing  
28 any restraint upon the person or liberty of the petitioner, (b)  
29 harassing, threatening, assaulting, molesting, attacking, or otherwise  
30 disturbing the peace of the petitioner, or (c) telephoning, contacting,  
31 or otherwise communicating with the petitioner. The sexual assault

1 protection order shall specify to whom relief under this section was  
2 granted.

3 (2) The petition for a sexual assault protection order shall state  
4 the events and dates or approximate dates of acts constituting the sexual  
5 assault offense, including the most recent and most severe incident or  
6 incidents.

7 (3) A petition for a sexual assault protection order shall be filed  
8 with the clerk of the district court and the proceeding may be heard by  
9 the county court or the district court as provided in section 25-2740.

10 (4) A petition for a sexual assault protection order may not be  
11 withdrawn except upon order of the court. A sexual assault protection  
12 order shall specify that it is effective for a period of one year unless  
13 renewed pursuant to subsection (12) of this section or otherwise  
14 dismissed or modified by the court. Any person, except the petitioner,  
15 who knowingly violates a sexual assault protection order after service or  
16 notice as described in subdivision (9)(b) of this section shall be guilty  
17 of a Class I misdemeanor, except that any person convicted of violating  
18 such order who has a prior conviction for violating a sexual assault  
19 protection order shall be guilty of a Class IV felony.

20 (5)(a) Fees to cover costs associated with the filing of a petition  
21 for issuance or renewal of a sexual assault protection order or the  
22 issuance or service of a sexual assault protection order seeking only the  
23 relief provided by this section shall not be charged, except that a court  
24 may assess such fees and costs if the court finds, by clear and  
25 convincing evidence, that the statements contained in the petition were  
26 false and that the sexual assault protection order was sought in bad  
27 faith.

28 (b) A court may also assess costs associated with the filing of a  
29 petition for issuance or renewal of a sexual assault protection order or  
30 the issuance or service of a sexual assault protection order seeking only  
31 the relief provided by this section against the respondent.

1           (6) The clerk of the district court shall make available standard  
2 application and affidavit forms for issuance and renewal of a sexual  
3 assault protection order with instructions for completion to be used by a  
4 petitioner. Affidavit forms shall request all relevant information,  
5 including, but not limited to: A description of the most recent incident  
6 that was the basis for the application for a sexual assault protection  
7 order and the date or approximate date of the incident and, if there was  
8 more than one incident, the most severe incident and the date or  
9 approximate date of such incident. The clerk and his or her employees  
10 shall not provide assistance in completing the forms. The State Court  
11 Administrator shall adopt and promulgate the standard application and  
12 affidavit forms provided for in this section as well as the standard  
13 temporary ex parte and final sexual assault protection order forms and  
14 provide a copy of such forms to all clerks of the district courts in this  
15 state. Such standard temporary ex parte and final sexual assault  
16 protection order forms shall be the only forms used in this state.

17           (7) A sexual assault protection order may be issued or renewed ex  
18 parte without notice to the respondent if it reasonably appears from the  
19 specific facts shown by affidavit of the petitioner that irreparable  
20 harm, loss, or damage will result before the matter can be heard on  
21 notice. If a sexual assault protection order is not issued ex parte, the  
22 court shall immediately schedule an evidentiary hearing to be held within  
23 fourteen days after the filing of the petition, and the court shall cause  
24 notice of the application to be given to the respondent stating that he  
25 or she may show cause why such order should not be entered. Any notice  
26 provided to the respondent shall include notification that a court may  
27 treat a petition for a sexual assault protection order as a petition for  
28 a harassment protection order or a domestic abuse protection order if it  
29 appears from the facts that such other protection order is more  
30 appropriate and that the respondent shall have an opportunity to show  
31 cause as to why such protection order should not be entered. If such ex



1 parte order is issued or renewed without notice to the respondent, the  
2 court shall forthwith cause notice of the petition and order and a form  
3 with which to request a show-cause hearing to be given the respondent  
4 stating that, upon service on the respondent, the order shall remain in  
5 effect for a period of one year unless the respondent shows cause why the  
6 order should not remain in effect for a period of one year. If the  
7 respondent wishes to appear and show cause why the order should not  
8 remain in effect for a period of one year, he or she shall affix his or  
9 her current address, telephone number, and signature to the form and  
10 return it to the clerk of the district court within ten business days  
11 after service upon him or her. Upon receipt of a timely request for a  
12 show-cause hearing, the court shall immediately schedule a show-cause  
13 hearing to be held within thirty days after the receipt of the request  
14 for a show-cause hearing and shall notify the petitioner and respondent  
15 of the hearing date. The petition and affidavit shall be deemed to have  
16 been offered into evidence at any show-cause hearing. The petition and  
17 affidavit shall be admitted into evidence unless specifically excluded by  
18 the court.

19 (8) A court may treat a petition for a sexual assault protection  
20 order as a petition for a harassment protection order or a domestic abuse  
21 protection order if it appears from the facts in the petition, affidavit,  
22 and evidence presented at a show-cause hearing that such other protection  
23 order is more appropriate and if:

24 (a) The court makes specific findings that such other order is more  
25 appropriate; or

26 (b) The petitioner has requested the court to so treat the petition.

27 (9)(a) Upon the issuance or renewal of any temporary ex parte or  
28 final sexual assault protection order, the clerk of the court shall  
29 forthwith provide the petitioner, without charge, with two certified  
30 copies of such order. The clerk of the court shall also forthwith provide  
31 the local police department or local law enforcement agency and the local

1 sheriff's office, without charge, with one copy each of such order and  
2 one copy each of the sheriff's return thereon. The clerk of the court  
3 shall also forthwith provide a copy of the sexual assault protection  
4 order to the sheriff's office in the county where the respondent may be  
5 personally served together with instructions for service. Upon receipt of  
6 the order and instructions for service, such sheriff's office shall  
7 forthwith serve the sexual assault protection order upon the respondent  
8 and file its return thereon with the clerk of the court which issued the  
9 sexual assault protection order within fourteen days of the issuance of  
10 the initial or renewed sexual assault protection order. If any sexual  
11 assault protection order is dismissed or modified by the court, the clerk  
12 of the court shall forthwith provide the local police department or local  
13 law enforcement agency and the local sheriff's office, without charge,  
14 with one copy each of the order of dismissal or modification.

