

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 511

Introduced by Holdcroft, 36.

Read first time January 21, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 25-21,302, 28-801.01, 29-4001, 29-4001.01, and 84-941.01, Reissue
3 Revised Statutes of Nebraska, and sections 28-101, 28-830, 28-831,
4 28-1354, 29-110, 29-3005, 29-3523, 29-4003, 29-4007, 29-4802, and
5 76-1410, Revised Statutes Cumulative Supplement, 2024; to change the
6 offense of solicitation of prostitution to the offense of commercial
7 sexual exploitation and change the elements of, and penalties for,
8 such offense; to provide for setting aside and expunging convictions
9 for certain first offense violations of such offense; to transfer
10 provisions relating to human trafficking; to define and redefine
11 terms; to create a grant program to provide funding for law
12 enforcement agencies; to provide powers and duties for the Nebraska
13 Commission on Law Enforcement and Criminal Justice; to require
14 registration under the Sex Offender Registration Act for
15 solicitation of prostitution, certain trafficking offenses, and
16 certain inchoate and related offenses; to change procedures and
17 requirements relating to registration for certain offenses; to state
18 legislative intent regarding appropriations; to require the
19 Department of Health and Human Services to conduct education,
20 awareness, and outreach campaigns relating to healthy families,
21 pornography, and prostitution; to eliminate obsolete provisions; to
22 harmonize provisions; to provide an operative date; and to repeal
23 the original sections.

1 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 25-21,302, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,302 (1)(a) In addition to any other civil or criminal
4 penalties provided by law, any property used in the commission of a
5 violation of the Child Pornography Prevention Act or section 28-813,
6 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or
7 section 6, 7, or 8 of this act may be forfeited through a proceeding as
8 provided in this section.

9 (b) The following property shall be subject to forfeiture if used or
10 intended for use as an instrumentality in or used in furtherance of a
11 violation of the Child Pornography Prevention Act or section 28-813,
12 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or
13 section 6, 7, or 8 of this act:

14 (i) Conveyances, including aircraft, vehicles, or vessels;

15 (ii) Books, records, telecommunication equipment, or computers;

16 (iii) Money or weapons;

17 (iv) Everything of value furnished, or intended to be furnished, in
18 exchange for an act in violation and all proceeds traceable to the
19 exchange;

20 (v) Negotiable instruments and securities;

21 (vi) Any property, real or personal, directly or indirectly acquired
22 or received in a violation or as an inducement to violate;

23 (vii) Any property traceable to proceeds from a violation; and

24 (viii) Any real property, including any right, title, and interest
25 in the whole of or any part of any lot or tract of land, used in
26 furtherance of a violation of the Child Pornography Prevention Act or
27 section 28-813, 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01,
28 or 28-1107 or section 6, 7, or 8 of this act.

29 (c)(i) No property used by any person as a common carrier in the
30 transaction of business as a common carrier is subject to forfeiture
31 under this section unless it appears that the owner or other person in

1 charge of the property is a consenting party or privy to a violation of
2 the Child Pornography Prevention Act or section 28-813, 28-831, 28-1102,
3 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or section 6, 7, or 8
4 of this act.

5 (ii) No property is subject to forfeiture under this section by
6 reason of any act or omission proved by the owner thereof to have been
7 committed or omitted without his or her actual knowledge or consent. If
8 the confiscating authority has reason to believe that the property is
9 leased or rented property, then the confiscating authority shall notify
10 the owner of the property within five days after the confiscation or
11 within five days after forming reason to believe that the property is
12 leased or rented property.

13 (iii) Forfeiture of property encumbered by a bona fide security
14 interest is subject to the interest of the secured party if such party
15 neither had actual knowledge of nor consented to the act or omission.

16 (2) No property shall be forfeited under this section, to the extent
17 of the interest of an owner, by reason of any act or omission established
18 by the owner to have been committed or omitted without his or her actual
19 knowledge or consent.

20 (3) Seizure without process may be made if the seizure is incident
21 to an arrest or a search under a search warrant.

22 (4)(a) When any property is seized under this section, proceedings
23 shall be instituted within a reasonable period of time from the date of
24 seizure or the subject property shall be immediately returned to the
25 party from whom seized.

26 (b) A petition for forfeiture shall be filed by the Attorney General
27 or a county attorney in the name of the State of Nebraska and may be
28 filed in the county in which the seizure is made, the county in which the
29 criminal prosecution is brought, or the county in which the owner of the
30 seized property is found. Forfeiture proceedings may be brought in the
31 district court or the county court. A copy of the petition shall be

1 served upon the following persons by service of process in the same
2 manner as in civil cases:

3 (i) The owner of the property if the owner's address is known;

4 (ii) Any secured party who has registered a lien or filed a
5 financing statement as provided by law if the identity of the secured
6 party can be ascertained by the entity filing the petition by making a
7 good faith effort to ascertain the identity of the secured party;

8 (iii) Any other bona fide lienholder or secured party or other
9 person holding an interest in the property in the nature of a security
10 interest of whom the seizing law enforcement agency has actual knowledge;
11 and

12 (iv) Any person in possession of property subject to forfeiture at
13 the time that it was seized.

14 (5) If the property is a motor vehicle subject to titling under the
15 Motor Vehicle Certificate of Title Act or a vessel subject to titling
16 under the State Boat Act, and if there is any reasonable cause to believe
17 that the motor vehicle or vessel has been titled, inquiry of the
18 Department of Motor Vehicles shall be made as to what the records of the
19 department show as to who is the record owner of the motor vehicle or
20 vessel and who, if anyone, holds any lien or security interest that
21 affects the motor vehicle or vessel.

22 (6) If the property is a motor vehicle or vessel and is not titled
23 in the State of Nebraska, then an attempt shall be made to ascertain the
24 name and address of the person in whose name the motor vehicle or vessel
25 is licensed, and if the motor vehicle or vessel is licensed in a state
26 which has in effect a certificate of title law, inquiry of the
27 appropriate agency of that state shall be made as to what the records of
28 the agency show as to who is the record owner of the motor vehicle or
29 vessel and who, if anyone, holds any lien, security interest, or other
30 instrument in the nature of a security device that affects the motor
31 vehicle or vessel.

1 (7) If the property is of a nature that a financing statement is
2 required by the laws of this state to be filed to perfect a security
3 interest affecting the property and if there is any reasonable cause to
4 believe that a financing statement covering the security interest has
5 been filed under the laws of this state, inquiry shall be made as to what
6 the records show as to who is the record owner of the property and who,
7 if anyone, has filed a financing statement affecting the property.

8 (8) If the property is an aircraft or part thereof and if there is
9 any reasonable cause to believe that an instrument in the nature of a
10 security device affects the property, inquiry shall be made as to what
11 the records of the Federal Aviation Administration show as to who is the
12 record owner of the property and who, if anyone, holds an instrument in
13 the nature of a security device which affects the property.

14 (9) If the answer to an inquiry states that the record owner of the
15 property is any person other than the person who was in possession of it
16 when it was seized or states that any person holds any lien, encumbrance,
17 security interest, other interest in the nature of a security interest,
18 mortgage, or deed of trust that affects the property, the record owner
19 and also any lienholder, secured party, other person who holds an
20 interest in the property in the nature of a security interest, or holder
21 of an encumbrance, mortgage, or deed of trust that affects the property
22 is to be named in the petition of forfeiture and is to be served with
23 process in the same manner as in civil cases.

24 (10) If the owner of the property cannot be found and served with a
25 copy of the petition of forfeiture or if no person was in possession of
26 the property subject to forfeiture at the time that it was seized and the
27 owner of the property is unknown, there shall be filed with the clerk of
28 the court in which the proceeding is pending an affidavit to such effect,
29 whereupon the clerk of the court shall publish notice of the hearing
30 addressed to "the Unknown Owner of, " filling in the blank
31 space with a reasonably detailed description of the property subject to

1 forfeiture. Service by publication shall be completed in the same manner
2 as is provided in the code of civil procedure for the service of process
3 in civil actions in the district courts of this state.

4 (11) No proceedings instituted pursuant to this section shall
5 proceed to hearing unless the judge conducting the hearing is satisfied
6 that this section has been complied with. Any answer received from an
7 inquiry required by this section shall be introduced into evidence at the
8 hearing.

9 (12)(a) An owner of property that has been seized shall file an
10 answer within thirty days after the completion of service of process. If
11 an answer is not filed, the court shall hear evidence that the property
12 is subject to forfeiture and forfeit the property to the seizing law
13 enforcement agency. If an answer is filed, a time for hearing on
14 forfeiture shall be set within thirty days after filing the answer or at
15 the succeeding term of court if court would not be in session within
16 thirty days after filing the answer. The court may postpone the
17 forfeiture hearing to a date past the time any criminal action is pending
18 against the owner upon request of any party.

19 (b) If the owner of the property has filed an answer denying that
20 the property is subject to forfeiture, then the burden is on the
21 petitioner to prove that the property is subject to forfeiture. However,
22 if an answer has not been filed by the owner of the property, the
23 petition for forfeiture may be introduced into evidence and is prima
24 facie evidence that the property is subject to forfeiture. The burden of
25 proof placed upon the petitioner in regard to property forfeited under
26 this section shall be by clear and convincing evidence.

27 (c) At the hearing any claimant of any right, title, or interest in
28 the property may prove his or her lien, encumbrance, security interest,
29 other interest in the nature of a security interest, mortgage, or deed of
30 trust to be bona fide and created without actual knowledge or consent
31 that the property was to be used so as to cause the property to be

1 subject to forfeiture.

2 (d) If it is found that the property is subject to forfeiture, then
3 the judge shall forfeit the property. However, if proof at the hearing
4 discloses that the interest of any bona fide lienholder, any secured
5 party, any other person holding an interest in the property in the nature
6 of a security interest, or any holder of a bona fide encumbrance,
7 mortgage, or deed of trust is greater than or equal to the present value
8 of the property, the court shall order the property released to him or
9 her. If the interest is less than the present value of the property and
10 if the proof shows that the property is subject to forfeiture, the court
11 shall order the property forfeited.

