

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 186

Introduced by Hilkemann, 4.

Read first time January 08, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 28-311, Reissue Revised Statutes of Nebraska; to change provisions
3 relating to criminal child enticement; and to repeal the original
4 section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-311 (1)(a) No person, by any means and without privilege to do
4 so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,
5 coax, entice, or lure any child sixteen ~~under the age of fourteen~~ years
6 of age or younger to enter into any vehicle, whether or not the person
7 knows the age of the child.

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

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

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

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

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

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

16 Sec. 2. Original section 28-311, Reissue Revised Statutes of
17 Nebraska, is repealed.