15 (b) If the respondent is present at a hearing convened pursuant to  
16 this section and the sexual assault protection order is not dismissed,  
17 such respondent shall be deemed to have notice by the court at such  
18 hearing that the protection order will be granted and remain in effect  
19 and further service of such notice described in this subsection shall not  
20 be required for purposes of prosecution under this section.

21 (c) A temporary ex parte sexual assault protection order shall be  
22 affirmed and deemed the final protection order and service of the  
23 temporary ex parte order shall be notice of the final protection order if  
24 the respondent has been properly served with the ex parte order and:

25 (i) The respondent fails to request a show-cause hearing within ten  
26 business days after service upon him or her and no hearing was requested  
27 by the petitioner or upon the court's own motion;

28 (ii) The respondent has been properly served with notice of any  
29 hearing requested by the respondent or petitioner or upon the court's own  
30 motion and the respondent fails to appear at such hearing; or

31 (iii) The respondent has been properly served with notice of any

1 hearing requested by the respondent, the petitioner, or upon the court's  
2 own motion and the protection order was not dismissed at the hearing.

3 (10) A peace officer shall, with or without a warrant, arrest a  
4 person if (a) the officer has probable cause to believe that the person  
5 has committed a violation of a sexual assault protection order issued  
6 pursuant to this section or a violation of a valid foreign sexual assault  
7 protection order recognized pursuant to section 28-311.12 and (b) a  
8 petitioner under this section provides the peace officer with a copy of  
9 such order or the peace officer determines that such an order exists  
10 after communicating with the local law enforcement agency.

11 (11) A peace officer making an arrest pursuant to subsection (10) of  
12 this section shall take such person into custody and take such person  
13 before the county court or the court which issued the sexual assault  
14 protection order within a reasonable time. At such time the court shall  
15 establish the conditions of such person's release from custody, including  
16 the determination of bond or recognizance, as the case may be. The court  
17 shall issue an order directing that such person shall have no contact  
18 with the alleged victim of the sexual assault offense.

19 (12)(a) An order issued under subsection (1) of this section may be  
20 renewed annually. To request renewal of the order, the petitioner shall  
21 file a petition for renewal and affidavit in support thereof at any time  
22 within forty-five days prior to the date the order is set to expire,  
23 including the date the order expires.

24 (b) A sexual assault protection order may be renewed on the basis of  
25 the petitioner's affidavit stating that there has been no material change  
26 in relevant circumstances since entry of the order and stating the reason  
27 for the requested renewal if:

28 (i) The petitioner seeks no modification of the order; and

29 (ii)(A) The respondent has been properly served with notice of the  
30 petition for renewal and notice of hearing and fails to appear at the  
31 hearing; or

1 (B) The respondent indicates that he or she does not contest the  
2 renewal.

3 (c) The petition for renewal shall state the reasons a renewal is  
4 sought and shall be filed with the clerk of the district court, and the  
5 proceeding thereon may be heard by the county court or the district court  
6 as provided in section 25-2740. A petition for renewal will otherwise be  
7 governed in accordance with the procedures set forth in subsections (4)  
8 through (11) of this section. The renewed order shall specify that it is  
9 effective for one year commencing on the first calendar day after  
10 expiration of the previous order or on the calendar day the court grants  
11 the renewal if such day is subsequent to the first calendar day after  
12 expiration of the previous order.

13 (13) When provided by the petitioner, the court shall make  
14 confidential numeric victim identification information, including social  
15 security numbers and dates of birth, available to appropriate criminal  
16 justice agencies engaged in protection order enforcement efforts. Such  
17 agencies shall maintain the confidentiality of this information, except  
18 for entry into state and federal data bases for protection order  
19 enforcement.

20 (14) For purposes of this section, sexual assault offense means:

21 (a) Conduct amounting to sexual assault under section 28-319 or  
22 28-320, ~~or~~ sexual assault of a child under section 28-319.01 or  
23 28-320.01, sexual assault of a student under section 10 of this act, or  
24 an attempt to commit any of such offenses; or

25 (b) Subjecting or attempting to subject another person to sexual  
26 contact or sexual penetration without his or her consent, as such terms  
27 are defined in section 28-318.

28 Sec. 7. Section 28-318, Revised Statutes Supplement, 2019, is  
29 amended to read:

30 28-318 As used in sections 28-317 to 28-322.05 and section 10 of  
31 this act, unless the context otherwise requires:

1 (1) Actor means a person accused of sexual assault;

2 (2) Intimate parts means the genital area, groin, inner thighs,  
3 buttocks, or breasts;

4 (3) Past sexual behavior means sexual behavior other than the sexual  
5 behavior upon which the sexual assault is alleged;

6 (4) Serious personal injury means great bodily injury or  
7 disfigurement, extreme mental anguish or mental trauma, pregnancy,  
8 disease, or loss or impairment of a sexual or reproductive organ;

9 (5) Sexual contact means the intentional touching of the victim's  
10 sexual or intimate parts or the intentional touching of the victim's  
11 clothing covering the immediate area of the victim's sexual or intimate  
12 parts. Sexual contact also means the touching by the victim of the  
13 actor's sexual or intimate parts or the clothing covering the immediate  
14 area of the actor's sexual or intimate parts when such touching is  
15 intentionally caused by the actor. Sexual contact includes only such  
16 conduct which can be reasonably construed as being for the purpose of  
17 sexual arousal or gratification of either party. Sexual contact also  
18 includes the touching of a child with the actor's sexual or intimate  
19 parts on any part of the child's body for purposes of sexual assault of a  
20 child under sections 28-319.01 and 28-320.01;

21 (6) Sexual penetration means sexual intercourse in its ordinary  
22 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,  
23 however slight, of any part of the actor's or victim's body or any object  
24 manipulated by the actor into the genital or anal openings of the  
25 victim's body which can be reasonably construed as being for nonmedical,  
26 nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not  
27 require emission of semen;

28 (7) Victim means the person alleging to have been sexually  
29 assaulted;

30 (8) Without consent means:

