

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1020**

Introduced by Bostar, 29; Bosn, 25.

Read first time January 13, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 29-2204.02, 29-2308, 29-4103, 84-941.01, and 86-2,103, Reissue  
3 Revised Statutes of Nebraska, section 28-311.08, Revised Statutes  
4 Cumulative Supplement, 2024, and sections 28-101, 28-311.02,  
5 28-311.04, 28-1205, and 28-1206, Revised Statutes Supplement, 2025;  
6 to prohibit certain conduct relating to mobile tracking devices; to  
7 provide penalties; to define and redefine terms; to change penalties  
8 for stalking; to change provisions relating to unlawful intrusion;  
9 to prohibit operation of an unmanned aircraft system in restricted  
10 areas and require operators to present a certificate upon request;  
11 to create the offense of swatting and require restitution; to  
12 eliminate the requirement that courts impose probation for Class IV  
13 felonies; to change provisions relating to intercepted  
14 communications; to harmonize provisions; and to repeal the original  
15 sections.  
16 Be it enacted by the people of the State of Nebraska,

1       **Section 1.** Section 28-101, Revised Statutes Supplement, 2025, is  
2 amended to read:

3       28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701  
4 and sections 2 to 5, 11, and 12 of this act shall be known and may be  
5 cited as the Nebraska Criminal Code.

6       **Sec. 2.** For purposes of sections 2 to 5 of this act:

7       (1) Business entity means any form of corporation, company,  
8 partnership, association, cooperative, joint venture, business trust, or  
9 sole proprietorship that conducts business in this state;

10       (2) Mobile tracking device has the same meaning as in section  
11 86-2,103;

12       (3) Private investigator means a person licensed under sections  
13 71-3201 to 71-3213;

14       (4) Protection order means any protection order issued or recognized  
15 under the Protection Orders Act;

16       (5) Senior adult has the same meaning as in section 28-366.01; and

17       (6) Vulnerable adult has the same meaning as in section 28-371.

18       **Sec. 3.** (1) Except as otherwise provided in section 4 of this act,  
19 a person shall not knowingly:

20       (a) Install a mobile tracking device on another person's property  
21 without the other person's consent;

22       (b) Cause a mobile tracking device to track the position or movement  
23 of another person or another person's property without the other person's  
24 consent; or

25       (c) Fail to remove or ensure the removal of a mobile tracking device  
26 that has been installed on another person's property with such person's  
27 consent when such consent has been revoked.

28       (2) For purposes of this section, if a person has given consent for  
29 another person to install a mobile tracking device on the consenting  
30 person's property, such consent shall be deemed to have been revoked if  
31 any of the following applies:

1       (a) The consenting person communicates to the person to whom consent  
2 was given that such consent is revoked;

3       (b) The consenting person and the person to whom consent was given  
4 are married and one of them files an action for divorce, annulment, or  
5 separate maintenance; or

6       (c) The consenting person receives a protection order against the  
7 person to whom consent was given. Revocation under this subdivision (2)  
8 (c) is effective when the person to whom consent was given has notice of  
9 such protection order.

10       **Sec. 4.**   Section 3 of this act does not apply to any of the  
11 following:

12       (1) A mobile tracking device installed and used in compliance with  
13 sections 86-271 to 86-2,115;

14       (2) A mobile tracking device installed and used pursuant to a court  
15 order, including, but not limited to, as a condition of pretrial release,  
16 probation, parole, or post-release supervision;

17       (3) A parent or legal guardian of a minor child who installs or uses  
18 a mobile tracking device to track the minor child if any of the following  
19 applies:

20       (a) The parents or legal guardians of the child are lawfully married  
21 to each other and are not separated or otherwise living apart, and either  
22 of those parents or legal guardians consents to the installation of the  
23 tracking device or tracking application;

24       (b) The parent or legal guardian of the child is the sole surviving  
25 parent or legal guardian of the child;

26       (c) The parent or legal guardian of the child has sole custody of  
27 the child; or

28       (d) The parents or legal guardians of the child are divorced,  
29 separated, or otherwise living apart and neither parent has sole custody  
30 of the child, and both consent to the installation of the mobile tracking  
31 device;

1       (4) A caregiver of a vulnerable adult or senior adult, if such  
2       adult's treating physician certifies that the installation or use of a  
3       mobile tracking device on such adult's property is necessary to ensure  
4       the safety of such adult;

5       (5) A person acting in good faith on behalf of a business entity for  
6       a legitimate business purpose or a governmental entity for a legitimate  
7       government purpose. This subdivision (5) does not apply to a private  
8       investigator;

9       (6)(a) A private investigator who is acting in the normal course of  
10       the business of private investigation on behalf of another person and who  
11       has the consent of the owner of the property upon which the mobile  
12       tracking device is installed, for the purpose of obtaining information  
13       with reference to any of the following:

14       (i) Criminal offenses committed, threatened, or suspected against  
15       the United States, a territory of the United States, a state, or any  
16       person or legal entity;

17       (ii) Locating an individual known to be a fugitive from justice;

18       (iii) Locating lost or stolen property or other assets that have  
19       been awarded by the court; or

20       (iv) Investigating claims related to workers' compensation.

