

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 441**

Introduced by Albrecht, 17.

Read first time January 13, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-815, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to defenses for offenses involving obscene materials; to
- 4 harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-815, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 28-815 It shall be a defense to a prosecution under section 28-813  
4 that:

5 (1) Such person's activity consists of teaching in regularly  
6 established and recognized postsecondary educational institutions ~~or~~  
7 galleries or libraries of such institutions, or the publication or use of  
8 standard textbooks, films, tapes or visual aids of any such institution,  
9 or the practice of licensed practitioners of medicine or of pharmacy in  
10 their regular business or profession, or the possession by established  
11 postsecondary schools teaching art, or by public art galleries, or  
12 artists or models in the necessary line of their art, or to relevant  
13 references to, or accounts or portrayal of, nudity, sex, or excretion in  
14 religion, art, literature, history, science, medicine, public health,  
15 law, the judicial process, law enforcement, postsecondary education,  
16 ~~public libraries~~, or news reports and news pictures by any form of news  
17 media of general circulation;

18 (2) Such person has no financial interest in an activity, product,  
19 or event entitling such person to participate in the promotion,  
20 management, proceeds, or profits of the activity, product, or event, and  
21 such person's only connection with the activity, product, or event  
22 entitles such person to a reasonable salary or wages for services  
23 actually rendered; and

24 (3) The provisions of sections 28-807 to 28-829 with respect to the  
25 exhibition or the possession with the intent to exhibit of any obscene  
26 film shall not apply to a motion picture projectionist, usher, or ticket  
27 taker acting within the scope of such person's ~~his~~ employment if such  
28 projectionist, usher, or ticket taker has no financial interest in the  
29 place wherein such person ~~he~~ is so employed. Such person shall be  
30 required to give testimony regarding such employment in all judicial  
31 proceedings brought under sections 28-807 to 28-829 when granted immunity

1 by the trial judge.

2           Sec. 2.   Original section 28-815, Reissue Revised Statutes of  
3 Nebraska, is repealed.