31 (a)(i) The victim was compelled to submit due to the use of force or

1 threat of force or coercion, or (ii) the victim expressed a lack of  
2 consent through words, or (iii) the victim expressed a lack of consent  
3 through conduct, or (iv) the consent, if any was actually given, was the  
4 result of the actor's deception as to the identity of the actor or the  
5 nature or purpose of the act on the part of the actor;

6 (b) The victim need only resist, either verbally or physically, so  
7 as to make the victim's refusal to consent genuine and real and so as to  
8 reasonably make known to the actor the victim's refusal to consent; and

9 (c) A victim need not resist verbally or physically where it would  
10 be useless or futile to do so; and

11 (9) Force or threat of force means (a) the use of physical force  
12 which overcomes the victim's resistance or (b) the threat of physical  
13 force, express or implied, against the victim or a third person that  
14 places the victim in fear of death or in fear of serious personal injury  
15 to the victim or a third person where the victim reasonably believes that  
16 the actor has the present or future ability to execute the threat.

17 Sec. 8. Section 28-319.01, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-319.01 (1) A person commits sexual assault of a child in the  
20 first degree:

21 (a) When he or she subjects another person under twelve years of age  
22 to sexual penetration and the actor is at least nineteen years of age or  
23 older; or

24 (b) When he or she subjects another person who is at least twelve  
25 years of age but less than sixteen years of age to sexual penetration and  
26 the actor is twenty-five years of age or older.

27 (2) Sexual assault of a child in the first degree is a Class IB  
28 felony with a mandatory minimum sentence of fifteen years in prison for  
29 the first offense.

30 (3) Any person who is found guilty of sexual assault of a child in  
31 the first degree under this section and who has previously been convicted

1 (a) under this section, (b) under section 28-319 of first degree or  
2 attempted first degree sexual assault, (c) under section 28-320.01 before  
3 July 14, 2006, of sexual assault of a child or attempted sexual assault  
4 of a child, (d) under section 28-320.01 on or after July 14, 2006, of  
5 sexual assault of a child in the second or third degree or attempted  
6 sexual assault of a child in the second or third degree, (e) under  
7 section 10 of this act of sexual assault of a student in the first or  
8 second degree, or (f) (e) in any other state or federal court under laws  
9 with essentially the same elements as this section, section 28-319, or  
10 section 28-320.01 as it existed before, on, or after July 14, 2006, shall  
11 be guilty of a Class IB felony with a mandatory minimum sentence of  
12 twenty-five years in prison.

13 (4) In any prosecution under this section, the age of the actor  
14 shall be an essential element of the offense that must be proved beyond a  
15 reasonable doubt.

16 Sec. 9. Section 28-320.02, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 28-320.02 (1)(a) (1) No person shall knowingly solicit, coax,  
19 entice, or lure (i) (a) a child sixteen years of age or younger or (ii)  
20 (b) a peace officer who is believed by such person to be a child sixteen  
21 years of age or younger, by means of an electronic communication device  
22 ~~as that term is defined in section 28-833~~, to engage in an act which  
23 would be in violation of section 28-319, 28-319.01, or 28-320.01 or which  
24 would be second degree sexual assault under subsection (1) or (2) of  
25 section 28-320.

26 (b) A person shall not be convicted of both a violation of this  
27 subsection and a violation of section 28-319, 28-319.01, or 28-320.01 or  
28 of second degree sexual assault under subsection (1) or (2) of section  
29 28-320 if the violations arise out of the same set of facts or pattern of  
30 conduct and the individual solicited, coaxed, enticed, or lured under  
31 this subsection is also the victim of the sexual assault under such other

1 ~~section 28-319, 28-319.01, or 28-320.01 or subsection (1) or (2) of~~  
2 ~~section 28-320.~~

3 (c) (2) A person who violates this subsection section is guilty of a  
4 Class ID felony. If a person who violates this section has previously  
5 been convicted of a violation of this section or section 28-308, 28-309,  
6 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
7 28-813.01, 28-833, 28-1463.03, or 28-1463.05 or section 10 of this act or  
8 of second degree sexual assault under or subsection (1) or (2) of section  
9 28-320, the person is guilty of a Class IC felony.

10 (2)(a) No school official shall knowingly solicit, coax, entice, or  
11 lure (i) a school student at least sixteen years of age and less than  
12 nineteen years of age or (ii) a peace officer who is believed by such  
13 school official to be a school student at least sixteen years of age and  
14 less than nineteen years of age, by means of an electronic communication  
15 device, to engage in an act which would be in violation of section 10 of  
16 this act.

17 (b) A person shall not be convicted of both a violation of this  
18 subsection and a violation of section 10 of this act if the violations  
19 arise out of the same set of facts or pattern of conduct and the  
20 individual solicited, coaxed, enticed, or lured under this subsection is  
21 also the victim of the sexual assault of a student under section 10 of  
22 this act.

23 (c) A person who violates this subsection is guilty of a Class II  
24 felony. If a person who violates this section has previously been  
25 convicted of a violation of this section or section 28-308, 28-309,  
26 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
27 28-813.01, 28-833, 28-1463.03, or 28-1463.05 or section 10 of this act or  
28 of second degree sexual assault under section 28-320, the person is  
29 guilty of a Class ID felony.

30 (3) For purposes of this section:

31 (a) The terms school and school official have the same meanings as



1 in section 10 of this act; and

2 (b) Electronic communication device has the same meaning as in  
3 section 28-833.

4 Sec. 10. (1) A school official commits the offense of sexual  
5 assault of a student in the first degree if the school official engages  
6 in sexual penetration with a school student who is at least sixteen years  
7 of age and less than nineteen years of age and such school official is  
8 nineteen years of age or older. Sexual assault of a student in the first  
9 degree is a Class IC felony.

10 (2) A school official commits the offense of sexual assault of a  
11 student in the second degree if the school official engages in sexual  
12 contact with a school student who is at least sixteen years of age and  
13 less than nineteen years of age and such school official is nineteen  
14 years of age or older. Sexual assault of a student in the second degree  
15 is a Class ID felony.

16 (3) It is not a defense to a charge under this section that the  
17 school student consented to the sexual penetration or sexual contact.