21       (b) This subdivision (6) does not apply if the person on whose  
22       behalf the private investigator is working is the subject of a protection  
23       order or if the private investigator knows or reasonably should know that  
24       the person on whose behalf the private investigator is working seeks the  
25       investigator's services to aid in the commission of a crime;

26       (7) An owner or lessee of a motor vehicle who installs, or directs  
27       the installation of, a mobile tracking device on the motor vehicle during  
28       the period of ownership or lease, if any of the following applies:

29       (a) The mobile tracking device is removed before the motor vehicle's  
30       title is transferred or the motor vehicle's lease expires;

31       (b) The new owner of the motor vehicle, in the case of a sale, or

1 the lessor of the motor vehicle, in the case of an expired lease,  
2 consents in writing to the nonremoval of the mobile tracking device; or

3 (c) The owner of the motor vehicle at the time of the installation  
4 of the mobile tracking device was the original manufacturer of the motor  
5 vehicle; or

6 (8) A person or business entity that installs a mobile tracking  
7 device on any fixed-wing aircraft or rotorcraft operated or managed by  
8 the person or business entity pursuant to 14 C.F.R. part 91 or part 135  
9 to track the position or movement of the fixed-wing aircraft or  
10 rotorcraft.

11 **Sec. 5.** A violation of section 3 of this act is a Class IIIA  
12 felony.

13 **Sec. 6.** Section 28-311.02, Revised Statutes Supplement, 2025, is  
14 amended to read:

15 28-311.02 (1) It is the intent of the Legislature to enact laws  
16 dealing with stalking offenses which will protect victims from being  
17 willfully harassed, intentionally terrified, threatened, or intimidated  
18 by individuals who intentionally follow, detain, stalk, or harass them or  
19 impose any restraint on their personal liberty and which will not  
20 prohibit constitutionally protected activities.

21 (2) For purposes of sections 28-311.02 to 28-311.05:

22 ~~(a) Harass means to engage in a knowing and willful course of~~  
23 ~~conduct directed at a specific person which seriously terrifies,~~  
24 ~~threatens, or intimidates the person and which serves no legitimate~~  
25 ~~purpose;~~

26 (a) (b) Course of conduct means a pattern of conduct composed of a  
27 series of acts over a period of time, however short, evidencing a  
28 continuity of purpose, including a series of acts of following,  
29 detaining, restraining the personal liberty of, or stalking the person or  
30 telephoning, contacting, or otherwise communicating with the person;

31 (b) (c) Family or household member has the same meaning as in

1 ~~section 42-903; and means a spouse or former spouse of the victim,~~  
2 ~~children of the victim, a person presently residing with the victim or~~  
3 ~~who has resided with the victim in the past, a person who had a child in~~  
4 ~~common with the victim, other persons related to the victim by~~  
5 ~~consanguinity or affinity, or any person presently involved in a dating~~  
6 ~~relationship with the victim or who has been involved in a dating~~  
7 ~~relationship with the victim. For purposes of this subdivision, dating~~  
8 ~~relationship means frequent, intimate associations primarily~~  
9 ~~characterized by the expectation of affectional or sexual involvement but~~  
10 ~~does not include a casual relationship or an ordinary association between~~  
11 ~~persons in a business or social context; and~~

12 (c) Harass means to engage in a knowing and willful course of  
13 conduct directed at a specific person which seriously terrifies,  
14 threatens, or intimidates the person and which serves no legitimate  
15 purpose.

16 ~~(d) Substantially conforming criminal violation means a guilty plea,~~  
17 ~~a nolo contendere plea, or a conviction for a violation of any federal~~  
18 ~~law or law of another state or any county, city, or village ordinance of~~  
19 ~~this state or another state substantially similar to section 28-311.03.~~  
20 ~~Substantially conforming is a question of law to be determined by the~~  
21 ~~court.~~

22 **Sec. 7.** Section 28-311.04, Revised Statutes Supplement, 2025, is  
23 amended to read:

24 28-311.04 A violation of section 28-311.03 is a Class IIIA felony.