12 (13) Unless otherwise provided in this section, all personal
13 property which is forfeited under this section shall be liquidated and,
14 after deduction of court costs and the expense of liquidation, the
15 proceeds shall be remitted to the county treasurer of the county in which
16 the seizure was made. The county treasurer shall remit all such proceeds
17 from property forfeited pursuant to this section to the State Treasurer
18 for distribution in accordance with Article VII, section 5, of the
19 Constitution of Nebraska.

20 (14) All money forfeited under this section shall be remitted in the
21 same manner as provided in subsection (13) of this section.

22 (15) All real estate forfeited under this section shall be sold to
23 the highest bidder at a public auction for cash, the auction to be
24 conducted by the county sheriff or his or her designee at such place, on
25 such notice, and in accordance with the same procedure, as far as
26 practicable, as is required in the case of sales of land under execution
27 at law. The proceeds of the sale shall first be applied to the cost and
28 expense in administering and conducting the sale, then to the
29 satisfaction of all mortgages, deeds of trust, liens, and encumbrances of
30 record on the property. The remaining proceeds shall be remitted in the
31 same manner as provided in subsection (13) of this section.

1 (16) The forfeiture procedure set forth in this section is the sole
2 remedy of any claimant, and no court shall have jurisdiction to interfere
3 therewith by replevin, by injunction, by supersedeas, or by any other
4 manner.

5 **Sec. 2.** Section 28-101, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
8 and sections 6 to 9 of this act shall be known and may be cited as the
9 Nebraska Criminal Code.

10 **Sec. 3.** Section 28-801.01, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-801.01 (1) A Any person commits the offense of commercial sexual
13 exploitation if the who solicits another person pays, or offers or agrees
14 to pay, money or another thing of value to a person who is not his or her
15 spouse to perform any act of sexual contact or sexual penetration, as
16 those terms are defined in section 28-318 ~~, in exchange for money or~~
17 ~~other thing of value, commits solicitation of prostitution.~~

18 (2) Any person convicted of violating subsection (1) of this section
19 shall be punished as follows:

20 (a) For a first offense, if the person solicited was eighteen years
21 of age or older at the time of the offense, the violator shall:

22 (i) Be guilty of a Class I misdemeanor;

23 (ii) Subject to section 29-2206, be ordered to pay a fine of one
24 thousand dollars; and

25 (iii) Attend and complete the assessment and program required under
26 subsection (3) of this section; and

27 (b) For a first offense, if the person solicited was younger than
28 eighteen years of age at the time of the offense, or for any second or
29 subsequent offense regardless of the age of the person solicited, the
30 violator shall:

31 (i) Be guilty of a Class IV felony;

1 (ii) Subject to section 29-2206, be ordered to pay a fine of five
2 thousand dollars; and

3 (iii) Be required to register under the Sex Offender Registration
4 Act.

5 ~~(a) If such person has had no prior convictions, such person shall~~
6 ~~be guilty of a Class I misdemeanor and pay a fine of not less than two~~
7 ~~hundred fifty dollars, unless the person solicited is under the age of~~
8 ~~eighteen years, in which case such person violating this section shall be~~
9 ~~guilty of a Class IV felony. If the court places such person on~~
10 ~~probation, such order of probation shall include in its conditions (i)~~
11 ~~the payment of a fine of not less than two hundred fifty dollars, (ii)~~
12 ~~that such person shall satisfactorily attend and complete an appropriate~~
13 ~~mental health and substance abuse assessment conducted by a licensed~~
14 ~~mental health professional or substance abuse professional authorized to~~
15 ~~complete such assessment, and (iii) that such person shall satisfactorily~~
16 ~~attend and complete, at his or her own expense, an educational program~~
17 ~~designed to educate participants on the effect of prostitution on the~~
18 ~~participants' health, on the person solicited, and on the community; and~~

19 ~~(b) If such person has had one or more prior convictions, such~~
20 ~~person shall be guilty of a Class IV felony and pay a fine of not less~~
21 ~~than five hundred dollars. If the court places such person on probation,~~
22 ~~such order of probation shall include in its conditions (i) the payment~~
23 ~~of a fine of not less than five hundred dollars, (ii) that~~

24 (3)(a) For an offense described in subdivision (2)(a) of this
25 section, the court shall order the violator to such person shall
26 satisfactorily attend and complete;

27 (i) An ~~an~~ appropriate mental health and substance abuse assessment
28 conducted by a licensed mental health professional or substance abuse
29 professional authorized to complete such assessment; ~~and~~

30 (ii) At ~~(iii) that such person shall satisfactorily attend and~~
31 ~~complete, at his or her own expense, an educational program designed to~~

1 educate participants on the negative effects ~~effect~~ of prostitution on
2 the participants' health, on the health of their families, on the person
3 solicited, and on the community.

4 (b) The Nebraska Commission on Law Enforcement and Criminal Justice
5 shall develop or approve programs that satisfy the requirements of
6 subdivision (3)(a)(ii) of this section. Such programs shall incorporate
7 evidence-based practices and best practices from other jurisdictions.

8 (4) (3) It is an affirmative defense to prosecution under this
9 section that such person was a trafficking victim as defined in section
10 28-830.

11 (5)(a) A person convicted of an offense described in subdivision (2)
12 (a) of this section who completes the sentence for such offense may file
13 a motion in the court of conviction to set aside the conviction.

14 (b) For purposes of this section, a sentence is successfully
15 completed if the offender has:

16 (i) Completed any sentence of imprisonment;

17 (ii) Paid the fine, unless such fine has been waived or discharged;
18 and

19 (iii) Successfully attended and completed the assessment and program
20 required by subdivision (3)(a) of this section.

21 (c) If the court determines that the person has successfully
22 completed such person's sentence and that such person has not been
23 convicted of any second or subsequent violation of this section, the
24 court shall grant the motion and issue an order setting aside the
25 conviction.

26 (d) An order setting aside a conviction or an adjudication under
27 this subsection shall have the same effect as an order setting aside a
28 conviction as provided in subsections (5) and (6) of section 29-2264.

29 **Sec. 4.** Section 28-830, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 28-830 For purposes of sections 28-830 and 28-831 and sections 6 to

1 9 of this act, the following definitions apply:

2 (1) Actor means a person who solicits, procures, or supervises the
3 services or labor of another person;

4 (2) Commercial sexual activity means any sex act on account of which
5 anything of value is given, promised to, or received by any person;

6 (3) Debt bondage means inducing another person to provide:

7 (a) Commercial sexual activity in payment toward or satisfaction of
8 a real or purported debt; or

9 (b) Labor or services in payment toward or satisfaction of a real or
10 purported debt if:

11 (i) The reasonable value of the labor or services is not applied
12 toward the liquidation of the debt; or

13 (ii) The length of the labor or services is not limited and the
14 nature of the labor or services is not defined;

15 (4) Financial harm means theft by extortion as described by section
16 28-513;

17 (5) Forced labor or services means labor or services that are
18 performed or provided by another person and are obtained or maintained
19 through:

20 (a) Inflicting or threatening to inflict serious personal injury, as
21 defined by section 28-318, on another person;

22 (b) Physically restraining or threatening to physically restrain the
23 other person;

24 (c) Abusing or threatening to abuse the legal process against
25 another person to cause arrest or deportation for violation of federal
26 immigration law;

27 (d) Controlling or threatening to control another person's access to
28 a controlled substance listed in Schedule I, II or III of section 28-405;

29 (e) Exploiting another person's substantial functional impairment as
30 defined in section 28-368 or substantial mental impairment as defined in
31 section 28-369;

1 (f) Knowingly destroying, concealing, removing, confiscating, or
2 possessing any actual or purported passport or other immigration document
3 or any other actual or purported government identification document of
4 the other person; or

5 (g) Causing or threatening to cause financial harm to another
6 person, including debt bondage;

7 (6) Labor or services means work or activity of economic or
8 financial value;

9 (7) Labor trafficking means knowingly recruiting, enticing,
10 harboring, transporting, providing, or obtaining by any means or
11 attempting to recruit, entice, harbor, transport, provide, or obtain by
12 any means a person eighteen years of age or older intending or knowing
13 that the person will be subjected to forced labor or services;

14 (8) Labor trafficking of a minor means knowingly recruiting,
15 enticing, harboring, transporting, providing, or obtaining by any means
16 or attempting to recruit, entice, harbor, transport, provide, or obtain
17 by any means a minor intending or knowing that the minor will be
18 subjected to forced labor or services;

19 (9) Maintain means, in relation to labor or services, to secure
20 continued performance thereof, regardless of any initial agreement by the
21 other person to perform such type of service;

22 (10) Minor means a person younger than eighteen years of age;

23 (11) Sex trafficking means knowingly recruiting, enticing,
24 harboring, transporting, providing, soliciting, or obtaining by any means
25 or knowingly attempting to recruit, entice, harbor, transport, provide,
26 solicit, or obtain by any means a person eighteen years of age or older
27 for the purpose of having such person engage without consent, as defined
28 in section 28-318, in commercial sexual activity, sexually explicit
29 performance, or the production of pornography or to cause or attempt to
30 cause a person eighteen years of age or older to engage without consent,
31 as defined in section 28-318, in commercial sexual activity, sexually

1 explicit performance, or the production of pornography;

2 (12) Sex trafficking of a minor means knowingly recruiting,
3 enticing, harboring, transporting, providing, soliciting, or obtaining by
4 any means or knowingly attempting to recruit, entice, harbor, transport,
5 provide, solicit, or obtain by any means a minor for the purpose of
6 having such minor engage in commercial sexual activity, sexually explicit
7 performance, or the production of pornography or to cause or attempt to
8 cause a minor to engage in commercial sexual activity, sexually explicit
9 performance, or the production of pornography;

10 (13) Sexually explicit performance means a live or public play,
11 dance, show, or other exhibition intended to arouse or gratify sexual
12 desire or to appeal to prurient interests; and

13 (14) Trafficking victim means a person subjected to any act or acts
14 prohibited by section 28-831 or section 6 of this act.