18 (4) For purposes of this section:

19 (a) School means an elementary or secondary school and includes a  
20 public, private, denominational, or parochial school which meets the  
21 requirements for legal operation prescribed in Chapter 79, or a school  
22 which elects pursuant to section 79-1601 not to meet accreditation or  
23 approval requirements; and

24 (b)(i) School official means a teacher, a school official or  
25 administrator, or a coach and includes volunteers acting as teachers or  
26 coaches or assistants to teachers or coaches.

27 (ii) School official does not include a school student assisting a  
28 school official.

29 Sec. 11. Section 28-813.01, Revised Statutes Supplement, 2019, is  
30 amended to read:

31 28-813.01 (1) It shall be unlawful for a person nineteen years of

1 age or older to knowingly possess any visual depiction of sexually  
2 explicit conduct which has a child as one of its participants or  
3 portrayed observers. Violation of this subsection is a Class IIA felony.

4 (2) It shall be unlawful for a person under nineteen years of age to  
5 knowingly and intentionally possess any visual depiction of sexually  
6 explicit conduct which has a child other than the defendant as one of its  
7 participants or portrayed observers. Violation of this subsection is a  
8 Class I misdemeanor. A second or subsequent conviction under this  
9 subsection is a Class IV felony.

10 (3) It shall be an affirmative defense to a charge made pursuant to  
11 subsection (2) of this section that:

12 (a)(i) The defendant was less than nineteen years of age; (ii) the  
13 visual depiction of sexually explicit conduct portrays a child who is  
14 fifteen years of age or older; (iii) the visual depiction was knowingly  
15 and voluntarily generated by the child depicted therein; (iv) the visual  
16 depiction was knowingly and voluntarily provided by the child depicted in  
17 the visual depiction; (v) the visual depiction contains only one child;  
18 (vi) the defendant has not provided or made available the visual  
19 depiction to another person except the child depicted who originally sent  
20 the visual depiction to the defendant; and (vii) the defendant did not  
21 coerce the child in the visual depiction to either create or send the  
22 visual depiction; or

23 (b)(i) The defendant was less than eighteen years of age; (ii) the  
24 difference in age between the defendant and the child portrayed is less  
25 than four years; (iii) the visual depiction was knowingly and voluntarily  
26 generated by the child depicted therein; (iv) the visual depiction was  
27 knowingly and voluntarily provided by the child depicted in the visual  
28 depiction; (v) the visual depiction contains only one child; (vi) the  
29 defendant has not provided or made available the visual depiction to  
30 another person except the child depicted who originally sent the visual  
31 depiction to the defendant; and (vii) the defendant did not coerce the

1 child in the visual depiction to either create or send the visual  
2 depiction.

3 (4) Any person who violates subsection (1) or (2) of this section  
4 and has previously been convicted of a violation of this section or  
5 section 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,  
6 28-319.01, 28-320.01, 28-833, 28-1463.03, or 28-1463.05 or section 10 of  
7 this act or second degree sexual assault under subsection (1) or (2) of  
8 section 28-320 shall be guilty of a Class IC felony for each offense.

9 (5) In addition to the penalties provided in this section, a  
10 sentencing court may order that any money, securities, negotiable  
11 instruments, firearms, conveyances, or electronic communication devices  
12 as defined in section 28-833 or any equipment, components, peripherals,  
13 software, hardware, or accessories related to electronic communication  
14 devices be forfeited as a part of the sentence imposed if it finds by  
15 clear and convincing evidence adduced at a separate hearing in the same  
16 prosecution, conducted pursuant to section 28-1601, that any or all such  
17 property was derived from, used, or intended to be used to facilitate a  
18 violation of this section.

19 (6) The definitions in section 28-1463.02 shall apply to this  
20 section.

21 Sec. 12. Section 28-833, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 28-833 (1) A person who commits the offense of enticement by  
24 electronic communication device if he or she is nineteen years of age or  
25 older shall not over and knowingly and intentionally utilize utilizes an  
26 electronic communication device to contact a child under sixteen years of  
27 age or a peace officer who is believed by such person to be a child under  
28 sixteen years of age and in so doing engage in conduct described in  
29 subsection (3) of this section. ÷

30 (2) A school official who is nineteen years of age or older shall  
31 not knowingly and intentionally utilize an electronic communication

1 device to contact a school student who is at least sixteen years of age  
2 and less than nineteen years of age or a peace officer who is believed by  
3 such person to be such a school student of such age and in so doing  
4 engage in conduct described in subsection (3) of this section.

5 (3) This section applies to a person who, in using an electronic  
6 communication device as described in subsection (1) or (2) of this  
7 section:

8 (a) Uses or transmits any indecent, lewd, lascivious, or obscene  
9 language, writing, or sound;

10 (b) Transmits or otherwise disseminates any visual depiction of  
11 sexually explicit conduct as defined in section 28-1463.02; or

12 (c) Offers or solicits any indecent, lewd, or lascivious act.

13 ~~(4) A violation of this section (2) Enticement by electronic~~  
14 ~~communication device~~ is a Class IV felony.

15 ~~(5) A violation of this section (3) Enticement by electronic~~  
16 ~~communication device~~ is deemed to have been committed either at the place  
17 where the communication was initiated or where it was received.

18 ~~(6) (4) For purposes of this section:~~

19 ~~(a) Electronic ,—electronic~~ communication device means any device  
20 which, in its ordinary and intended use, transmits by electronic means  
21 writings, sounds, visual images, or data of any nature to another  
22 electronic communication device; -

23 ~~(b) School~~ has the same meaning as in section 10 of this act; and

24 ~~(c) School official~~ has the same meaning as in section 10 of this  
25 act.

26 Sec. 13. Section 28-1463.04, Reissue Revised Statutes of Nebraska,  
27 is amended to read:

28 28-1463.04 (1) Any person who is under nineteen years of age at the  
29 time he or she violates section 28-1463.03 shall be guilty of a Class III  
30 felony for each offense.

31 (2) Any person who is nineteen years of age or older at the time he

1 or she violates section 28-1463.03 shall be guilty of a Class ID felony  
2 for each offense.