25 ~~(1) Except as provided in subsection (2) of this section, any person~~  
26 ~~convicted of violating section 28-311.03 is guilty of a Class I~~  
27 ~~misdemeanor.~~

28 ~~(2) Any person convicted of violating section 28-311.03 is guilty of~~  
29 ~~a Class IIIA felony if:~~

30 ~~(a) The person has a prior conviction under such section or a~~  
31 ~~substantially conforming criminal violation within the last seven years;~~

1       ~~(b) The victim is under sixteen years of age;~~

2       ~~(c) The person possessed a deadly weapon at any time during the~~  
3 ~~violation;~~

4       ~~(d) The person was also in violation of any protection order issued~~  
5 ~~under the Protection Orders Act or any valid foreign protection order~~  
6 ~~recognized pursuant to section 26-123 or 26-124 at any time during the~~  
7 ~~violation; or~~

8       ~~(e) The person has been convicted of any felony in this state or has~~  
9 ~~been convicted of a crime in another jurisdiction which, if committed in~~  
10 ~~this state, would constitute a felony and the victim or a family or~~  
11 ~~household member of the victim was also the victim of such previous~~  
12 ~~felony.~~

13       **Sec. 8.** Section 28-311.08, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15       28-311.08 (1) It shall be unlawful for any person to knowingly  
16 intrude upon any other person without his or her consent in a place of  
17 solitude or seclusion. Violation of this subsection is a Class I  
18 misdemeanor. A second or subsequent violation of this subsection is a  
19 Class IV felony.

20       (2) It shall be unlawful for any person to knowingly and  
21 intentionally photograph, film, or otherwise record an image or video of  
22 the intimate area of any other person without his or her knowledge and  
23 consent when his or her intimate area would not be generally visible to  
24 the public regardless of whether such other person is located in a public  
25 or private place. Violation of this subsection is a Class IV felony.

26       (3) It shall be unlawful for any person to knowingly and  
27 intentionally distribute or otherwise make public an image or video of  
28 another person recorded in violation of subsection (2) of this section  
29 without that person's consent. A first or second violation of this  
30 subsection is a Class IIA felony. A third or subsequent violation of this  
31 subsection is a Class II felony.

1           (4) It shall be unlawful for any person to knowingly and  
2 intentionally distribute or otherwise make public an image or video of  
3 another person's intimate area or of another person engaged in sexually  
4 explicit conduct (a) if the other person had a reasonable expectation  
5 that the image would remain private, (b) knowing the other person did not  
6 consent to distributing or making public the image or video, and (c) if  
7 distributing or making public the image or video serves no legitimate  
8 purpose. Violation of this subsection is a Class I misdemeanor. A second  
9 or subsequent violation of this subsection is a Class IV felony.

10           (5) It shall be unlawful for any person to threaten to distribute or  
11 otherwise make public an image or video of another person's intimate area  
12 or of another person engaged in sexually explicit conduct with the intent  
13 to intimidate, threaten, or harass any person. Violation of this  
14 subsection is a Class I misdemeanor.

15           (6) As part of sentencing following a conviction for a violation of  
16 subsection (1), (2), or (3) of this section, the court shall make a  
17 finding as to the ages of the defendant and the victim at the time the  
18 offense occurred. If the defendant is found to have been nineteen years  
19 of age or older and the victim is found to have been less than eighteen  
20 years of age at such time, then the defendant shall be required to  
21 register under the Sex Offender Registration Act.

22           (7) No person shall be prosecuted under this section unless the  
23 indictment for such offense is found by a grand jury or a complaint filed  
24 before a magistrate within three years after the later of:

25           (a) The commission of the crime;

26           (b) Law enforcement's or a victim's receipt of actual or  
27 constructive notice of either the existence of a video or other  
28 electronic recording made in violation of this section or the  
29 distribution of images, video, or other electronic recording made in  
30 violation of this section; or

31           (c) The youngest victim of a violation of this section reaching the



1 age of twenty-one years.

2 (8) For purposes of this section:

3 (a) Intimate area means the naked or undergarment-clad genitalia,  
4 pubic area, buttocks, or female breast of an individual;

5 (b) Intrude means either:

6 (i) Viewing another person in a state of undress as it is occurring,  
7 whether directly or through electronic or other remote means, including,  
8 but not limited to, by unmanned aircraft; or

9 (ii) Recording another person in a state of undress by video,  
10 photographic, digital, or other electronic means including, but not  
11 limited to, by unmanned aircraft; and

12 (c) Place of solitude or seclusion means a place where a person  
13 would intend to be in a state of undress and have a reasonable  
14 expectation of privacy, including, but not limited to, any facility,  
15 public or private, used as a restroom, tanning booth, locker room, shower  
16 room, fitting room, or dressing room; and -

17 (d) Unmanned aircraft means an aircraft, including an aircraft  
18 commonly known as a drone, which is operated without the possibility of  
19 direct human intervention from within or on the aircraft.