15 **Sec. 5.** Section 28-831, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 28-831 (1) Any person who engages in ~~labor trafficking of a minor or~~
18 sex trafficking of a minor is guilty of a Class IB felony.

19 (2) Any person who engages in ~~labor trafficking or~~ sex trafficking
20 is guilty of a Class II felony.

21 ~~(3) Any person, other than a trafficking victim, who knowingly~~
22 ~~benefits from or participates in a venture which has, as part of the~~
23 ~~venture, an act that is in violation of this section is guilty of a Class~~
24 ~~IIA felony.~~

25 ~~(4) It is not a defense in a prosecution under this section (a) that~~
26 ~~consent was given by the minor victim, (b) that the defendant believed~~
27 ~~that the minor victim gave consent, or (c) that the defendant believed~~
28 ~~that the minor victim was an adult.~~

29 **Sec. 6.** (1) Any person who engages in labor trafficking of a minor
30 is guilty of a Class IB felony.

31 (2) Any person who engages in labor trafficking is guilty of a Class

1 II felony.

2 **Sec. 7.** Any person, other than a trafficking victim, who knowingly
3 benefits from or participates in a venture that has, as part of the
4 venture, an act that is in violation of section 28-831 is guilty of a
5 Class IIA felony.

6 **Sec. 8.** Any person, other than a trafficking victim, who knowingly
7 benefits from or participates in a venture that has, as part of the
8 venture, an act that is in violation of section 6 of this act is guilty
9 of a Class IIA felony.

10 **Sec. 9.** It is not a defense in a prosecution under section 28-831
11 or section 6, 7, or 8 of this act that:

12 (1) Consent was given by the minor victim;

13 (2) The defendant believed that the minor victim gave consent; or

14 (3) The defendant believed that the minor victim was an adult.

15 **Sec. 10.** Section 28-1354, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 28-1354 For purposes of the Public Protection Act:

18 (1) Enterprise means any individual, sole proprietorship,
19 partnership, corporation, trust, association, or any legal entity, union,
20 or group of individuals associated in fact although not a legal entity,
21 and shall include illicit as well as licit enterprises as well as other
22 entities;

23 (2) Pattern of racketeering activity means a cumulative loss for one
24 or more victims or gains for the enterprise of not less than one thousand
25 five hundred dollars resulting from at least two acts of racketeering
26 activity, one of which occurred after August 30, 2009, and the last of
27 which occurred within ten years, excluding any period of imprisonment,
28 after the commission of a prior act of racketeering activity;

29 (3) ~~Person~~ ~~Until January 1, 2017, person means any individual or~~
30 ~~entity, as defined in section 21-2014, holding or capable of holding a~~
31 ~~legal, equitable, or beneficial interest in property. Beginning January~~

1 ~~1, 2017,~~ person means any individual or entity, as defined in section
2 21-214, holding or capable of holding a legal, equitable, or beneficial
3 interest in property;

4 (4) Prosecutor includes the Attorney General of the State of
5 Nebraska, the deputy attorney general, assistant attorneys general, a
6 county attorney, a deputy county attorney, or any person so designated by
7 the Attorney General, a county attorney, or a court of the state to carry
8 out the powers conferred by the act;

9 (5) Racketeering activity includes the commission of, criminal
10 attempt to commit, conspiracy to commit, aiding and abetting in the
11 commission of, aiding in the consummation of, acting as an accessory to
12 the commission of, or the solicitation, coercion, or intimidation of
13 another to commit or aid in the commission of any of the following:

14 (a) Offenses against the person which include: Murder in the first
15 degree under section 28-303; murder in the second degree under section
16 28-304; manslaughter under section 28-305; assault in the first degree
17 under section 28-308; assault in the second degree under section 28-309;
18 assault in the third degree under section 28-310; terroristic threats
19 under section 28-311.01; kidnapping under section 28-313; false
20 imprisonment in the first degree under section 28-314; false imprisonment
21 in the second degree under section 28-315; sexual assault in the first
22 degree under section 28-319; and robbery under section 28-324;

23 (b) Offenses relating to controlled substances which include: To
24 unlawfully manufacture, distribute, deliver, dispense, or possess with
25 intent to manufacture, distribute, deliver, or dispense a controlled
26 substance under subsection (1) of section 28-416; possession of marijuana
27 weighing more than one pound under subsection (12) of section 28-416;
28 possession of money used or intended to be used to facilitate a violation
29 of subsection (1) of section 28-416 prohibited under subsection (17) of
30 section 28-416; any violation of section 28-418; to unlawfully
31 manufacture, distribute, deliver, or possess with intent to distribute or

1 deliver an imitation controlled substance under section 28-445;
2 possession of anhydrous ammonia with the intent to manufacture
3 methamphetamine under section 28-451; and possession of ephedrine,
4 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
5 methamphetamine under section 28-452;

6 (c) Offenses against property which include: Arson in the first
7 degree under section 28-502; arson in the second degree under section
8 28-503; arson in the third degree under section 28-504; burglary under
9 section 28-507; theft by unlawful taking or disposition under section
10 28-511; theft by shoplifting under section 28-511.01; theft by deception
11 under section 28-512; theft by extortion under section 28-513; theft of
12 services under section 28-515; theft by receiving stolen property under
13 section 28-517; criminal mischief under section 28-519; and unlawfully
14 depriving or obtaining property or services using a computer under
15 section 28-1344;

16 (d) Offenses involving fraud which include: Burning to defraud an
17 insurer under section 28-505; forgery in the first degree under section
18 28-602; forgery in the second degree under section 28-603; criminal
19 possession of a forged instrument under section 28-604; criminal
20 possession of written instrument forgery devices under section 28-605;
21 criminal impersonation under section 28-638; identity theft under section
22 28-639; identity fraud under section 28-640; false statement or book
23 entry under section 28-612; tampering with a publicly exhibited contest
24 under section 28-614; issuing a false financial statement for purposes of
25 obtaining a financial transaction device under section 28-619;
26 unauthorized use of a financial transaction device under section 28-620;
27 criminal possession of a financial transaction device under section
28 28-621; unlawful circulation of a financial transaction device in the
29 first degree under section 28-622; unlawful circulation of a financial
30 transaction device in the second degree under section 28-623; criminal
31 possession of a blank financial transaction device under section 28-624;

1 criminal sale of a blank financial transaction device under section
2 28-625; criminal possession of a financial transaction forgery device
3 under section 28-626; unlawful manufacture of a financial transaction
4 device under section 28-627; laundering of sales forms under section
5 28-628; unlawful acquisition of sales form processing services under
6 section 28-629; unlawful factoring of a financial transaction device
7 under section 28-630; and fraudulent insurance acts under section 28-631;

8 (e) Offenses involving governmental operations which include: Abuse
9 of public records under section 28-911; perjury or subornation of perjury
10 under section 28-915; bribery under section 28-917; bribery of a witness
11 under section 28-918; tampering with a witness or informant or jury
12 tampering under section 28-919; bribery of a juror under section 28-920;
13 assault on an officer, an emergency responder, a state correctional
14 employee, a Department of Health and Human Services employee, or a health
15 care professional in the first degree under section 28-929; assault on an
16 officer, an emergency responder, a state correctional employee, a
17 Department of Health and Human Services employee, or a health care
18 professional in the second degree under section 28-930; assault on an
19 officer, an emergency responder, a state correctional employee, a
20 Department of Health and Human Services employee, or a health care
21 professional in the third degree under section 28-931; and assault on an
22 officer, an emergency responder, a state correctional employee, a
23 Department of Health and Human Services employee, or a health care
24 professional using a motor vehicle under section 28-931.01;

25 (f) Offenses involving gambling which include: Promoting gambling in
26 the first degree under section 28-1102; possession of gambling records
27 under section 28-1105; gambling debt collection under section 28-1105.01;
28 and possession of a gambling device under section 28-1107;

29 (g) Offenses relating to firearms, weapons, and explosives which
30 include: Carrying a concealed weapon under section 28-1202;
31 transportation or possession of machine guns, short rifles, or short

1 shotguns under section 28-1203; unlawful possession of a handgun under
2 section 28-1204; unlawful transfer of a firearm to a juvenile under
3 section 28-1204.01; possession of a firearm by a prohibited juvenile
4 offender under section 28-1204.05; using a deadly weapon to commit a
5 felony, possession of a deadly weapon during the commission of a felony,
6 or carrying a firearm or destructive device during the commission of a
7 dangerous misdemeanor under section 28-1205; possession of a deadly
8 weapon by a prohibited person under section 28-1206; possession of a
9 defaced firearm under section 28-1207; defacing a firearm under section
10 28-1208; unlawful discharge of a firearm under section 28-1212.02;
11 possession, receipt, retention, or disposition of a stolen firearm under
12 section 28-1212.03; unlawful possession of explosive materials in the
13 first degree under section 28-1215; unlawful possession of explosive
14 materials in the second degree under section 28-1216; unlawful sale of
15 explosives under section 28-1217; use of explosives without a permit
16 under section 28-1218; obtaining an explosives permit through false
17 representations under section 28-1219; possession of a destructive device
18 under section 28-1220; threatening the use of explosives or placing a
19 false bomb under section 28-1221; using explosives to commit a felony
20 under section 28-1222; using explosives to damage or destroy property
21 under section 28-1223; and using explosives to kill or injure any person
22 under section 28-1224;

23 (h) Any violation of the Securities Act of Nebraska pursuant to
24 section 8-1117;

25 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
26 section 77-2713;

27 (j) Offenses relating to public health and morals which include:
28 Prostitution under section 28-801; pandering under section 28-802;
29 keeping a place of prostitution under section 28-804; ~~labor trafficking,~~
30 sex trafficking, ~~labor trafficking of a minor,~~ or sex trafficking of a
31 minor under section 28-831; labor trafficking or labor trafficking of a

1 minor under section 6 of this act; benefiting from or participating in a
2 sex trafficking venture under section 7 of this act; benefiting from or
3 participating in a labor trafficking venture under section 8 of this act;
4 a violation of section 28-1005; and any act relating to the visual
5 depiction of sexually explicit conduct prohibited in the Child
6 Pornography Prevention Act; and

7 (k) A violation of the Computer Crimes Act;

8 (6) State means the State of Nebraska or any political subdivision
9 or any department, agency, or instrumentality thereof; and

10 (7) Unlawful debt means a debt of at least one thousand five hundred
11 dollars:

12 (a) Incurred or contracted in gambling activity which was in
13 violation of federal law or the law of the state or which is
14 unenforceable under state or federal law in whole or in part as to
15 principal or interest because of the laws relating to usury; or

16 (b) Which was incurred in connection with the business of gambling
17 in violation of federal law or the law of the state or the business of
18 lending money or a thing of value at a rate usurious under state law if
19 the usurious rate is at least twice the enforceable rate.