3 (3) Any person who violates section 28-1463.03 and has previously  
4 been convicted of a violation of section 28-1463.03 or section 28-308,  
5 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01,  
6 28-320.01, 28-813, 28-833, or 28-1463.05 or section 10 of this act or  
7 second degree sexual assault under subsection (1) or (2) of section  
8 28-320 shall be guilty of a Class IC felony for each offense.

9 Sec. 14. Section 28-1463.05, Revised Statutes Supplement, 2019, is  
10 amended to read:

11 28-1463.05 (1) It shall be unlawful for a person to knowingly  
12 possess with intent to rent, sell, deliver, distribute, trade, or provide  
13 to any person any visual depiction of sexually explicit conduct which has  
14 a child other than the defendant as one of its participants or portrayed  
15 observers.

16 (2)(a) Any person who is under nineteen years of age at the time he  
17 or she violates this section shall be guilty of a Class IIIA felony for  
18 each offense.

19 (b) Any person who is nineteen years of age or older at the time he  
20 or she violates this section shall be guilty of a Class IIA felony for  
21 each offense.

22 (c) Any person who violates this section and has previously been  
23 convicted of a violation of this section or section 28-308, 28-309,  
24 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
25 28-813, 28-833, or 28-1463.03 or section 10 of this act or second degree  
26 sexual assault under subsection (1) or (2) of section 28-320 shall be  
27 guilty of a Class IC felony for each offense.

28 Sec. 15. Section 29-110, Revised Statutes Supplement, 2019, is  
29 amended to read:

30 29-110 (1) Except as otherwise provided by law, no person shall be  
31 prosecuted for any felony unless the indictment is found by a grand jury

1 within three years next after the offense has been done or committed or  
2 unless a complaint for the same is filed before the magistrate within  
3 three years next after the offense has been done or committed and a  
4 warrant for the arrest of the defendant has been issued.

5 (2) Except as otherwise provided by law, no person shall be  
6 prosecuted, tried, or punished for any misdemeanor or other indictable  
7 offense below the grade of felony or for any fine or forfeiture under any  
8 penal statute unless the suit, information, or indictment for such  
9 offense is instituted or found within one year and six months from the  
10 time of committing the offense or incurring the fine or forfeiture or  
11 within one year for any offense the punishment of which is restricted by  
12 a fine not exceeding one hundred dollars and to imprisonment not  
13 exceeding three months.

14 (3) Except as otherwise provided by law, no person shall be  
15 prosecuted for kidnapping under section 28-313, false imprisonment under  
16 section 28-314 or 28-315, child abuse under section 28-707, pandering  
17 under section 28-802, debauching a minor under section 28-805, or an  
18 offense under section 28-813 when the victim is under sixteen years of  
19 age at the time of the offense (a) unless the indictment for such offense  
20 is found by a grand jury within seven years next after the offense has  
21 been committed or within seven years next after the victim's sixteenth  
22 birthday, whichever is later, or (b) unless a complaint for such offense  
23 is filed before the magistrate within seven years next after the offense  
24 has been committed or within seven years next after the victim's  
25 sixteenth birthday, whichever is later, and a warrant for the arrest of  
26 the defendant has been issued.

27 (4) Except as otherwise provided by law, no person shall be  
28 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)  
29 unless the indictment for such offense is found by a grand jury within  
30 seven years next after the offense has been committed or within seven  
31 years next after the victim's eighteenth birthday, whichever is later, or

1 (b) unless a complaint for such offense is filed before the magistrate  
2 within seven years next after the offense has been committed or within  
3 seven years next after the victim's eighteenth birthday, whichever is  
4 later, and a warrant for the arrest of the defendant has been issued.

5 (5) Except as otherwise provided by law, no person shall be  
6 prosecuted for an offense under section 28-813.01 or 28-1463.05 or  
7 section 10 of this act (a) unless the indictment for such offense is  
8 found by a grand jury within seven years next after the offense has been  
9 committed or within seven years next after the victim's eighteenth  
10 birthday, whichever is later, or (b) unless a complaint for such offense  
11 is filed before the magistrate within seven years next after the offense  
12 has been committed or within seven years next after the victim's  
13 eighteenth birthday, whichever is later, and a warrant for the arrest of  
14 the defendant has been issued.

15 (6) No person shall be prosecuted for a violation of the Securities  
16 Act of Nebraska under section 8-1117 unless the indictment for such  
17 offense is found by a grand jury within five years next after the offense  
18 has been done or committed or unless a complaint for such offense is  
19 filed before the magistrate within five years next after the offense has  
20 been done or committed and a warrant for the arrest of the defendant has  
21 been issued.

22 (7) No person shall be prosecuted for criminal impersonation under  
23 section 28-638, identity theft under section 28-639, or identity fraud  
24 under section 28-640 unless the indictment for such offense is found by a  
25 grand jury within five years next after the offense has been done or  
26 committed or unless a complaint for such offense is filed before the  
27 magistrate within five years next after the offense has been done or  
28 committed and a warrant for the arrest of the defendant has been issued.

29 (8) No person shall be prosecuted for a violation of section 68-1017  
30 if the aggregate value of all funds and other benefits obtained or  
31 attempted to be obtained is five hundred dollars or more unless the

1 indictment for such offense is found by a grand jury within five years  
2 next after the offense has been done or committed or unless a complaint  
3 for such offense is filed before the magistrate within five years next  
4 after the offense has been done or committed and a warrant for the arrest  
5 of the defendant has been issued.

6 (9) No person shall be prosecuted for knowing and intentional abuse,  
7 neglect, or exploitation of a vulnerable adult or senior adult under  
8 section 28-386 unless the indictment for such offense is found by a grand  
9 jury within six years next after the offense has been done or committed  
10 or unless a complaint for such offense is filed before the magistrate  
11 within six years next after the offense has been done or committed and a  
12 warrant for the arrest of the defendant has been issued.

13 (10) There shall not be any time limitations for prosecution or  
14 punishment for treason, murder, arson, forgery, sexual assault in the  
15 first or second degree under section 28-319 or 28-320, sexual assault of  
16 a child in the second or third degree under section 28-320.01, incest  
17 under section 28-703, sexual assault of a child in the first degree under  
18 section 28-319.01, labor trafficking of a minor or sex trafficking of a  
19 minor under subsection (1) of section 28-831, or an offense under section  
20 28-1463.03; nor shall there be any time limitations for prosecution or  
21 punishment for sexual assault in the third degree under section 28-320  
22 when the victim is under sixteen years of age at the time of the offense.