20 **Sec. 9.** Section 28-1205, Revised Statutes Supplement, 2025, is  
21 amended to read:

22 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron  
23 knuckles, or any other deadly weapon to commit any felony which may be  
24 prosecuted in a court of this state commits the offense of use of a  
25 deadly weapon to commit a felony.

26 (b) Use of a deadly weapon, other than a firearm, to commit a felony  
27 is a Class II felony.

28 (c) Use of a deadly weapon, which is a firearm, to commit a felony  
29 is a Class IC felony.

30 (2)(a) Any person who possesses a firearm, a knife, brass or iron  
31 knuckles, or a destructive device during the commission of any felony

1 which may be prosecuted in a court of this state commits the offense of  
2 possession of a deadly weapon during the commission of a felony.

3 (b) Possession of a deadly weapon, other than a firearm, during the  
4 commission of a felony is a Class III felony.

5 (c) Possession of a deadly weapon, which is a firearm, during the  
6 commission of a felony is a Class II felony.

7 (3)(a) Any person who carries a firearm or a destructive device  
8 during the commission of a dangerous misdemeanor commits the offense of  
9 carrying a firearm or destructive device during the commission of a  
10 dangerous misdemeanor.

11 (b) A violation of this subsection is a:

12 (i) Class I misdemeanor for a first or second offense; and

13 (ii) A Class IV felony for any third or subsequent offense.

14 (4) A violation of this section shall be treated as a separate and  
15 distinct offense from the underlying crimes being committed, and a  
16 sentence imposed under this section shall be consecutive to any other  
17 sentence imposed.

18 (5) Possession of a deadly weapon may be proved through evidence  
19 demonstrating either actual or constructive possession of a firearm, a  
20 knife, brass or iron knuckles, or a destructive device during,  
21 immediately prior to, or immediately after the commission of a felony.

22 (6) For purposes of this section:

23 (a) Dangerous misdemeanor means a misdemeanor violation of any of  
24 the following offenses:

25 ~~(i) Stalking under section 28-311.03;~~

26 (i) ~~(ii)~~ Knowing violation of any protection order issued under the  
27 Protection Orders Act;

28 (ii) ~~(iii)~~ Domestic assault under section 28-323;

29 (iii) ~~(iv)~~ Assault of an unborn child in the third degree under  
30 section 28-399;

31 (iv) ~~(v)~~ Theft by shoplifting under section 28-511.01;

1        (v) ~~(vi)~~ Unauthorized use of a propelled vehicle under section  
2 28-516;

3        (vi) ~~(vii)~~ Criminal mischief under section 28-519 if such violation  
4 arises from an incident involving the commission of a misdemeanor crime  
5 of domestic violence;

6        (vii) ~~(viii)~~ Impersonating a police officer under section 28-610;

7        (viii) ~~(ix)~~ Resisting arrest under section 28-904;

8        (ix) ~~(x)~~ Operating a motor vehicle or vessel to avoid arrest under  
9 section 28-905;

10       (x) ~~(xi)~~ Obstructing a peace officer under section 28-906; or

11       (xi) ~~(xii)~~ Any attempt under section 28-201 to commit an offense  
12 described in subdivisions (6)(a)(i) through (x) ~~(xi)~~ of this section;

13       (b) Destructive device has the same meaning as in section 28-1213;

14       (c) Misdemeanor crime of domestic violence has the same meaning as  
15 in section 28-1206; and

16       (d) Use of a deadly weapon includes the discharge, employment, or  
17 visible display of any part of a firearm, a knife, brass or iron  
18 knuckles, any other deadly weapon, or a destructive device during,  
19 immediately prior to, or immediately after the commission of a felony or  
20 communication to another indicating the presence of a firearm, a knife,  
21 brass or iron knuckles, any other deadly weapon, or a destructive device  
22 during, immediately prior to, or immediately after the commission of a  
23 felony, regardless of whether such firearm, knife, brass or iron  
24 knuckles, deadly weapon, or destructive device was discharged, actively  
25 employed, or displayed.

26       **Sec. 10.** Section 28-1206, Revised Statutes Supplement, 2025, is  
27 amended to read:

28       28-1206 (1) A person commits the offense of possession of a deadly  
29 weapon by a prohibited person if he or she:

30       (a) Possesses a firearm, a knife, or brass or iron knuckles and he  
31 or she:

- 1 (i) Has previously been convicted of a felony;
- 2 (ii) Is a fugitive from justice;
- 3 (iii) Is the subject of a current and valid protection order issued
- 4 under the Protection Orders Act or a current and valid foreign protection
- 5 order recognized under section 26-123 or 26-124 and is knowingly
- 6 violating such order; or
- 7 (iv) Is on probation pursuant to a deferred judgment for a felony
- 8 under section 29-2292 or 29-4803; or
- 9 (b) Possesses a firearm or brass or iron knuckles and he or she has
- 10 been convicted within the past seven years of a misdemeanor crime of
- 11 domestic violence.
- 12 (2) The felony conviction may have been had in any court in the
- 13 United States, the several states, territories, or possessions, or the
- 14 District of Columbia.
- 15 (3)(a) Possession of a deadly weapon which is not a firearm by a
- 16 prohibited person is a Class III felony.
- 17 (b) Possession of a deadly weapon which is a firearm by a prohibited
- 18 person is a Class ID felony for a first offense and a Class IB felony for
- 19 a second or subsequent offense.
- 20 (4) Subdivision (1)(a)(i) of this section shall not prohibit:
- 21 (a) Possession of archery equipment for lawful purposes; or
- 22 (b) If in possession of a recreational license, possession of a
- 23 knife for purposes of butchering, dressing, or otherwise processing or
- 24 harvesting game, fish, or furs.
- 25 (5)(a) For purposes of this section, misdemeanor crime of domestic
- 26 violence means a crime that:
- 27 (i) Is classified as a misdemeanor under the laws of the United
- 28 States or the District of Columbia or the laws of any state, territory,
- 29 possession, or tribe;
- 30 (ii) Has, as an element, the use or attempted use of physical force
- 31 or the threatened use of a deadly weapon; and

1       (iii) Is committed by another against his or her spouse, his or her  
2 former spouse, a person with whom he or she has a child in common whether  
3 or not they have been married or lived together at any time, or a person  
4 with whom he or she is or was involved in a dating relationship as  
5 defined in section 28-323.

6       (b) For purposes of this section, misdemeanor crime of domestic  
7 violence also includes the following offenses, if committed by a person  
8 against his or her spouse, his or her former spouse, a person with whom  
9 he or she is or was involved in a dating relationship as defined in  
10 section 28-323, or a person with whom he or she has a child in common  
11 whether or not they have been married or lived together at any time:

12       (i) Assault in the third degree under section 28-310;

13       ~~(ii) Stalking under subsection (1) of section 28-311.04;~~

14       (ii) ~~(iii)~~ False imprisonment in the second degree under section  
15 28-315;

16       (iii) ~~(iv)~~ First offense domestic assault in the third degree under  
17 subsection (1) of section 28-323; or

18       (iv) ~~(v)~~ Any attempt or conspiracy to commit any of such offenses.

19       (c) A person shall not be considered to have been convicted of a  
20 misdemeanor crime of domestic violence unless:

21       (i) The person was represented by counsel in the case or knowingly  
22 and intelligently waived the right to counsel in the case; and

23       (ii) In the case of a prosecution for a misdemeanor crime of  
24 domestic violence for which a person was entitled to a jury trial in the  
25 jurisdiction in which the case was tried, either:

26       (A) The case was tried to a jury; or

27       (B) The person knowingly and intelligently waived the right to have  
28 the case tried to a jury.

29       (6) In addition, for purposes of this section:

30       (a) Archery equipment means:

31       (i) A longbow, recurve bow, compound bow, or nonelectric crossbow

1 that is drawn or cocked with human power and released by human power; and  
2 (ii) Target or hunting arrows, including arrows with broad, fixed,  
3 or removable heads or that contain multiple sharp cutting edges; and  
4 (b) Recreational license means a state-issued license, certificate,  
5 registration, permit, tag, sticker, or other similar document or  
6 identifier evidencing permission to hunt, fish, or trap for furs in the  
7 State of Nebraska.

8 **Sec. 11.** (1) For purposes of this section:

9 (a) Restricted area means an area of airspace within the state that:

10 (i) The Federal Aviation Administration has determined to be a  
11 restricted area, either by way of a Notice to Airmen, Temporary Flight  
12 Restriction, No Drone Zone, or other means; or

13 (ii) Is classified as a Class B, C, or D airspace by the Federal  
14 Aviation Administration, as such classifications existed on January 1,  
15 2026; and

16 (b) Unmanned aircraft means an aircraft, including an aircraft  
17 commonly known as a drone, which is operated without the possibility of  
18 direct human intervention from within or on the aircraft.

19 (2) Anyone who launches, operates, or causes to be launched or  
20 operated, any unmanned aircraft system within the state shall present,  
21 immediately upon request by any peace officer, a current certificate of  
22 aircraft registration issued by the Federal Aviation Administration for  
23 the unmanned aircraft system.

24 (3) No person shall launch, operate, or cause to be launched or  
25 operated, any unmanned aircraft system in any restricted area unless such  
26 person:

27 (a) Has received approval from the Federal Aviation Administration  
28 to operate an unmanned aircraft system in the restricted area and is  
29 complying with all terms and conditions of such approval; and

30 (b) Prior to such operation, the person has notified all state,  
31 county, and municipal law enforcement agencies with jurisdiction in the

1 area that the person will be operating an unmanned aircraft in the  
2 restricted area and that such person has approval from the Federal  
3 Aviation Administration for such operation.