20 **Sec. 11.** Section 29-110, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 29-110 (1) Except as otherwise provided by law, no person shall be
23 prosecuted for any felony unless the indictment is found by a grand jury
24 within three years next after the offense has been done or committed or
25 unless a complaint for the same is filed before the magistrate within
26 three years next after the offense has been done or committed and a
27 warrant for the arrest of the defendant has been issued.

28 (2) Except as otherwise provided by law, no person shall be
29 prosecuted, tried, or punished for any misdemeanor or other indictable
30 offense below the grade of felony or for any fine or forfeiture under any
31 penal statute unless the suit, information, or indictment for such

1 offense is instituted or found within one year and six months from the
2 time of committing the offense or incurring the fine or forfeiture or
3 within one year for any offense the punishment of which is restricted by
4 a fine not exceeding one hundred dollars and to imprisonment not
5 exceeding three months.

6 (3) Except as otherwise provided by law, no person shall be
7 prosecuted for kidnapping under section 28-313, false imprisonment under
8 section 28-314 or 28-315, child abuse under section 28-707, pandering
9 under section 28-802, debauching a minor under section 28-805, or an
10 offense under section 28-813 when the victim is under sixteen years of
11 age at the time of the offense (a) unless the indictment for such offense
12 is found by a grand jury within seven years next after the offense has
13 been committed or within seven years next after the victim's sixteenth
14 birthday, whichever is later, or (b) unless a complaint for such offense
15 is filed before the magistrate within seven years next after the offense
16 has been committed or within seven years next after the victim's
17 sixteenth birthday, whichever is later, and a warrant for the arrest of
18 the defendant has been issued.

19 (4) Except as otherwise provided by law, no person shall be
20 prosecuted for a violation of subsection (2) ~~or (3)~~ of section 28-831,
21 subsection (2) of section 6 of this act, or section 7 or 8 of this act
22 (a) unless the indictment for such offense is found by a grand jury
23 within seven years next after the offense has been committed or within
24 seven years next after the victim's eighteenth birthday, whichever is
25 later, or (b) unless a complaint for such offense is filed before the
26 magistrate within seven years next after the offense has been committed
27 or within seven years next after the victim's eighteenth birthday,
28 whichever is later, and a warrant for the arrest of the defendant has
29 been issued.

30 (5) Except as otherwise provided by law, no person shall be
31 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)

1 unless the indictment for such offense is found by a grand jury within
2 seven years next after the offense has been committed or within seven
3 years next after the victim's eighteenth birthday, whichever is later, or
4 (b) unless a complaint for such offense is filed before the magistrate
5 within seven years next after the offense has been committed or within
6 seven years next after the victim's eighteenth birthday, whichever is
7 later, and a warrant for the arrest of the defendant has been issued.

8 (6) No person shall be prosecuted for a violation of the Securities
9 Act of Nebraska under section 8-1117 unless the indictment for such
10 offense is found by a grand jury within five years next after the offense
11 has been done or committed or unless a complaint for such offense is
12 filed before the magistrate within five years next after the offense has
13 been done or committed and a warrant for the arrest of the defendant has
14 been issued.

15 (7) No person shall be prosecuted for criminal impersonation under
16 section 28-638, identity theft under section 28-639, or identity fraud
17 under section 28-640 unless the indictment for such offense is found by a
18 grand jury within five years next after the offense has been done or
19 committed or unless a complaint for such offense is filed before the
20 magistrate within five years next after the offense has been done or
21 committed and a warrant for the arrest of the defendant has been issued.

22 (8) No person shall be prosecuted for a violation of section 68-1017
23 if the aggregate value of all funds and other benefits obtained or
24 attempted to be obtained is five hundred dollars or more unless the
25 indictment for such offense is found by a grand jury within five years
26 next after the offense has been done or committed or unless a complaint
27 for such offense is filed before the magistrate within five years next
28 after the offense has been done or committed and a warrant for the arrest
29 of the defendant has been issued.

30 (9) No person shall be prosecuted for knowing and intentional abuse,
31 neglect, or exploitation of a vulnerable adult or senior adult under

1 section 28-386 unless the indictment for such offense is found by a grand
2 jury within six years next after the offense has been done or committed
3 or unless a complaint for such offense is filed before the magistrate
4 within six years next after the offense has been done or committed and a
5 warrant for the arrest of the defendant has been issued.

6 (10) Except as otherwise provided by law, no person shall be
7 prosecuted for an offense under section 28-717 (a) unless the indictment
8 for such offense is found by a grand jury within one year and six months
9 next after the offense has been committed or within one year and six
10 months next after the child reaches the age of majority, whichever is
11 later, or (b) unless a complaint for such offense is filed before the
12 magistrate within one year and six months next after the offense has been
13 committed or within one year and six months next after the child reaches
14 the age of majority, whichever is later, and a warrant for the arrest of
15 the defendant has been issued.

16 (11) There shall not be any time limitations for prosecution or
17 punishment for treason, murder, arson, forgery, sexual assault in the
18 first or second degree under section 28-319 or 28-320, sexual assault of
19 a child in the second or third degree under section 28-320.01, incest
20 under section 28-703, sexual assault of a child in the first degree under
21 section 28-319.01, ~~labor trafficking of a minor or sex trafficking of a~~
22 minor under subsection (1) of section 28-831, labor trafficking of a
23 minor under subsection (1) of section 6 of this act, or an offense under
24 section 28-1463.03; nor shall there be any time limitations for
25 prosecution or punishment for sexual assault in the third degree under
26 section 28-320 when the victim is under sixteen years of age at the time
27 of the offense.

28 (12) The time limitations prescribed in this section shall include
29 all inchoate offenses pursuant to the Nebraska Criminal Code and
30 compounding a felony pursuant to section 28-301.

31 (13) The time limitations prescribed in this section shall not

1 extend to any person fleeing from justice.

2 (14) When any suit, information, or indictment for any crime or
3 misdemeanor is limited by any statute to be brought or exhibited within
4 any other time than is limited by this section, then the suit,
5 information, or indictment shall be brought or exhibited within the time
6 limited by such statute.

7 (15) If any suit, information, or indictment is quashed or the
8 proceedings set aside or reversed on writ of error, the time during the
9 pendency of such suit, information, or indictment so quashed, set aside,
10 or reversed shall not be reckoned within this statute so as to bar any
11 new suit, information, or indictment for the same offense.

12 (16) The changes made to this section by Laws 2004, LB 943, shall
13 apply to offenses committed prior to April 16, 2004, for which the
14 statute of limitations has not expired as of such date and to offenses
15 committed on or after such date.

16 (17) The changes made to this section by Laws 2005, LB 713, shall
17 apply to offenses committed prior to September 4, 2005, for which the
18 statute of limitations has not expired as of such date and to offenses
19 committed on or after such date.

20 (18) The changes made to this section by Laws 2009, LB 97, and Laws
21 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,
22 for which the statute of limitations has not expired as of such date and
23 to offenses committed on or after such date.

24 (19) The changes made to this section by Laws 2010, LB809, shall
25 apply to offenses committed prior to July 15, 2010, for which the statute
26 of limitations has not expired as of such date and to offenses committed
27 on or after such date.

28 (20) The changes made to this section by Laws 2016, LB934, shall
29 apply to offenses committed prior to April 19, 2016, for which the
30 statute of limitations has not expired as of such date and to offenses
31 committed on or after such date.

1 (21) The changes made to this section by Laws 2019, LB519, shall
2 apply to offenses committed prior to September 1, 2019, for which the
3 statute of limitations has not expired as of such date and to offenses
4 committed on or after such date.

5 (22) The changes made to this section by this legislative bill shall
6 apply to offenses committed prior to the operative date of this act for
7 which the statute of limitations has not expired as of such date and to
8 offenses committed on or after such date.

9 **Sec. 12.** Section 29-3005, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 29-3005 (1) For purposes of this section:

12 (a) Prostitution-related offense includes:

13 (i) Prostitution under section 28-801, commercial sexual
14 exploitation solicitation of prostitution under section 28-801.01,
15 keeping a place of prostitution under section 28-804, public indecency
16 under section 28-806, or loitering for the purpose of engaging in
17 prostitution or related or similar offenses under local ordinances; and

18 (ii) Attempt, conspiracy, solicitation, being an accessory to,
19 aiding and abetting, aiding the consummation of, or compounding a felony
20 with any of the offenses in subdivision (1)(a) of this section as the
21 underlying offense;

22 (b) Trafficker means a person who engages in sex trafficking or sex
23 trafficking of a minor as defined in section 28-830; and

24 (c) Victim of sex trafficking means a person subjected to sex
25 trafficking or sex trafficking of a minor, as those terms are defined in
26 section 28-830.