23 (11) The time limitations prescribed in this section shall include  
24 all inchoate offenses pursuant to the Nebraska Criminal Code and  
25 compounding a felony pursuant to section 28-301.

26 (12) The time limitations prescribed in this section shall not  
27 extend to any person fleeing from justice.

28 (13) When any suit, information, or indictment for any crime or  
29 misdemeanor is limited by any statute to be brought or exhibited within  
30 any other time than is limited by this section, then the suit,  
31 information, or indictment shall be brought or exhibited within the time



1 limited by such statute.

2 (14) If any suit, information, or indictment is quashed or the  
3 proceedings set aside or reversed on writ of error, the time during the  
4 pendency of such suit, information, or indictment so quashed, set aside,  
5 or reversed shall not be reckoned within this statute so as to bar any  
6 new suit, information, or indictment for the same offense.

7 (15) The changes made to this section by Laws 2004, LB 943, shall  
8 apply to offenses committed prior to April 16, 2004, for which the  
9 statute of limitations has not expired as of such date and to offenses  
10 committed on or after such date.

11 (16) The changes made to this section by Laws 2005, LB 713, shall  
12 apply to offenses committed prior to September 4, 2005, for which the  
13 statute of limitations has not expired as of such date and to offenses  
14 committed on or after such date.

15 (17) The changes made to this section by Laws 2009, LB 97, and Laws  
16 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,  
17 for which the statute of limitations has not expired as of such date and  
18 to offenses committed on or after such date.

19 (18) The changes made to this section by Laws 2010, LB809, shall  
20 apply to offenses committed prior to July 15, 2010, for which the statute  
21 of limitations has not expired as of such date and to offenses committed  
22 on or after such date.

23 (19) The changes made to this section by Laws 2016, LB934, shall  
24 apply to offenses committed prior to April 19, 2016, for which the  
25 statute of limitations has not expired as of such date and to offenses  
26 committed on or after such date.

27 (20) The changes made to this section by Laws 2019, LB519, shall  
28 apply to offenses committed prior to September 1, 2019, for which the  
29 statute of limitations has not expired as of such date and to offenses  
30 committed on or after such date.

31 Sec. 16. Section 29-119, Revised Statutes Supplement, 2019, is

1 amended to read:

2 29-119 For purposes of this section and sections 23-1201, 29-120,  
3 and 29-2261, unless the context otherwise requires:

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

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

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

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

26 (b) In the case of a homicide, victim means the nearest surviving  
27 relative under the law as provided by section 30-2303 but does not  
28 include the alleged perpetrator of the homicide.

29 (c) In the case of a violation of section 28-813.01, 28-1463.03,  
30 28-1463.04, or 28-1463.05, victim means a person who was a child as  
31 defined in section 28-1463.02 and a participant or portrayed observer in

1 the visual depiction of sexually explicit conduct which is the subject of  
2 the violation and who has been identified and can be reasonably notified.

3 (d) In the case of a sexual assault of a child, sexual assault of a  
4 student, a possession offense of a visual depiction of sexually explicit  
5 conduct, or a distribution offense of a visual depiction of sexually  
6 explicit conduct, victim means the child victim and the parents,  
7 guardians, or duly appointed legal representative of the child victim but  
8 does not include the alleged perpetrator of the crime.

9 (e) Victim also includes a person who was the victim of a theft  
10 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the  
11 thing involved is five thousand dollars or more and (ii) the victim and  
12 perpetrator were intimate partners as defined in section 28-323.

13 Sec. 17. Section 29-2028, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 29-2028 The testimony of a person who is a victim of an offense  
16 under a sexual assault as defined in sections 28-319 to 28-322.05 and  
17 section 10 of this act 28-319 to 28-320.01 shall not require  
18 corroboration.

19 Sec. 18. Section 29-4003, Revised Statutes Supplement, 2019, is  
20 amended to read:

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

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

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

28 (B) False imprisonment of a minor pursuant to section 28-314 or  
29 28-315;

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

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

1 to section 28-320.01;

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

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

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

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

8 (I) 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 (J) 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 (K) Criminal child enticement pursuant to section 28-311;

15 (L) Child enticement by means of an electronic communication device  
16 pursuant to subsection (1) of section 28-320.02;

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

18 (N) 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)(M) 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 subsection (1) of 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 October 1, 2020:

9 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
10 guilty of:

11 (A) Sexual assault of a student in the first or second degree under  
12 section 10 of this act;

13 (B) Child enticement by a school official by means of an electronic  
14 communication device under subsection (2) of section 28-320.02; or

15 (C) Enticement by electronic communication device by a school  
16 official pursuant to subsection (2) of section 28-833; or

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

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

28 Sec. 19. Section 42-1203, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 42-1203 For purposes of the Address Confidentiality Act:

31 (1) Abuse means causing or attempting to cause physical harm,

1 placing another person in fear of physical harm, or causing another  
2 person to engage involuntarily in sexual activity by force, threat of  
3 force, or duress, when committed by (a) a person against his or her  
4 spouse, (b) a person against his or her former spouse, (c) a person  
5 residing with the victim if such person and the victim are or were in a  
6 dating relationship, (d) a person who formerly resided with the victim if  
7 such person and the victim are or were in a dating relationship, (e) a  
8 person against a parent of his or her children, whether or not such  
9 person and the victim have been married or resided together at any time,  
10 (f) a person against a person with whom he or she is in a dating  
11 relationship, (g) a person against a person with whom he or she formerly  
12 was in a dating relationship, or (h) a person related to the victim by  
13 consanguinity or affinity;

14 (2) Address means a residential street address, school address, or  
15 work address of an individual as specified on the individual's  
16 application to be a program participant;

17 (3) Dating relationship means an intimate or sexual relationship;

18 (4) Program participant means a person certified as a program  
19 participant under section 42-1204;

20 (5) Sexual assault has the same meaning as in section 28-319,  
21 28-319.01, 28-320, 28-320.01, or 28-386 or section 10 of this act;

22 (6) Stalking has the same meaning as in sections 28-311.02 to  
23 28-311.05; and

24 (7) Trafficking victim has the same meaning as in section 28-830.