4 (4) A violation of this section is a Class III misdemeanor.

5 **Sec. 12.** (1) A person commits the offense of swatting if such  
6 person:

7 (a) Knowingly makes, causes to be made, or directs a false or  
8 misleading report of criminal activity or a need for emergency medical  
9 services or assistance from firefighters;

10 (b) Such report is made to a law enforcement agency, public safety  
11 answering point, or any other emergency response organization;

12 (c) The person knows or reasonably should know the report is false  
13 or misleading; and

14 (d) The report results in the dispatch of law enforcement,  
15 firefighters, or emergency response personnel.

16 (2) An offense under this section may be committed by any means of  
17 communication, including, but not limited to, direct communication,  
18 electronic communication, communication through a third party, or the use  
19 of automated or digital systems.

20 (3)(a) Except as otherwise provided in this subsection, a violation  
21 of this section is a Class I misdemeanor.

22 (b) A violation of this section is a Class II felony if the  
23 violation proximately:

24 (i) Results in serious bodily injury to any person; or

25 (ii) Causes a law enforcement officer to deploy or threaten to  
26 deploy deadly force.

27 (c) A violation of this section is a Class IB felony if the  
28 violation proximately results in the death of any person, including any  
29 law enforcement or emergency response personnel.

30 (4) Upon conviction for a violation of this section, the court  
31 shall, in addition to any other punishment imposed, order the defendant

to make restitution, in accordance with sections 29-2280 to 29-2289, for all reasonable costs incurred by any victim of the offense and by any government entity as a result of the violation. Such expenses include, but are not limited to, law enforcement, firefighting, and emergency response personnel costs, tactical or specialized unit deployment, medical treatment, and property damage.

(5) A violation of this section may be prosecuted in the county:

(a) In which the defendant made the false report;

(b) In which the recipient of the false report is located;

(c) Where the recipient responded to the false report; or

(d) Where the harm or risk of harm caused by the violation occurred.

(6) For purposes of this section:

(a) Law enforcement agency has the same meaning as in section 81-1401; and

(b) Public safety answering point has the same meaning as in section 86-1052.

**Sec. 13.** Section 29-2204.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~29-2204.02 (1) Except when a term of probation is required by law as provided in subsection (2) of this section or except as otherwise provided in subsection (2) (4) of this section, in imposing a sentence upon an offender for a Class III, IIIA, or IV felony, the court shall:~~

~~(a) Impose a determinate sentence of imprisonment within the applicable range in section 28-105; and~~

~~(b) Impose a sentence of post-release supervision, under the jurisdiction of the Office of Probation Administration, within the applicable range in section 28-105.~~

~~(2) If the criminal offense is a Class IV felony, the court shall impose a sentence of probation unless:~~

~~(a) The defendant is concurrently or consecutively sentenced to imprisonment for any felony other than another Class IV felony;~~



1       ~~(b) The defendant has been deemed a habitual criminal pursuant to~~  
2       ~~section 29-2221; or~~

3       ~~(c) There are substantial and compelling reasons why the defendant~~  
4       ~~cannot effectively and safely be supervised in the community, including,~~  
5       ~~but not limited to, the criteria in subsections (2) and (3) of section~~  
6       ~~29-2260. Unless other reasons are found to be present, that the offender~~  
7       ~~has not previously succeeded on probation is not, standing alone, a~~  
8       ~~substantial and compelling reason.~~

9       ~~(3) If a sentence of probation is not imposed, the court shall state~~  
10       ~~its reasoning on the record, advise the defendant of his or her right to~~  
11       ~~appeal the sentence, and impose a sentence as provided in subsection (1)~~  
12       ~~of this section.~~

13       ~~(2) (4)~~ For any sentence of imprisonment for a Class III, IIIA, or  
14       IV felony for an offense committed on or after August 30, 2015, imposed  
15       consecutively or concurrently with (a) a sentence for a Class III, IIIA,  
16       or IV felony for an offense committed prior to August 30, 2015, or (b) a  
17       sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA  
18       felony, the court shall impose an indeterminate sentence within the  
19       applicable range in section 28-105 that does not include a period of  
20       post-release supervision, in accordance with the process set forth in  
21       section 29-2204.

22       ~~(3) (5)~~ For any sentence of imprisonment for a misdemeanor imposed  
23       consecutively or concurrently with a sentence of imprisonment for a Class  
24       III, IIIA, or IV felony for an offense committed on or after August 30,  
25       2015, the court shall impose a determinate sentence within the applicable  
26       range in section 28-106 unless the person is also committed to the  
27       Department of Correctional Services in accordance with section 29-2204  
28       for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony  
29       committed prior to August 30, 2015, or (b) a sentence of imprisonment for  
30       a Class I, IA, IB, IC, ID, II, or IIA felony.

