

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 500**

Introduced by Geist, 25.

Read first time January 19, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 28-311.01, 28-311.02, and 28-320.02, Reissue Revised Statutes of  
3 Nebraska, and section 28-919, Revised Statutes Cumulative  
4 Supplement, 2020; to change provisions relating to terroristic  
5 threats, stalking and harassment, child enticement by means of an  
6 electronic communication device, tampering with a witness or  
7 informant, and jury tampering; to define terms; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 28-311.01 (1) A person commits terroristic threats if he or she  
4 threatens to commit any crime of violence:

5 (a) With the intent to terrorize another;

6 (b) With the intent of causing the evacuation of a building, place  
7 of assembly, or facility of public transportation; or

8 (c) In reckless disregard of the risk of causing such terror or  
9 evacuation.

10 (2) Terroristic threats is a Class IIIA felony.

11 (3) A violation of this section committed using an electronic  
12 communication device is deemed to have been committed either at the place  
13 where the electronic communication was initiated or where the electronic  
14 communication was received.

15 (4) For purposes of this section:

16 (a) Electronic communication has the same meaning as in section  
17 28-1310; and

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

20 Sec. 2. Section 28-311.02, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 28-311.02 (1) It is the intent of the Legislature to enact laws  
23 dealing with stalking offenses which will protect victims from being  
24 willfully harassed, intentionally terrified, threatened, or intimidated  
25 by individuals who intentionally follow, detain, stalk, or harass them or  
26 impose any restraint on their personal liberty and which will not  
27 prohibit constitutionally protected activities.

28 (2) For purposes of sections 28-311.02 to 28-311.05, 28-311.09, and  
29 28-311.10:

30 (a) Electronic communication has the same meaning as in section  
31 28-1310;

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

3        (c) (a) Harass means to engage in a knowing and willful course of  
4 conduct directed at a specific person which seriously terrifies,  
5 threatens, or intimidates the person and which serves no legitimate  
6 purpose;

7        (d) (b) Course of conduct means a pattern of conduct composed of a  
8 series of acts over a period of time, however short, evidencing a  
9 continuity of purpose, including a series of acts of following,  
10 detaining, restraining the personal liberty of, or stalking the person or  
11 telephoning, contacting, or otherwise communicating with the person;

12        (e) (c) Family or household member means a spouse or former spouse  
13 of the victim, children of the victim, a person presently residing with  
14 the victim or who has resided with the victim in the past, a person who  
15 had a child in common with the victim, other persons related to the  
16 victim by consanguinity or affinity, or any person presently involved in  
17 a dating relationship with the victim or who has been involved in a  
18 dating relationship with the victim. For purposes of this subdivision,  
19 dating relationship means frequent, intimate associations primarily  
20 characterized by the expectation of affectional or sexual involvement but  
21 does not include a casual relationship or an ordinary association between  
22 persons in a business or social context; and

23        (f) (d) Substantially conforming criminal violation means a guilty  
24 plea, a nolo contendere plea, or a conviction for a violation of any  
25 federal law or law of another state or any county, city, or village  
26 ordinance of this state or another state substantially similar to section  
27 28-311.03. Substantially conforming is a question of law to be determined  
28 by the court.

29        (3) A violation of sections 28-311.02 to 28-311.05, 28-311.09, or  
30 28-311.10 committed using an electronic communication device is deemed to  
31 have been committed either at the place where the electronic

1 communication was initiated or where the electronic communication was  
2 received.

3       Sec. 3. Section 28-320.02, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       28-320.02 (1) No person shall knowingly solicit, coax, entice, or  
6 lure (a) a child sixteen years of age or younger or (b) a peace officer  
7 who is believed by such person to be a child sixteen years of age or  
8 younger, by means of an electronic communication device ~~as that term is~~  
9 ~~defined in section 28-833~~, to engage in an act which would be in  
10 violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or  
11 (2) of section 28-320. A person shall not be convicted of both a  
12 violation of this subsection and a violation of section 28-319,  
13 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320 if the  
14 violations arise out of the same set of facts or pattern of conduct and  
15 the individual solicited, coaxed, enticed, or lured under this subsection  
16 is also the victim of the sexual assault under section 28-319, 28-319.01,  
17 or 28-320.01 or subsection (1) or (2) of section 28-320.

18       (2) A person who violates this section is guilty of a Class ID  
19 felony. If a person who violates this section has previously been  
20 convicted of a violation of this section or section 28-308, 28-309,  
21 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
22 28-813.01, 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of  
23 section 28-320, the person is guilty of a Class IC felony.

24       (3) A violation of this section committed using an electronic  
25 communication device is deemed to have been committed either at the place  
26 where the electronic communication was initiated or where the electronic  
27 communication was received.

28       (4) For purposes of this section:

29       (a) Electronic communication has the same meaning as in section  
30 28-1310; and

31       (b) Electronic communication device has the same meaning as in

1 section 28-833.

2       Sec. 4. Section 28-919, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4       28-919 (1) A person commits the offense of tampering with a witness  
5 or informant if, believing that an official proceeding or investigation  
6 of a criminal or civil matter is pending or about to be instituted, he or  
7 she attempts to induce or otherwise cause a witness or informant to:

8       (a) Testify or inform falsely;

9       (b) Withhold any testimony, information, document, or thing;

10       (c) Elude legal process summoning him or her to testify or supply  
11 evidence; or

12       (d) Absent himself or herself from any proceeding or investigation  
13 to which he or she has been legally summoned.

14       (2) A person commits the offense of jury tampering if, with intent  
15 to influence a juror's vote, opinion, decision, or other action in a  
16 case, he or she attempts directly or indirectly to communicate with a  
17 juror other than as a part of the proceedings in the trial of the case.

18       (3) Tampering with witnesses or informants is a Class IV felony,  
19 except that if such offense involves a pending criminal proceeding which  
20 alleges a violation of another offense classified:

21       (a) As a Class II misdemeanor or a lower classification or a  
22 violation of a city or village ordinance, the offense is a Class I  
23 misdemeanor; or

24       (b) As a Class II felony or a higher classification, the offense is  
25 a Class II felony.

26       (4) Jury tampering is a Class IV felony, except that if such offense  
27 involves a pending criminal proceeding which alleges a violation of  
28 another offense classified as a Class II felony or a higher  
29 classification, the offense is a Class II felony.

30       (5) A violation of this section committed using an electronic  
31 communication device is deemed to have been committed either at the place

1 where the electronic communication was initiated or where the electronic  
2 communication was received.

3 (6) For purposes of this section:

4 (a) Electronic communication has the same meaning as in section  
5 28-1310; and

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

8 Sec. 5. Original sections 28-311.01, 28-311.02, and 28-320.02,  
9 Reissue Revised Statutes of Nebraska, and section 28-919, Revised  
10 Statutes Cumulative Supplement, 2020, are repealed.