27 (2) At any time following the completion of sentence or disposition,
28 a victim of sex trafficking convicted in county or district court of, or
29 adjudicated in a juvenile court for, (a) a prostitution-related offense
30 committed while the movant was a victim of sex trafficking or proximately
31 caused by the movant's status as a victim of sex trafficking or (b) any

1 other offense committed as a direct result of, or proximately caused by,
2 the movant's status as a victim of sex trafficking, may file a motion to
3 set aside such conviction or adjudication. The motion shall be filed in
4 the county, district, or separate juvenile court of the county in which
5 the movant was convicted or adjudicated.

6 (3)(a) If the court finds that the movant was a victim of sex
7 trafficking at the time of the prostitution-related offense or finds that
8 the movant's participation in the prostitution-related offense was
9 proximately caused by the movant's status as a victim of sex trafficking,
10 the court shall grant the motion to set aside a conviction or an
11 adjudication for such prostitution-related offense.

12 (b) If the court finds that the movant's participation in an offense
13 other than a prostitution-related offense was a direct result of or
14 proximately caused by the movant's status as a victim of sex trafficking,
15 the court shall grant the motion to set aside a conviction or an
16 adjudication for such offense.

17 (4) Official documentation of a movant's status as a victim of sex
18 trafficking at the time of the prostitution-related offense or other
19 offense shall create a rebuttable presumption that the movant was a
20 victim of sex trafficking at the time of the prostitution-related offense
21 or other offense. Such official documentation shall not be required to
22 obtain relief under this section. Such official documentation includes:

23 (a) A copy of an official record, certification, or eligibility
24 letter from a federal, state, tribal, or local proceeding, including an
25 approval notice or an enforcement certification generated from a federal
26 immigration proceeding, that shows that the movant is a victim of sex
27 trafficking; or

28 (b) An affidavit or sworn testimony from an attorney, a member of
29 the clergy, a medical professional, a trained professional staff member
30 of a victim services organization, or other professional from whom the
31 movant has sought legal counsel or other assistance in addressing the

1 trauma associated with being a victim of sex trafficking.

2 (5) In considering whether the movant is a victim of sex
3 trafficking, the court may consider any other evidence the court
4 determines is of sufficient credibility and probative value, including an
5 affidavit or sworn testimony. Examples of such evidence include, but are
6 not limited to:

7 (a) Branding or other tattoos on the movant that identified him or
8 her as having a trafficker;

9 (b) Testimony or affidavits from those with firsthand knowledge of
10 the movant's involvement in the commercial sex trade such as solicitors
11 of commercial sex, family members, hotel workers, and other individuals
12 trafficked by the same individual or group of individuals who trafficked
13 the movant;

14 (c) Financial records showing profits from the commercial sex trade,
15 such as records of hotel stays, employment at indoor venues such as
16 massage parlors, bottle clubs, or strip clubs, or employment at an escort
17 service;

18 (d) Internet listings, print advertisements, or business cards used
19 to promote the movant for commercial sex; or

20 (e) Email, text, or voicemail records between the movant, the
21 trafficker, or solicitors of sex that reveal aspects of the sex trade
22 such as behavior patterns, meeting times, or payments or examples of the
23 trafficker exerting force, fraud, or coercion over the movant.

24 (6) Upon request of a movant, any hearing relating to the motion
25 shall be conducted in camera. The rules of evidence shall not apply at
26 any hearing relating to the motion.

27 (7) An order setting aside a conviction or an adjudication under
28 this section shall have the same effect as an order setting aside a
29 conviction as provided in subsections (5) and (6) of section 29-2264
30 except that a conviction set aside under this section shall not
31 constitute a conviction for which registration is required under the Sex

1 Offender Registration Act.

2 **Sec. 13.** Section 29-3523, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 29-3523 (1) After the expiration of the periods described in
5 subsection (3) of this section or after the granting of a motion under
6 subsection (4), (5), ~~or~~ (6), or (7) of this section, a criminal justice
7 agency shall respond to a public inquiry in the same manner as if there
8 were no criminal history record information and criminal history record
9 information shall not be disseminated to any person other than a criminal
10 justice agency, except as provided in subsection (2) of this section or
11 when the subject of the record:

12 (a) Is currently the subject of prosecution or correctional control
13 as the result of a separate arrest;

14 (b) Is currently an announced candidate for or holder of public
15 office;

16 (c) Has made a notarized request for the release of such record to a
17 specific person; or

18 (d) Is kept unidentified, and the record is used for purposes of
19 surveying or summarizing individual or collective law enforcement agency
20 activity or practices, or the dissemination is requested consisting only
21 of release of criminal history record information showing (i) dates of
22 arrests, (ii) reasons for arrests, and (iii) the nature of the
23 dispositions including, but not limited to, reasons for not prosecuting
24 the case or cases.

25 (2) That part of criminal history record information described in
26 subsection (8) ~~(7)~~ of this section may be disseminated to individuals and
27 agencies for the express purpose of research, evaluative, or statistical
28 activities pursuant to an agreement with a criminal justice agency that
29 specifically authorizes access to the information, limits the use of the
30 information to research, evaluative, or statistical activities, and
31 ensures the confidentiality and security of the information.

1 (3) Except as provided in subsections (1) and (2) of this section,
2 in the case of an arrest, citation in lieu of arrest, or referral for
3 prosecution without citation, all criminal history record information
4 relating to the case shall be removed from the public record as follows:

5 (a) When no charges are filed as a result of the determination of
6 the prosecuting attorney, the criminal history record information shall
7 not be part of the public record after one year from the date of arrest,
8 citation in lieu of arrest, or referral for prosecution without citation;

9 (b) When charges are not filed as a result of a completed diversion,
10 the criminal history record information shall not be part of the public
11 record after two years from the date of arrest, citation in lieu of
12 arrest, or referral for prosecution without citation; and

13 (c) When charges are filed, but the case is dismissed by the court
14 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
15 not the subject of a pending appeal, (iii) after acquittal, (iv) after a
16 deferred judgment, or (v) after completion of a program prescribed by a
17 drug court or any other problem solving court approved by the Supreme
18 Court, the criminal history record information shall not be part of the
19 public record immediately upon notification of a criminal justice agency
20 after acquittal pursuant to subdivision (3)(c)(iii) of this section or
21 after the entry of an order dismissing the case.

22 (4) Upon the granting of a motion to set aside a conviction or an
23 adjudication pursuant to section 29-3005, a person who is a victim of sex
24 trafficking, as defined in section 29-3005, may file a motion with the
25 same sentencing court for an order to seal the criminal history record
26 information related to such conviction or adjudication. Upon a finding
27 that a court issued an order setting aside such conviction or
28 adjudication pursuant to section 29-3005, the ~~sentencing~~ court shall
29 grant the motion and:

30 (a) For a conviction, issue an order as provided in subsection (8)
31 ~~{7}~~ of this section; or

1 (b) For an adjudication, issue an order as provided in section
2 43-2,108.05.

3 (5) Upon the granting of a motion to set aside a conviction pursuant
4 to section 28-801.01, the movant may file a motion with the same court
5 for an order to seal the criminal history record information related to
6 such conviction or adjudication. Upon a finding that a court issued an
7 order setting aside such conviction, the court shall grant the motion and
8 issue an order as provided in subsection (8) of this section.

9 (6) ~~(5)~~ Any person who has received a pardon may file a motion with
10 the sentencing court for an order to seal the criminal history record
11 information and any cases related to such charges or conviction. Upon a
12 finding that the person received a pardon, the court shall grant the
13 motion and issue an order as provided in subsection (8) ~~(7)~~ of this
14 section.

15 (7) ~~(6)~~ Any person who is subject to a record which resulted in a
16 case being dismissed prior to January 1, 2017, as described in
17 subdivision (3)(c) of this section, may file a motion with the court in
18 which the case was filed to enter an order pursuant to subsection (8) ~~(7)~~
19 of this section. Upon a finding that the case was dismissed for any
20 reason described in subdivision (3)(c) of this section, the court shall
21 grant the motion and enter an order as provided in subsection (8) ~~(7)~~ of
22 this section.

23 (8) ~~(7)~~ Upon acquittal or entry of an order dismissing a case
24 described in subdivision (3)(c) of this section, or after granting a
25 motion under subsection (4), (5), ~~or (6)~~, or (7) of this section, the
26 court shall:

27 (a) Order that all records, including any information or other data
28 concerning any proceedings relating to the case, including the arrest,
29 taking into custody, petition, complaint, indictment, information, trial,
30 hearing, adjudication, correctional supervision, dismissal, or other
31 disposition or sentence, are not part of the public record and shall not

1 be disseminated to persons other than criminal justice agencies, except
2 as provided in subsection (1) or (2) of this section;

3 (b) Send notice of the order (i) to the Nebraska Commission on Law
4 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
5 (iii) to law enforcement agencies, county attorneys, and city attorneys
6 referenced in the court record;

7 (c) Order all parties notified under subdivision ~~(8)(b)~~ ~~(7)(b)~~ of
8 this section to seal all records pertaining to the case; and

9 (d) If the case was transferred from one court to another, send
10 notice of the order to seal the record to the transferring court.

11 ~~(9)~~ ~~(8)~~ In any application for employment, bonding, license,
12 education, or other right or privilege, any appearance as a witness, or
13 any other public inquiry, a person cannot be questioned with respect to
14 any offense for which the record is sealed. If an inquiry is made in
15 violation of this subsection, the person may respond as if the offense
16 never occurred.