25 Sec. 20. Section 81-1850, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 81-1850 (1) Upon request of the victim and at the time of conviction  
28 of the offender, the county attorney of the jurisdiction in which a  
29 person is convicted of a felony shall forward to the Board of Parole, the  
30 Department of Correctional Services, the county corrections agency, or  
31 the Department of Health and Human Services the name and address of any



1 victim, as defined in section 29-119, of the convicted person. The board,  
2 the Department of Correctional Services, the county corrections agency,  
3 or the Department of Health and Human Services shall include the name in  
4 the file of the convicted person, but the name shall not be part of the  
5 public record of any parole hearings of the convicted person. Any victim,  
6 including a victim who has waived his or her right to notification at the  
7 time of conviction, may request the notification prescribed in this  
8 section, as applicable, by sending a written request to the board, the  
9 Department of Correctional Services, the county corrections agency, or  
10 the Department of Health and Human Services any time after the convicted  
11 person is incarcerated and until the convicted person is no longer under  
12 the jurisdiction of the board, the county corrections agency, or the  
13 Department of Correctional Services or, if the person is under the  
14 jurisdiction of the Department of Health and Human Services, within the  
15 three-year period after the convicted person is no longer under the  
16 jurisdiction of the board, the county corrections agency, or the  
17 Department of Correctional Services.

18 (2) A victim whose name appears in the file of the convicted person  
19 shall be notified by the Board of Parole:

20 (a) Within ninety days after conviction of an offender, of the  
21 tentative date of release and the earliest parole eligibility date of  
22 such offender;

23 (b) Of any parole hearings or proceedings;

24 (c) Of any decision of the Board of Parole;

25 (d) When a convicted person who is on parole is returned to custody  
26 because of parole violations; and

27 (e) If the convicted person has been adjudged a mentally disordered  
28 sex offender or is a convicted sex offender, when such person is released  
29 from custody or treatment.

30 Such notification shall be given in person, by telecommunication, or  
31 by mail.

1 (3) A victim whose name appears in the file of the convicted person  
2 shall be notified by the Department of Correctional Services or a county  
3 corrections agency:

4 (a) When a convicted person is granted a furlough or release from  
5 incarceration for twenty-four hours or longer or any transfer of the  
6 convicted person to community status;

7 (b) When a convicted person is released into community-based  
8 programs, including educational release and work release programs. Such  
9 notification shall occur at the beginning and termination of any such  
10 program;

11 (c) When a convicted person escapes or does not return from a  
12 granted furlough or release and again when the convicted person is  
13 returned into custody;

14 (d) When a convicted person is discharged from custody upon  
15 completion of his or her sentence. Such notice shall be given at least  
16 thirty days before discharge, when practicable;

17 (e) Of the (i) department's calculation of the earliest parole  
18 eligibility date of the prisoner with all potential good time or  
19 disciplinary credits considered if the sentence exceeds ninety days or  
20 (ii) county corrections agency's calculation of the earliest release date  
21 of the prisoner. The victim may request one notice of the calculation  
22 described in this subdivision. Such information shall be mailed not later  
23 than thirty days after receipt of the request;

24 (f) Of any reduction in the prisoner's minimum sentence; and

25 (g) Of the victim's right to submit a statement as provided in  
26 section 81-1848.

27 (4) A victim whose name appears in the file of a convicted person  
28 shall be notified by the Department of Health and Human Services:

29 (a) When a person convicted of an offense listed in subsection (5)  
30 of this section becomes the subject of a petition pursuant to the  
31 Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act

1 prior to his or her discharge from custody upon the completion of his or  
2 her sentence or within thirty days after such discharge. The county  
3 attorney who filed the petition shall notify the Department of  
4 Correctional Services of such petition. The Department of Correctional  
5 Services shall forward the names and addresses of victims appearing in  
6 the file of the convicted person to the Department of Health and Human  
7 Services;

8 (b) When a person under a mental health board commitment pursuant to  
9 subdivision (a) of this subsection escapes from an inpatient facility  
10 providing board-ordered treatment and again when the person is returned  
11 to an inpatient facility;

12 (c) When a person under a mental health board commitment pursuant to  
13 subdivision (a) of this subsection is discharged or has a change in  
14 disposition from inpatient board-ordered treatment;

15 (d) When a person under a mental health board commitment pursuant to  
16 subdivision (a) of this subsection is granted a furlough or release for  
17 twenty-four hours or longer; and

18 (e) When a person under a mental health board commitment pursuant to  
19 subdivision (a) of this subsection is released into educational release  
20 programs or work release programs. Such notification shall occur at the  
21 beginning and termination of any such program.

22 (5) Subsection (4) of this section applies to persons convicted of  
23 at least one of the following offenses which is also alleged to be the  
24 recent act or threat underlying the commitment of such persons as  
25 mentally ill and dangerous or as dangerous sex offenders as defined in  
26 section 83-174.01:

27 (a) Murder in the first degree pursuant to section 28-303;

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

29 (c) Kidnapping pursuant to section 28-313;

30 (d) Assault in the first degree pursuant to section 28-308;

31 (e) Assault in the second degree pursuant to section 28-309;

