

AMENDMENTS TO LB204

Introduced by Judiciary.

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

3 Section 1. Section 29-4003, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 29-4003 (1)(a) The Sex Offender Registration Act applies to any
6 person who on or after January 1, 1997:

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

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

12 (B) False imprisonment of a minor pursuant to section 28-314 or
13 28-315;

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

15 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

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

18 (F) Sexual assault of a child in the first degree pursuant to
19 section 28-319.01;

20 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to
21 subdivision (1)(c) of section 28-386;

22 (H) Incest of a minor pursuant to section 28-703;

23 (I) Pandering of a minor pursuant to section 28-802;

24 (J) Visual depiction of sexually explicit conduct of a child
25 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
26 28-1463.05;

27 (K) Knowingly possessing any visual depiction of sexually explicit

1 conduct which has a child as one of its participants or portrayed
2 observers pursuant to subsection (1) or (4) of section 28-813.01;

3 (L) Criminal child enticement pursuant to section 28-311;

4 (M) Child enticement by means of an electronic communication device
5 pursuant to section 28-320.02;

6 (N) Debauching a minor pursuant to section 28-805; or

7 (O) Attempt, solicitation, aiding or abetting, being an accessory,
8 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
9 through (1)(a)(i)(N) of this section;

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

18 (iii) Is incarcerated in a jail, a penal or correctional facility,
19 or any other public or private institution or is under probation or
20 parole as a result of pleading guilty to or being found guilty of a
21 registrable offense under subdivision (1)(a)(i) or (ii) of this section
22 prior to January 1, 1997; or

23 (iv) Enters the state and is required to register as a sex offender
24 under the laws of another village, town, city, state, territory,
25 commonwealth, or other jurisdiction of the United States.

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

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

- 1 (I) Murder in the first degree pursuant to section 28-303;
- 2 (II) Murder in the second degree pursuant to section 28-304;
- 3 (III) Manslaughter pursuant to section 28-305;
- 4 (IV) Assault in the first degree pursuant to section 28-308;
- 5 (V) Assault in the second degree pursuant to section 28-309;
- 6 (VI) Assault in the third degree pursuant to section 28-310;
- 7 (VII) Stalking pursuant to section 28-311.03;
- 8 (VIII) Violation of section 28-311.08 requiring registration under
9 the act pursuant to subsection (6) of section 28-311.08;
- 10 (IX) Kidnapping pursuant to section 28-313;
- 11 (X) False imprisonment pursuant to section 28-314 or 28-315;
- 12 (XI) Sexual abuse of an inmate or parolee in the first degree
13 pursuant to section 28-322.02;
- 14 (XII) Sexual abuse of an inmate or parolee in the second degree
15 pursuant to section 28-322.03;
- 16 (XIII) Sexual abuse of a protected individual pursuant to section
17 28-322.04;
- 18 (XIV) Incest pursuant to section 28-703;
- 19 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
20 28-707;
- 21 (XVI) Enticement by electronic communication device pursuant to
22 section 28-833; or
- 23 (XVII) Attempt, solicitation, aiding or abetting, being an
24 accessory, or conspiracy to commit an offense listed in subdivisions (1)
25 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
- 26 (B) In order for the Sex Offender Registration Act to apply to the
27 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
28 (VI), (VII), (IX), and (X) of this section, a court shall have found that
29 evidence of sexual penetration or sexual contact, as those terms are
30 defined in section 28-318, was present in the record, which shall include
31 consideration of the factual basis for a plea-based conviction and

1 information contained in the presentence report;

2 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
3 guilty of any offense that is substantially equivalent to a registrable
4 offense under subdivision (1)(b)(i) of this section by any village, town,
5 city, state, territory, commonwealth, or other jurisdiction of the United
6 States, by the United States Government, by court-martial or other
7 military tribunal, or by a foreign jurisdiction, notwithstanding a
8 procedure comparable in effect to that described under section 29-2264 or
9 any other procedure to nullify a conviction other than by pardon; or

10 (iii) Enters the state and is required to register as a sex offender
11 under the laws of another village, town, city, state, territory,
12 commonwealth, or other jurisdiction of the United States.

13 (c) In addition to the registrable offenses under subdivisions (1)
14 (a) and (b) of this section, the Sex Offender Registration Act applies to
15 any person who on or after January 1, 2020:

16 (i) Has ever pled guilty to, pled nolo contendere to, or been found
17 guilty of sexual abuse of a detainee under section 28-322.05; or

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

26 (d) In addition to the registrable offenses under subdivisions (1)
27 (a), (b), and (c) of this section, the Sex Offender Registration Act
28 applies to any person who on or after January 1, 2022:

29 (i) Has ever pled guilty to, pled nolo contendere to, or been found
30 guilty of human trafficking under subsection (1) or (2) of section
31 28-831, and the court determines either by notification of sex offender

1 registration responsibilities or notation in the sentencing order that
2 the human trafficking was sex trafficking or sex trafficking of a minor
3 and not solely labor trafficking or labor trafficking of a minor; or

4 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
5 guilty of any offense that is substantially equivalent to a registrable
6 offense under subdivision (1)(d)(i) of this section by any village, town,
7 city, state, territory, commonwealth, or other jurisdiction of the United
8 States, by the United States Government, by court-martial or other
9 military tribunal, or by a foreign jurisdiction, notwithstanding a
10 procedure comparable in effect to that described under section 29-2264 or
11 any other procedure to nullify a conviction other than by pardon.

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

15 Sec. 2. Original section 29-4003, Revised Statutes Cumulative
16 Supplement, 2020, is repealed.