31       ~~(4) (6)~~ If the defendant was under eighteen years of age at the time

1 he or she committed the crime for which he or she was convicted, the  
2 court may, in its discretion, instead of imposing the penalty provided  
3 for the crime, make such disposition of the defendant as the court deems  
4 proper under the Nebraska Juvenile Code.

5 ~~(5)(a)~~ ~~(7)(a)~~ When imposing a determinate sentence upon an offender  
6 under this section, the court shall:

7 (i) Advise the offender on the record the time the offender will  
8 serve on his or her term of imprisonment before his or her term of post-  
9 release supervision assuming that no good time for which the offender  
10 will be eligible is lost;

11 (ii) Advise the offender on the record the time the offender will  
12 serve on his or her term of post-release supervision; and

13 (iii) When imposing a sentence following revocation of post-release  
14 supervision, advise the offender on the record the time the offender will  
15 serve on his or her term of imprisonment, including credit for time  
16 served, assuming that no good time for which the offender will be  
17 eligible is lost.

18 (b) If a period of post-release supervision is required but not  
19 imposed by the sentencing court, the term of post-release supervision  
20 shall be the minimum provided by law.

21 (c) If the court imposes more than one sentence upon an offender or  
22 imposes a sentence upon an offender who is at that time serving another  
23 sentence, the court shall state whether the sentences are to be  
24 concurrent or consecutive.

25 (d) If the offender has been sentenced to two or more determinate  
26 sentences and one or more terms of post-release supervision, the offender  
27 shall serve all determinate sentences before being released on post-  
28 release supervision.

29 **Sec. 14.** Section 29-2308, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-2308 (1) In all criminal cases that now are or may hereafter be

1 pending in the Court of Appeals or Supreme Court, the appellate court may  
2 reduce the sentence rendered by the district court against the accused  
3 when in its opinion the sentence is excessive, and it shall be the duty  
4 of the appellate court to render such sentence against the accused as in  
5 its opinion may be warranted by the evidence.

6 (2) No judgment shall be set aside, new trial granted, or judgment  
7 rendered in any criminal case on the grounds of misdirection of the jury  
8 or the improper admission or rejection of evidence or for error as to any  
9 matter of pleading or procedure if the appellate court, after an  
10 examination of the entire cause, considers that no substantial  
11 miscarriage of justice has actually occurred.

12 ~~(2) In all criminal cases based on offenses subject to determinate~~  
13 ~~sentencing under subsection (2) of section 29-2204.02, the appellate~~  
14 ~~court may determine that a sentence is excessive because the district~~  
15 ~~court did not provide substantial and compelling reasons for imposing a~~  
16 ~~sentence other than probation.~~

17 **Sec. 15.** Section 29-4103, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-4103 For purposes of the DNA Identification Information Act:

20 (1) Combined DNA Index System means the Federal Bureau of  
21 Investigation's national DNA identification index system that allows the  
22 storage and exchange of DNA records submitted by state and local forensic  
23 DNA laboratories;

24 (2) DNA means deoxyribonucleic acid which is located in the cells  
25 and provides an individual's personal genetic blueprint. DNA encodes  
26 genetic information that is the basis of human heredity and forensic  
27 identification;

28 (3) DNA record means the DNA identification information stored in  
29 the State DNA Database or the Combined DNA Index System which is derived  
30 from DNA typing test results;

31 (4) DNA sample means a blood, tissue, or bodily fluid sample

1 provided by any person covered by the DNA Identification Information Act  
2 for analysis or storage, or both;

3 (5) DNA typing tests means the laboratory procedures which evaluate  
4 the characteristics of a DNA sample which are of value in establishing  
5 the identity of an individual;

6 (6) Law enforcement agency includes a police department, a town  
7 marshal, a county sheriff, and the Nebraska State Patrol;

8 (7) Other specified offense means:

9 ~~(a) False misdemeanor stalking pursuant to sections 28-311.02 to~~  
10 ~~28-311.05 or false imprisonment in the second degree pursuant to section~~  
11 ~~28-315; or~~

12 ~~(b) An attempt, conspiracy, or solicitation to commit any of the~~  
13 ~~following offenses: False stalking pursuant to sections 28-311.02 to~~  
14 ~~28-311.05, false imprisonment in the first degree pursuant to section~~  
15 ~~28-314, false imprisonment in the second degree pursuant to section~~  
16 ~~28-315, knowing and intentional sexual abuse of a vulnerable adult or~~  
17 ~~senior adult pursuant to subdivision (1)(c) of section 28-386, or a~~  
18 ~~violation of the Sex Offender Registration Act pursuant to section~~  
19 ~~29-4011; and~~

20 (8) Released means any release, parole, furlough, work release,  
21 prerelease, or release in any other manner from a prison, a jail, or any  
22 other detention facility or institution.

