

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:

30 (ii) Has, as an element, the use or attempted use of physical force
31 or the threatened use of a deadly weapon; and

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

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

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

- 8 (a) In which the defendant made the false report;
- 9 (b) In which the recipient of the false report is located;
- 10 (c) Where the recipient responded to the false report; or
- 11 (d) Where the harm or risk of harm caused by the violation occurred.

12 (6) For purposes of this section:

13 (a) Law enforcement agency has the same meaning as in section
14 81-1401; and

15 (b) Public safety answering point has the same meaning as in section
16 86-1052.

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

19 29-2204.02 (1) Except when a term of probation is required by law as
20 provided in subsection (2) of this section or except as otherwise
21 provided in subsection (2) (4) of this section, in imposing a sentence
22 upon an offender for a Class III, IIIA, or IV felony, the court shall:

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

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

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

30 (a) The defendant is concurrently or consecutively sentenced to
31 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;

(4) Motor vehicle homicide as provided in section 28-306;

(5) Assault in the first or second degree as provided in sections 28-308 and 28-309;

(6) Terroristic threats as provided in section 28-311.01;

(7) Stalking as provided in section 28-311.03;

(8) A violation relating to mobile tracking devices under section 3 of this act;

(9) (8) Kidnapping as provided in section 28-313;

(10) (9) False imprisonment as provided in sections 28-314 and 28-315;

(11) (10) A sexual act subject to criminal penalties as provided in sections 28-317 to 28-322.05;

(12) (11) Domestic assault as provided in section 28-323;

(13) (12) Robbery as provided in section 28-324;

(14) (13) Arson as provided in sections 28-502, 28-503, and 28-504;

(15) (14) Fraud subject to criminal penalties as provided in sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

(16) (15) Theft as provided in sections 28-511, 28-512, 28-513, and 28-515;

(17) (16) Forgery as provided in sections 28-602 and 28-603;

(18) (17) Incest as provided in section 28-703;

(19) (18) Child abuse as provided in section 28-707;

(20) (19) Human trafficking, labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor as provided in section 28-831;

(21) (20) False reporting as provided in section 28-907;

(22) Swatting under section 12 of this act;

(23) (21) Perjury as provided in section 28-915;

(24) (22) Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree as provided 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.