17 ~~(10)~~ ~~(9)~~ Any person arrested due to the error of a law enforcement
18 agency may file a petition with the district court for an order to
19 expunge the criminal history record information related to such error.
20 The petition shall be filed in the district court of the county in which
21 the petitioner was arrested. The county attorney shall be named as the
22 respondent and shall be served with a copy of the petition. The court may
23 grant the petition and issue an order to expunge such information if the
24 petitioner shows by clear and convincing evidence that the arrest was due
25 to error by the arresting law enforcement agency.

26 ~~(11)~~ ~~(10)~~ The changes made by Laws 2018, LB1132, to the relief set
27 forth in this section shall apply to all persons otherwise eligible in
28 accordance with the provisions of this section, without regard to the
29 date on which the person was ~~whether~~ arrested, cited in lieu of arrest,
30 referred for prosecution without citation, charged, convicted, or
31 adjudicated prior to, on, or subsequent to July 19, 2018.

1 **Sec. 14.** (1) The Nebraska Commission on Law Enforcement and
2 Criminal Justice shall develop a program to distribute grants to Nebraska
3 law enforcement agencies to help defray the additional enforcement costs
4 necessitated by the changes made to section 28-801.01 by this legislative
5 bill. Grants under this section may be used for expenses relating to the
6 enforcement of prostitution, commercial sexual exploitation, and sex
7 trafficking offense laws, including, but not limited to, hiring and
8 training law enforcement officers and other law enforcement agency
9 employees and providing and conducting educational and outreach programs
10 relating to such offenses.

11 (2) Law enforcement agencies may apply for a grant by submitting an
12 application in a form and manner prescribed by the commission.

13 (3) The commission may adopt and promulgate rules and regulations to
14 carry out this section.

15 (4) It is the intent of the Legislature to appropriate one hundred
16 thousand dollars from the General Fund for fiscal year 2025-26 to the
17 commission to carry out this section.

18 **Sec. 15.** Section 29-4001, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-4001 Sections 29-4001 to 29-4014 and section 18 of this act shall
21 be known and may be cited as the Sex Offender Registration Act.

22 **Sec. 16.** Section 29-4001.01, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 29-4001.01 For purposes of the Sex Offender Registration Act:

25 (1) Aggravated offense means any registrable offense under section
26 29-4003 which involves the penetration of, direct genital touching of,
27 oral to anal contact with, or oral to genital contact with (a) a victim
28 age thirteen years or older without the consent of the victim, (b) a
29 victim under the age of thirteen years, or (c) a victim who the sex
30 offender knew or should have known was mentally or physically incapable
31 of resisting or appraising the nature of his or her conduct;

1 (2)(a) Conviction or convicted includes a plea or verdict of guilty
2 or a conviction following a plea of nolo contendere.

3 (b) Conviction or convicted includes a conviction that has been set
4 aside under section 29-2264 or, as relates to a conviction from any other
5 jurisdiction, a conviction that has been set aside, expunged, or
6 otherwise nullified by any procedure other than by a pardon.

7 (c) Conviction or convicted does not include a conviction for which
8 a pardon has been obtained; that has been set aside under section
9 29-3005; or, for a conviction from another jurisdiction, that has been
10 set aside, expunged, or otherwise nullified by a procedure similar to
11 section 29-3005 that is limited to trafficking victims;

12 (3) {2} DNA sample has the same meaning as in section 29-4103;

13 (4) {3} Habitual living location means any place that an offender
14 may stay for a period of more than three days even though the sex
15 offender maintains a separate permanent address or temporary domicile;

16 (5) {4} Minor means a person under eighteen years of age;

17 (6) Other jurisdiction includes any village, town, city, state,
18 territory, commonwealth, or other jurisdiction of the United States; the
19 United States Government; any court-martial or other military tribunal;
20 or a foreign jurisdiction;

21 (7) {5} State DNA Database means the database established pursuant
22 to section 29-4104; and

23 (8) {6} Temporary domicile means any place at which the person
24 actually lives or stays for a period of at least three working days.

25 **Sec. 17.** Section 29-4003, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 29-4003 (1) {1}(a) The Sex Offender Registration Act applies to any
28 person who, on or after January 1, 1997:

29 (a) Is convicted (i) Has ever pled guilty to, pled nolo contendere
30 to, or been found guilty of any of the following:

31 (i) {A} Kidnapping of a minor pursuant to section 28-313, except

1 when the person is the parent of the minor and was not convicted of any
2 other offense in this section;

3 (ii) ~~(B)~~ False imprisonment of a minor pursuant to section 28-314 or
4 28-315;

5 (iii) ~~(C)~~ Sexual assault pursuant to section 28-319 or 28-320;

6 (iv) ~~(D)~~ Sexual abuse by a school employee pursuant to section
7 28-316.01;

8 (v) ~~(E)~~ Sexual assault of a child in the second or third degree
9 pursuant to section 28-320.01;

10 (vi) ~~(F)~~ Sexual assault of a child in the first degree pursuant to
11 section 28-319.01;

12 (vii) ~~(G)~~ Sexual abuse of a vulnerable adult or senior adult
13 pursuant to subdivision (1)(c) of section 28-386;

14 (viii) ~~(H)~~ Incest of a minor pursuant to section 28-703;

15 (ix) ~~(I)~~ Pandering of a minor pursuant to section 28-802;

16 (x) ~~(J)~~ Visual depiction of sexually explicit conduct of a child
17 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
18 28-1463.05;

19 (xi) ~~(K)~~ Knowingly possessing any visual depiction of sexually
20 explicit conduct which has a child as one of its participants or
21 portrayed observers pursuant to subsection (1) or (4) of section
22 28-813.01;

23 (xii) ~~(L)~~ Criminal child enticement pursuant to section 28-311;

24 (xiii) ~~(M)~~ Child enticement by means of an electronic communication
25 device pursuant to section 28-320.02;

26 (xiv) ~~(N)~~ Debauching a minor pursuant to section 28-805; or

27 (xv) Attempting, soliciting ~~(O) Attempt, solicitation, aiding or~~
28 ~~abetting, being an accessory to, or conspiring conspiracy~~ to commit an
29 offense listed in subdivisions (1)(a)(i) ~~(1)(a)(i)(A)~~ through (xiv) ~~(1)~~
30 ~~(a)(i)(N)~~ of this section;

31 (b) Is convicted ~~(ii) Has ever pled guilty to, pled nolo contendere~~

1 ~~to, or been found guilty~~ of any offense that is substantially equivalent
2 to a registrable offense under subdivision ~~(1)(a) (1)(a)(i)~~ of this
3 section by any other jurisdiction ~~village, town, city, state, territory,~~
4 ~~commonwealth, or other jurisdiction of the United States, by the United~~
5 ~~States Government, by court-martial or other military tribunal, or by a~~
6 ~~foreign jurisdiction, notwithstanding a procedure comparable in effect to~~
7 ~~that described under section 29-2264 or any other procedure to nullify a~~
8 ~~conviction other than by pardon;~~

9 (c) (iii) Is incarcerated in a jail, a penal or correctional
10 facility, or any other public or private institution or is under
11 probation or parole as a result of ~~pleading guilty to or being found~~
12 ~~guilty of a conviction for a registrable offense under subdivision (1)(a)~~
13 ~~(1)(a)(i) or (b) (ii)~~ of this section prior to January 1, 1997; or

14 (d) (iv) Enters the state and is required to register as a sex
15 offender under the laws of any another ~~village, town, city, state,~~
16 ~~territory, commonwealth, or other jurisdiction of the United States.~~

17 (2) The (b) ~~In addition to the registrable offenses under~~
18 ~~subdivision (1)(a) of this section, the Sex Offender Registration Act~~
19 ~~applies to any person who, on or after January 1, 2010:~~

20 (a) Is convicted of any of the following:

21 (i) Violation of section 28-311.08 requiring registration under the
22 act pursuant to subsection (6) of section 28-311.08;

23 (ii) Sexual abuse of an inmate or parolee in the first degree
24 pursuant to section 28-322.02;

25 (iii) Sexual abuse of an inmate or parolee in the second degree
26 pursuant to section 28-322.03;

27 (iv) Sexual abuse of a protected individual pursuant to section
28 28-322.04;

29 (v) Incest pursuant to section 28-703;

30 (vi) Child abuse pursuant to subdivision (1)(d) or (e) of section
31 28-707;

1 (vii) Enticement by electronic communication device pursuant to
2 section 28-833; or

3 (viii) Attempting, soliciting, aiding or abetting, being an
4 accessory to, or conspiring to commit an offense listed in subdivisions
5 (2)(a)(i) through (vii) of this section;

6 (b)(i) Subject to (i)(A) Except as provided in subdivision (2)(b)
7 (ii) (1)(b)(i)(B) of this section, is convicted has ever pled guilty to,
8 pled nolo contendere to, or been found guilty of any of the following:

9 (A) (I) Murder in the first degree pursuant to section 28-303;

10 (B) (II) Murder in the second degree pursuant to section 28-304;

11 (C) (III) Manslaughter pursuant to section 28-305;

12 (D) (IV) Assault in the first degree pursuant to section 28-308;

13 (E) (V) Assault in the second degree pursuant to section 28-309;

14 (F) (VI) Assault in the third degree pursuant to section 28-310;

15 (G) (VII) Stalking pursuant to section 28-311.03;

16 (VIII) Violation of section 28-311.08 requiring registration under
17 the act pursuant to subsection (6) of section 28-311.08;

18 (H) (IX) Kidnapping pursuant to section 28-313;

19 (I) (X) False imprisonment pursuant to section 28-314 or 28-315; or

20 (XI) Sexual abuse of an inmate or parolee in the first degree
21 pursuant to section 28-322.02;

22 (XII) Sexual abuse of an inmate or parolee in the second degree
23 pursuant to section 28-322.03;

24 (XIII) Sexual abuse of a protected individual pursuant to section
25 28-322.04;

26 (XIV) Incest pursuant to section 28-703;

27 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
28 28-707;

29 (XVI) Enticement by electronic communication device pursuant to
30 section 28-833; or

31 (J) Attempting, soliciting (XVII) Attempt, solicitation, aiding or

1 abetting, being an accessory to, or conspiring conspiracy to commit an
2 offense listed in subdivisions (2)(b)(i)(A) through (I) ~~(1)(b)(i)(A)(I)~~
3 ~~through (1)(b)(i)(A)(XVI)~~ of this section.

