

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1059

Introduced by Bosn, 25.

Read first time January 14, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 86-2,103, Reissue Revised Statutes of Nebraska, and sections 28-101,
3 28-311.02, and 28-311.04, Revised Statutes Supplement, 2025; to
4 prohibit certain conduct relating to mobile tracking devices; to
5 provide penalties; to define and redefine terms; to change penalties
6 for stalking; to change provisions relating to intercepted
7 communications; to harmonize provisions; and to repeal the original
8 sections.

9 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 of this act shall be known and may be cited as the
5 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) Conviction or convicted has the same meaning as in section
11 28-311.02;

12 (3) Mobile tracking device has the same meaning as in section
13 86-2,103;

14 (4) Private investigator means a person licensed under sections
15 71-3201 to 71-3213;

16 (5) Protection order means any protection order issued or recognized
17 under the Protection Orders Act;

18 (6) Senior adult has the same meaning as in section 28-366.01;

19 (7) Substantially conforming criminal violation has the same meaning
20 as in section 28-311.02; and

21 (8) Vulnerable adult has the same meaning as in section 28-371.

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

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

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

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31 consent when such consent has been revoked.

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3 person's property, such consent shall be deemed to have been revoked if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

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

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

10 (c) The consenting person receives a protection order against the
11 person to whom consent was given. Revocation under this subdivision (2)
12 (c) is effective when the person to whom consent was given has notice of
13 such protection order.

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

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

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

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

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

28 (b) The parent or legal guardian of the child is the sole surviving
29 parent or legal guardian of the child;

30 (c) The parent or legal guardian of the child has sole custody of
31 the child; or

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

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

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

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

18 (i) Criminal offenses committed, threatened, or suspected against
19 the United States, a territory of the United States, a state, or any
20 person or legal entity;

21 (ii) Locating an individual known to be a fugitive from justice;
22 (iii) Locating lost or stolen property or other assets that have
23 been awarded by the court; or

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

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

30 (7) An owner or lessee of a motor vehicle who installs, or directs
31 the installation of, a mobile tracking device on the motor vehicle during

1 the period of ownership or lease, if any of the following applies:

2 (a) The mobile tracking device is removed before the motor vehicle's

3 title is transferred or the motor vehicle's lease expires;

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

5 the lessor of the motor vehicle, in the case of an expired lease,

6 consents in writing to the nonremoval of the mobile tracking device; or

7 (c) The owner of the motor vehicle at the time of the installation

8 of the mobile tracking device was the original manufacturer of the motor

9 vehicle; or

10 (8) A person or business entity that installs a mobile tracking

11 device on any fixed-wing aircraft or rotorcraft operated or managed by

12 the person or business entity pursuant to 14 C.F.R. part 91 or part 135

13 to track the position or movement of the fixed-wing aircraft or

14 rotorcraft.

15 **Sec. 5.** (1) Except as provided in subsection (2) of this section, a

16 violation of section 3 of this act is a Class I misdemeanor.

17 (2) A violation of section 3 of this act is a Class IIIA felony if

18 any of the following applies:

19 (a) The offender has previously been convicted of a violation of

20 section 3 of this act or a substantially conforming criminal violation;

21 (b) The offender has previously been convicted of a violation of

22 section 28-311.03 or a substantially conforming criminal violation;

23 (c) At the time of the commission of the offense, the offender was

24 subject to the restrictions of a protection order, regardless of whether

25 the person to be protected under the order is the victim of the offense

26 or another person; or

27 (d) The offender has a history of violence toward the victim.

28 **Sec. 6.** Section 28-311.02, Revised Statutes Supplement, 2025, is

29 amended to read:

30 28-311.02 (1) It is the intent of the Legislature to enact laws

31 dealing with stalking offenses which will protect victims from being

1 willfully harassed, intentionally terrified, threatened, or intimidated
2 by individuals who intentionally follow, detain, stalk, or harass them or
3 impose any restraint on their personal liberty and which will not
4 prohibit constitutionally protected activities.

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

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

10 (a)(i) Conviction or convicted includes a plea or verdict of guilty
11 or a conviction following a plea of nolo contendere.

12 (ii) Conviction or convicted includes a conviction that has been set
13 aside under section 29-2264.

14 (iii) Conviction or convicted does not include a conviction for
15 which a pardon has been obtained;

16 (b) Course of conduct means a pattern of conduct composed of a
17 series of acts over a period of time, however short, evidencing a
18 continuity of purpose, including a series of acts of following,
19 detaining, restraining the personal liberty of, or stalking the person or
20 telephoning, contacting, or otherwise communicating with the person;

21 (c) Family or household member has the same meaning as in section
22 42-903; means a spouse or former spouse of the victim, children of the
23 victim, a person presently residing with the victim or who has resided
24 with the victim in the past, a person who had a child in common with the
25 victim, other persons related to the victim by consanguinity or affinity,
26 or any person presently involved in a dating relationship with the victim
27 or who has been involved in a dating relationship with the victim. For
28 purposes of this subdivision, dating relationship means frequent,
29 intimate associations primarily characterized by the expectation of
30 affectional or sexual involvement but does not include a casual
31 relationship or an ordinary association between persons in a business or

1 ~~social context; and~~

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

6 ~~(e)(i) (d) Substantially conforming criminal violation means a~~
7 ~~criminal violation of federal law, the law of another state, or an~~
8 ~~ordinance of a county, city, or village of this state or another state~~
9 ~~that is substantially similar to the Nebraska statute at issue. a guilty~~
10 ~~plea, a nolo contendere plea, or a conviction for a violation of any~~
11 ~~federal law or law of another state or any county, city, or village~~
12 ~~ordinance of this state or another state substantially similar to section~~
13 ~~28-311.03. Substantially~~

14 ~~(ii) Whether a violation is substantially conforming is a question~~
15 ~~of law to be determined by the court.~~

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

18 ~~28-311.04 (1) Except as provided in subsection (2) of this section,~~
19 ~~any person convicted of violating section 28-311.03 is guilty of a Class~~
20 ~~I misdemeanor.~~

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

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

25 ~~(1) Except as provided in subsection (2) of this section, a~~
26 ~~violation of section 28-311.03 is a Class I misdemeanor.~~

27 ~~(2) A violation of section 28-311.03 is a Class IIIA felony if:~~

28 ~~(a) The defendant has previously been convicted of a violation of~~
29 ~~section 28-311.03 or a substantially conforming criminal violation;~~

30 ~~(b) The defendant has previously been convicted of a violation of~~
31 ~~section 3 of this act or a substantially conforming criminal violation;~~

1 (c) (b) The victim is under sixteen years of age;
2 (d) (e) The person possessed a deadly weapon at any time during the
3 violation;

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

8 (f) (e) The person has been convicted of any felony in this state or
9 has been convicted of a crime in another jurisdiction which, if committed
10 in 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 86-2,103, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 86-2,103 (1) A district court may issue a warrant or other order for
16 the installation of a mobile tracking device, and such order may
17 authorize the use of that device within the jurisdiction of the court and
18 outside that jurisdiction if the device is installed in that
19 jurisdiction.

20 (2) For purposes of this section, mobile tracking device means any:
21 (a) Electronic ~~an electronic~~ or mechanical device which permits the
22 tracking of the movement of a person or object; or -

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

25 **Sec. 9.** Original section 86-2,103, Reissue Revised Statutes of
26 Nebraska, and sections 28-101, 28-311.02, and 28-311.04, Revised Statutes
27 Supplement, 2025, are repealed.