- 1 (f) Sexual assault in the first degree pursuant to section 28-319;
- 2 (g) Sexual assault in the second degree pursuant to section 28-320;
- 3 (h) Sexual assault of a child in the first degree pursuant to  
4 section 28-319.01;
- 5 (i) Sexual assault of a child in the second or third degree pursuant  
6 to section 28-320.01;
- 7 (j) Sexual assault of a student in the first or second degree  
8 pursuant to section 10 of this act;
- 9 (k) ~~(j)~~ Stalking pursuant to section 28-311.03; or
- 10 (l) ~~(k)~~ An attempt, solicitation, or conspiracy to commit an offense  
11 listed in subdivisions (a) through (k) ~~(j)~~ of this subsection.
- 12 (6) A victim whose name appears in the file of a convicted person  
13 shall be notified by the Board of Pardons:
- 14 (a) Of any pardon or commutation proceedings; and
- 15 (b) If a pardon or commutation has been granted.
- 16 (7) The Board of Parole, the Department of Correctional Services,  
17 the Department of Health and Human Services, and the Board of Pardons  
18 shall adopt and promulgate rules and regulations as needed to carry out  
19 this section.
- 20 (8) The victim's address and telephone number maintained by the  
21 Department of Correctional Services, the Department of Health and Human  
22 Services, the county corrections agency, or the Board of Parole pursuant  
23 to subsection (1) of this section shall be exempt from disclosure under  
24 public records laws and federal freedom of information laws, as such laws  
25 existed on January 1, 2004.
- 26 Sec. 21. Section 83-174.02, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:
- 28 83-174.02 (1) The Department of Correctional Services shall order an  
29 evaluation of the following individuals by a mental health professional  
30 to determine whether or not the individual is a dangerous sex offender:
- 31 (a) Individuals who have been convicted of:

1 (i) Sexual ~~sexual~~ assault of a child in the first degree pursuant to  
2 section 28-319.01; or

3 (ii) Sexual ~~sexual~~ assault in the first degree pursuant to section  
4 28-319;

5 (b) Individuals who have been convicted of two or more offenses  
6 requiring registration as a sex offender under section 29-4003 if one of  
7 the convictions was for any of the following offenses:

8 (i) Kidnapping of a minor pursuant to section 28-313, except when  
9 the person is the parent of the minor and was not convicted of any other  
10 offense;

11 (ii) Sexual ~~sexual~~ assault in the first degree pursuant to section  
12 28-319 or sexual assault in the second degree pursuant to section 28-320;  
13 ~~(iii) sexual assault of a child pursuant to section 28-320.01;~~

14 (iii) Sexual ~~(iv) sexual~~ assault of a child in the first degree  
15 pursuant to section 28-319.01;

16 (iv) Sexual ~~(v) sexual~~ assault of a child in the second or third  
17 degree pursuant to section 28-320.01;

18 (v) Sexual assault of a student in the first or second degree  
19 pursuant to section 10 of this act;

20 (vi) Sexual ~~sexual~~ assault of a vulnerable adult or senior adult  
21 pursuant to subdivision (1)(c) of section 28-386;

22 (vii) Incest ~~incest~~ of a minor pursuant to section 28-703;

23 (viii) Visual ~~visual~~ depiction of sexually explicit conduct of a  
24 child pursuant to section 28-1463.03; or

25 (ix) Any ~~any~~ offense that is substantially equivalent to an offense  
26 listed in this section by any state, territory, commonwealth, or other  
27 jurisdiction of the United States, by the United States Government, or by  
28 court-martial or other military tribunal, notwithstanding a procedure  
29 comparable in effect to that described in section 29-2264 or any other  
30 procedure to nullify a conviction other than by pardon;

31 (c) Individuals convicted of a sex offense against a minor who have

1 refused to participate in or failed to successfully complete the sex  
2 offender treatment program offered by the Department of Correctional  
3 Services or the Department of Health and Human Services during the term  
4 of incarceration. The failure to successfully complete a treatment  
5 program due to time constraints or the unavailability of treatment  
6 programming shall not constitute a refusal to participate in treatment;  
7 and

8 (d) Individuals convicted of failure to comply with the registration  
9 requirements of the Sex Offender Registration Act who have previously  
10 been convicted for failure to comply with the registration requirements  
11 of the act or a similar registration requirement in another state.

12 (2) The evaluation required by this section shall be ordered at  
13 least one hundred eighty days before the scheduled release of the  
14 individual. Upon completion of the evaluation, and not later than one  
15 hundred fifty days prior to the scheduled release of the individual, the  
16 department shall send written notice to the Attorney General, the county  
17 attorney of the county where the offender is incarcerated, and the  
18 prosecuting county attorney. The notice shall contain an affidavit of the  
19 mental health professional describing his or her findings with respect to  
20 whether or not the individual is a dangerous sex offender.

21 Sec. 22. Section 83-4,143, Revised Statutes Supplement, 2019, is  
22 amended to read:

23 83-4,143 (1) It is the intent of the Legislature that the Board of  
24 Parole may recommend placement of felony offenders at the incarceration  
25 work camp. The offenders recommended by the board shall be offenders  
26 currently housed at other Department of Correctional Services adult  
27 correctional facilities and shall complete the incarceration work camp  
28 programming prior to release on parole.

29 (2) When the Board of Parole is of the opinion that a felony  
30 offender currently incarcerated in a Department of Correctional Services  
31 adult correctional facility may benefit from a brief and intensive period

1 of regimented, structured, and disciplined programming immediately prior  
2 to release on parole, the board may direct placement of such an offender  
3 in an incarceration work camp for a period not to exceed one hundred  
4 eighty days as a condition of release on parole. The board may consider  
5 such placement if the felony offender (a) is medically and mentally fit  
6 to participate, with allowances given for reasonable accommodation as  
7 determined by medical and mental health professionals, and (b) has not  
8 previously been incarcerated for a violent felony crime. Offenders  
9 convicted of a crime under sections 28-319 to 28-322.05 and section 10 of  
10 this act or of any capital crime are not eligible to be placed in an  
11 incarceration work camp.

12 (3) The Director of Correctional Services may assign a felony  
13 offender to an incarceration work camp if he or she believes it is in the  
14 best interests of the felony offender and of society, except that  
15 offenders convicted of a crime under sections 28-319 to 28-322.05 and  
16 section 10 of this act or of any capital crime are not eligible to be  
17 assigned to an incarceration work camp pursuant to this subsection.

18 Sec. 23. Original sections 28-311, 28-319.01, 28-320.02, 28-833,  
19 28-1463.04, 29-2028, and 81-1850, Reissue Revised Statutes of Nebraska,  
20 sections 42-1203 and 83-174.02, Revised Statutes Cumulative Supplement,  
21 2018, and sections 27-404, 27-412, 27-413, 28-101, 28-311.11, 28-318,  
22 28-813.01, 28-1463.05, 29-110, 29-119, 29-4003, and 83-4,143, Revised  
23 Statutes Supplement, 2019, are repealed.