4 (ii) ~~(B)~~ In order for the Sex Offender Registration Act to apply to
5 the offenses listed in subdivisions (2)(b)(i)(A) through (I) ~~(1)(b)(i)(A)~~
6 ~~(I), (II), (III), (IV), (V), (VI), (VII), (IX), and (X)~~ of this section,
7 a court shall have found, by clear and convincing evidence, after
8 providing the defendant with notice and a hearing, that ~~evidence of~~
9 sexual penetration or sexual contact, as those terms are defined in
10 section 28-318, occurred in connection with the incident that gave rise
11 to the conviction. When making the findings required by this subdivision,
12 the court shall consider any evidence adduced at the hearing as well as
13 any evidence was present in the record, including which shall include
14 ~~consideration of~~ the factual basis for a plea-based conviction and
15 information contained in the presentence report; or

16 (c) Is convicted ~~(ii) Has ever pled guilty to, pled nolo contendere~~
17 ~~to, or been found guilty of any offense that is substantially equivalent~~
18 ~~to a registrable offense under subdivision (2)(a) or (b) (1)(b)(i) of~~
19 ~~this section by any other jurisdiction. village, town, city, state,~~
20 ~~territory, commonwealth, or other jurisdiction of the United States, by~~
21 ~~the United States Government, by court-martial or other military~~
22 ~~tribunal, or by a foreign jurisdiction, notwithstanding a procedure~~
23 ~~comparable in effect to that described under section 29-2264 or any other~~
24 ~~procedure to nullify a conviction other than by pardon; or~~

25 ~~(iii) Enters the state and is required to register as a sex offender~~
26 ~~under the laws of another village, town, city, state, territory,~~
27 ~~commonwealth, or other jurisdiction of the United States.~~

28 (3) The ~~(c)~~ In addition to the registrable offenses under
29 subdivisions ~~(1)(a) and (b)~~ of this section, the Sex Offender
30 Registration Act applies to any person who, on or after January 1, 2020:

31 (a) Is convicted of:

1 ~~(i) Sexual~~ ~~(i) Has ever pled guilty to, pled nolo contendere to, or~~
2 ~~been found guilty of sexual~~ abuse of a detainee under section 28-322.05;
3 or

4 ~~(ii) Attempting, soliciting, aiding or abetting, being an accessory~~
5 ~~to, or conspiring to commit an offense listed in subdivision (3)(a)(i) of~~
6 ~~this section; or~~

7 ~~(b) Is convicted of any offense that is substantially equivalent to~~
8 ~~a registrable offense under subdivision (3)(a) of this section by any~~
9 ~~other jurisdiction.~~

10 ~~(ii) Has ever pled guilty to, pled nolo contendere to, or been found~~
11 ~~guilty of any offense that is substantially equivalent to a registrable~~
12 ~~offense under subdivision (1)(c)(i) of this section by any village, town,~~
13 ~~city, state, territory, commonwealth, or other jurisdiction of the United~~
14 ~~States, by the United States Government, by court-martial or other~~
15 ~~military tribunal, or by a foreign jurisdiction, notwithstanding a~~
16 ~~procedure comparable in effect to that described under section 29-2264 or~~
17 ~~any other procedure to nullify a conviction other than by pardon.~~

18 ~~(4) The~~ ~~(d) In addition to the registrable offenses under~~
19 ~~subdivisions (1)(a), (b), and (c) of this section, the Sex Offender~~
20 ~~Registration Act applies to any person who on or after January 1, 2026~~
21 ~~2023:~~

22 ~~(a) Is convicted of:~~

23 ~~(i) Sex trafficking of a minor or sex trafficking under section~~
24 ~~28-831; or~~

25 ~~(ii) Attempting, soliciting, aiding or abetting, being an accessory~~
26 ~~to, or conspiring to commit an offense described in subdivision (4)(a)(i)~~
27 ~~of this section; or~~

28 ~~(b) Is convicted of any offense that is substantially equivalent to~~
29 ~~a registrable offense under subdivision (4)(a) of this section by any~~
30 ~~other jurisdiction.~~

31 ~~(5)(a) The Sex Offender Registration Act applies to any person who,~~

1 on or after July 14, 2006:

2 (i) Is convicted of:

3 (A) A violation of section 28-831 which is substantially equivalent
4 to a registrable offense described in subdivision (4)(a)(i) of this
5 section; or

6 (B) Attempting, soliciting, aiding or abetting, being an accessory
7 to, or conspiring to commit an offense described in subdivision (5)(a)(i)
8 (A) of this section; or

9 (ii) Is convicted of any offense that is substantially equivalent to
10 a registrable offense under subdivision (5)(a)(i) of this section by any
11 other jurisdiction.

12 (b) Registration under this subsection is subject to section 18 of
13 this act.

14 (6) The Sex Offender Registration Act applies to any person who, on
15 or after January 1, 2026:

16 (a) Is convicted of any of the following:

17 (i) Benefiting from or participating in a venture involving sex
18 trafficking or sex trafficking of a minor under section 7 of this act; or

19 (ii) Attempting, soliciting, aiding or abetting, being an accessory
20 to, or conspiring to commit an offense listed in subdivision (6)(a)(i) of
21 this section; or

22 (b) Is convicted of any offense that is substantially equivalent to
23 a registrable offense under subdivision (6)(a) of this section by any
24 other jurisdiction.

25 (7) The Sex Offender Registration Act applies to any person who, on
26 or after January 1, 2026, is convicted of:

27 (a) Commercial sexual exploitation under section 28-801.01; or

28 (b) Any offense that is substantially equivalent to a registrable
29 offense under subdivision (7)(a) of this section by any other
30 jurisdiction.

31 ~~(i) Has ever pled guilty to, pled nolo contendere to, or been found~~

1 ~~guilty of human trafficking under subsection (1) or (2) of section~~
2 ~~28-831, and the court determines either by notification of sex offender~~
3 ~~registration responsibilities or notation in the sentencing order that~~
4 ~~the human trafficking was sex trafficking or sex trafficking of a minor~~
5 ~~and not solely labor trafficking or labor trafficking of a minor; or~~
6 ~~(ii) Has ever pled guilty to, pled nolo contendere to, or been found~~
7 ~~guilty of any offense that is substantially equivalent to a registrable~~
8 ~~offense under subdivision (1)(d)(i) of this section by any village, town,~~
9 ~~city, state, territory, commonwealth, or other jurisdiction of the United~~
10 ~~States, by the United States Government, by court-martial or other~~
11 ~~military tribunal, or by a foreign jurisdiction, notwithstanding a~~
12 ~~procedure comparable in effect to that described under section 29-2264 or~~
13 ~~any other procedure to nullify a conviction other than by pardon.~~

14 ~~(8) (2)~~ A person appealing a conviction of a registrable offense
15 under this section shall be required to comply with the act during the
16 appeals process.

17 (9) The changes made to this section by this legislative bill do not
18 apply to any person if, prior to the operative date of this act, a court
19 or the sex offender registration and community notification division of
20 the Nebraska State Patrol determined such person was required to register
21 under the Sex Offender Registration Act for a conviction for a violation
22 of section 28-831 or a substantially equivalent offense of another
23 jurisdiction. Such person shall continue to be required to register in
24 accordance with such prior determination.

25 **Sec. 18.** (1)(a) When determining whether an offense requires
26 registration under subdivision (5)(a) of section 29-4003, an offense
27 shall not be considered substantially equivalent to sex trafficking of a
28 minor or sex trafficking under section 28-831 if:

29 (i) It is based solely upon the defendant benefiting, financially or
30 by receiving anything of value, from participation in a venture involving
31 any form of trafficking; or

1 (ii) It is based solely upon labor trafficking or labor trafficking
2 of a minor, unless the offense included forced labor or services
3 involving commercial sexual activity, sexually explicit performances, or
4 the production of pornography.

5 (b) For purposes of this subsection, the terms labor trafficking,
6 labor trafficking of a minor, forced labor or services, commercial sexual
7 activity, and sexually explicit performance have the same meanings as in
8 section 28-830.

9 (2) The determination of whether a person is required to register
10 under subdivision (5)(a) of section 29-4003 shall be made:

11 (a) If the conviction is for a violation of Nebraska law and the
12 conviction occurs on or after the operative date of this act, by the
13 court as provided in subsection (3) of this section; and

14 (b) For any other conviction, by the sex offender registration and
15 community notification division of the Nebraska State Patrol.

16 (3)(a) When determining whether a defendant is required to register
17 under subdivision (5)(a) of section 29-4003, the court shall only find
18 that a defendant is required to register if the court finds, by clear and
19 convincing evidence, after providing the defendant with notice and a
20 hearing, that the offense is registrable under subdivision (5)(a) of
21 section 29-4003. When making the findings required by this subdivision,
22 the court shall consider any evidence adduced at the hearing as well as
23 any evidence present in the record, including the factual basis for a
24 plea-based conviction and information contained in the presentence
25 report.

26 (b) A person appealing a conviction of a registrable offense under
27 this subsection shall be required to comply with the Sex Offender
28 Registration Act during the appeals process.

29 (4) It is the intent of the Legislature to appropriate twenty-five
30 thousand dollars from the General Fund for fiscal year 2025-26 to the
31 Nebraska State Patrol to implement registration of persons described in

1 subsection (5) of section 29-4003 and to implement any other changes to
2 the Sex Offender Registration Act made by this legislative bill.