23 **Sec. 16.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 84-941.01 Potentially disqualifying conviction includes a conviction  
26 for:

27 (1) Criminal attempt as provided in section 28-201, conspiracy as  
28 provided in section 28-202, or aiding and abetting as provided in section  
29 28-206, to commit an offense listed in this section;

30 (2) Murder as provided in sections 28-303 or 28-304;

31 (3) Manslaughter as provided in section 28-305;

- 1 (4) Motor vehicle homicide as provided in section 28-306;
- 2 (5) Assault in the first or second degree as provided in sections
- 3 28-308 and 28-309;
- 4 (6) Terroristic threats as provided in section 28-311.01;
- 5 (7) Stalking as provided in section 28-311.03;
- 6 (8) A violation relating to mobile tracking devices under section 3
- 7 of this act;
- 8 (9) ~~(8)~~ Kidnapping as provided in section 28-313;
- 9 (10) ~~(9)~~ False imprisonment as provided in sections 28-314 and
- 10 28-315;
- 11 (11) ~~(10)~~ A sexual act subject to criminal penalties as provided in
- 12 sections 28-317 to 28-322.05;
- 13 (12) ~~(11)~~ Domestic assault as provided in section 28-323;
- 14 (13) ~~(12)~~ Robbery as provided in section 28-324;
- 15 (14) ~~(13)~~ Arson as provided in sections 28-502, 28-503, and 28-504;
- 16 (15) ~~(14)~~ Fraud subject to criminal penalties as provided in
- 17 sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- 18 (16) ~~(15)~~ Theft as provided in sections 28-511, 28-512, 28-513, and
- 19 28-515;
- 20 (17) ~~(16)~~ Forgery as provided in sections 28-602 and 28-603;
- 21 (18) ~~(17)~~ Incest as provided in section 28-703;
- 22 (19) ~~(18)~~ Child abuse as provided in section 28-707;
- 23 (20) ~~(19)~~ Human trafficking, labor trafficking, sex trafficking,
- 24 labor trafficking of a minor, or sex trafficking of a minor as provided
- 25 in section 28-831;
- 26 (21) ~~(20)~~ False reporting as provided in section 28-907;
- 27 (22) Swatting under section 12 of this act;
- 28 (23) ~~(21)~~ Perjury as provided in section 28-915;
- 29 (24) ~~(22)~~ Assault on an officer, an emergency responder, certain
- 30 employees, or a health care professional in the first degree as provided
- 31 in section 28-929;

1        ~~(25)~~ ~~(23)~~ Assault on an officer, an emergency responder, certain  
2 employees, or a health care professional in the second degree as provided  
3 in section 28-930;

4        ~~(26)~~ ~~(24)~~ Assault on an officer, an emergency responder, certain  
5 employees, or a health care professional in the third degree as provided  
6 in section 28-931;

7        ~~(27)~~ ~~(25)~~ Assault on an officer, an emergency responder, certain  
8 employees, or a health care professional using a motor vehicle as  
9 provided in section 28-931.01;

10       ~~(28)~~ ~~(26)~~ An offense that has as an element the threat to inflict  
11 serious bodily injury as defined in section 28-109 or death on another  
12 person, the intentional infliction of serious bodily injury as defined in  
13 section 28-109 on another person, or intentionally causing the death of  
14 another person;

15       ~~(29)~~ ~~(27)~~ An offense for which registration is required under the  
16 Sex Offender Registration Act; or

17       ~~(30)~~ ~~(28)~~ Any offense under the laws of another jurisdiction that is  
18 substantially equivalent to any of the offenses listed in this section.

19       **Sec. 17.** Section 86-2,103, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21       86-2,103 (1) A district court may issue a warrant or other order for  
22 the installation of a mobile tracking device, and such order may  
23 authorize the use of that device within the jurisdiction of the court and  
24 outside that jurisdiction if the device is installed in that  
25 jurisdiction.

26       (2) For purposes of this section, mobile tracking device means any:

27       (a) Electronic ~~an electronic~~ or mechanical device which permits the  
28 tracking of the movement of a person or object; or -

29       (b) Software program installed on a person's electronic device which  
30 permits the tracking of the movement of a person or object.

31       **Sec. 18.** Original sections 29-2204.02, 29-2308, 29-4103, 84-941.01,

1 and 86-2,103, Reissue Revised Statutes of Nebraska, section 28-311.08,  
2 Revised Statutes Cumulative Supplement, 2024, and sections 28-101,  
3 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes Supplement,  
4 2025, are repealed.