3 **Sec. 19.** Section 29-4007, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 29-4007 (1) When sentencing a person convicted of a registrable
6 offense under section 29-4003, the court shall:

7 (a) Provide written notification of the duty to register under the
8 Sex Offender Registration Act as provided in subsection (4) of this
9 section; ~~at the time of sentencing to any defendant who has pled guilty~~
10 ~~or has been found guilty of a registrable offense under section 29-4003.~~
11 ~~The written notification shall:~~

12 ~~(i) Inform the defendant of whether or not he or she is subject to~~
13 ~~the act, the duration of time he or she will be subject to the act, and~~
14 ~~that he or she shall report to a location designated by the Nebraska~~
15 ~~State Patrol for purposes of accepting such registration within three~~
16 ~~working days after the date of the written notification to register;~~

17 ~~(ii) Inform the defendant that if he or she moves to another address~~
18 ~~within the same county, he or she must report to the county sheriff of~~
19 ~~the county in which he or she is residing within three working days~~
20 ~~before his or her move;~~

21 ~~(iii) Inform the defendant that if he or she no longer has a~~
22 ~~residence, temporary domicile, or habitual living location, he or she~~
23 ~~shall report such change in person to the sheriff of the county in which~~
24 ~~he or she is located within three working days after such change in~~
25 ~~residence, temporary domicile, or habitual living location;~~

26 ~~(iv) Inform the defendant that if he or she moves to another county~~
27 ~~in the State of Nebraska, he or she must notify, in person, the county~~
28 ~~sheriff of the county in which he or she had been last residing, had a~~
29 ~~temporary domicile, or had a habitual living location and the county~~
30 ~~sheriff of the county in which he or she is residing, has a temporary~~
31 ~~domicile, or is habitually living of his or her current address. The~~

1 notice must be given within three working days before his or her move;

2 ~~(v) Inform the defendant that if he or she moves to another state,~~
3 ~~he or she must report, in person, the change of address to the county~~
4 ~~sheriff of the county in which he or she has been residing, has had a~~
5 ~~temporary domicile, or has had a habitual living location and must comply~~
6 ~~with the registration requirements of the state to which he or she is~~
7 ~~moving. The notice must be given within three working days before his or~~
8 ~~her move;~~

9 ~~(vi) Inform the defendant that he or she shall (A) inform the~~
10 ~~sheriff of the county in which he or she resides, has a temporary~~
11 ~~domicile, or is habitually living, in person, of each educational~~
12 ~~institution at which he or she is employed, carries on a vocation, or~~
13 ~~attends school, within three working days after such employment or~~
14 ~~attendance, and (B) notify the sheriff of any change in such employment~~
15 ~~or attendance status of such person at such educational institution,~~
16 ~~within three working days;~~

17 ~~(vii) Inform the defendant that he or she shall (A) inform the~~
18 ~~sheriff of the county in which the employment site is located, in person,~~
19 ~~of the name and address of any place where he or she is or will be an~~
20 ~~employee, within three working days after such employment, and (B) inform~~
21 ~~the sheriff of the county in which the employment site is located, in~~
22 ~~person, of any change in his or her employment;~~

23 ~~(viii) Inform the defendant that if he or she goes to another state~~
24 ~~to work or goes to another state as a student and still resides, has a~~
25 ~~temporary domicile, or has a habitual living location in this state, he~~
26 ~~or she must comply with the registration requirements of both states;~~

27 ~~(ix) Inform the defendant that fingerprints, palm prints, a DNA~~
28 ~~sample if not previously collected, and a photograph will be obtained by~~
29 ~~any registering entity in order to comply with the registration~~
30 ~~requirements;~~

31 ~~(x) Inform the defendant of registry and verification locations; and~~

1 ~~(xi) Inform the defendant of the reduction request requirements, if~~
2 ~~eligible, under section 29-4005;~~

3 (b) Require the defendant to read and sign the registration form
4 stating that the duty of the defendant to register under the act Sex
5 ~~Offender Registration Act~~ has been explained;

6 (c) Retain the original notification signed by the defendant; and

7 (d) Provide a copy of the filed notification, the information or
8 amended information, and the sentencing order of the court to the county
9 attorney, the defendant, the sex offender registration and community
10 notification division of the Nebraska State Patrol, and the county
11 sheriff of the county in which the defendant resides, has a temporary
12 domicile, or has a habitual living location.

13 (2) When a person is convicted of a registrable offense under
14 section 29-4003 and is not subject to immediate incarceration upon
15 sentencing, prior to being released by the court, the sentencing court
16 shall ensure that the defendant is registered by a Nebraska State Patrol
17 office or other location designated by the patrol for purposes of
18 accepting registrations.

19 (3)(a) The Department of Correctional Services or a city or county
20 correctional or jail facility shall provide written notification of the
21 duty to register pursuant to the Sex Offender Registration Act as
22 provided in subsection (4) of this section to any person committed to its
23 custody for a registrable offense under section 29-4003 prior to the
24 person's release from incarceration.

25 (b) The Department of Correctional Services or a city or county
26 correctional or jail facility shall:

27 (i) Require the person to read and sign the notification form
28 stating that the duty to register under the act has been explained;

29 (ii) Retain a signed copy of the written notification to register;
30 and

31 (iii) Provide a copy of the signed, written notification to register

1 to the person and to the sex offender registration and community
2 notification division of the Nebraska State Patrol.

3 (4) The written notification required by subsections (1) and (3) of
4 this section shall:

5 (a) (i) Inform the person of whether or not he or she is subject to
6 the act, the duration of time he or she will be subject to the act, and
7 that he or she shall report to a location designated by the Nebraska
8 State Patrol for purposes of accepting such registration within three
9 working days after the date of the written notification to register;

10 (b) (ii) Inform the person that if he or she moves to another
11 address within the same county, he or she must report all address
12 changes, in person, to the county sheriff of the county in which he or
13 she has been residing within three working days before his or her move;

14 (c) (iii) Inform the defendant that if he or she no longer has a
15 residence, temporary domicile, or habitual living location, he or she
16 shall report such change in person to the sheriff of the county in which
17 he or she is located within three working days after such change in
18 residence, temporary domicile, or habitual living location;

19 (d) (iv) Inform the person that if he or she moves to another county
20 in the State of Nebraska, he or she must notify, in person, the county
21 sheriff of the county in which he or she had been last residing, had a
22 temporary domicile, or had a habitual living location and the county
23 sheriff of the county in which he or she is residing, has a temporary
24 domicile, or is habitually living of his or her current address. The
25 notice must be given within three working days before his or her move;

26 (e) (v) Inform the person that if he or she moves to another state,
27 he or she must report, in person, the change of address to the county
28 sheriff of the county in which he or she has been residing, has had a
29 temporary domicile, or has been habitually living and must comply with
30 the registration requirements of the state to which he or she is moving.
31 The report must be given within three working days before his or her

1 move;

2 (f) ~~(vi)~~ Inform the person that he or she shall (i) ~~(A)~~ inform the
3 sheriff of the county in which he or she resides, has a temporary
4 domicile, or is habitually living, in person, of each educational
5 institution at which he or she is employed, carries on a vocation, or
6 attends school, within three working days after such employment or
7 attendance, and (ii) ~~(B)~~ notify the sheriff of any change in such
8 employment or attendance status of such person at such educational
9 institution, within three working days after such change;

10 (g) ~~(vii)~~ Inform the person that he or she shall (i) ~~(A)~~ inform the
11 sheriff of the county in which the employment site is located, in person,
12 of the name and address of any place where he or she is or will be an
13 employee, within three working days after such employment, and (ii) ~~(B)~~
14 inform the sheriff of the county in which the employment site is located,
15 in person, of any change in his or her employment;

16 (h) ~~(viii)~~ Inform the person that if he or she goes to another state
17 to work or goes to another state as a student and still resides, has a
18 temporary domicile, or has a habitual living location in this state, he
19 or she must comply with the registration requirements of both states;

20 (i) ~~(ix)~~ Inform the defendant that fingerprints, palm prints, a DNA
21 sample if not previously collected, and a photograph will be obtained by
22 any registering entity in order to comply with the registration
23 requirements;

24 (j) ~~(x)~~ Inform the defendant of registry and verification locations;
25 and

26 (k) ~~(xi)~~ Inform the defendant of the reduction request requirements,
27 if eligible, under section 29-4005.

28 ~~(b) The Department of Correctional Services or a city or county~~
29 ~~correctional or jail facility shall:~~

30 ~~(i) Require the person to read and sign the notification form~~
31 ~~stating that the duty to register under the Sex Offender Registration Act~~

1 ~~has been explained;~~

2 ~~(ii) Retain a signed copy of the written notification to register;~~
3 ~~and~~

4 ~~(iii) Provide a copy of the signed, written notification to register~~
5 ~~to the person and to the sex offender registration and community~~
6 ~~notification division of the Nebraska State Patrol.~~

7 ~~(5)~~ (4) If a person is convicted of a registrable offense under
8 section 29-4003 and is immediately incarcerated, he or she shall be
9 registered as required under the act prior to discharge, parole, or work
10 release.

11 ~~(6)~~ (5) The Department of Motor Vehicles shall cause written
12 notification of the duty to register to be provided on the applications
13 for a motor vehicle operator's license and for a commercial driver's
14 license.

15 ~~(7)~~ (6) All written notification as provided in this section shall
16 be on a form approved by the Attorney General.

17 **Sec. 20.** Section 29-4802, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 29-4802 (1) Except as provided in subsection (2) of this section, a
20 defendant is eligible to participate in a veteran justice program if the
21 defendant is a veteran and can show by clear and convincing evidence that
22 a condition from military service contributed to the offense.

23 (2) A veteran is not eligible for participation in a veteran justice
24 program if:

25 (a) The veteran is charged with:

26 (i) An offense that is not eligible for probation;

27 (ii) An offense that is listed in subdivision (1)(a) ~~(1)(a)(i)~~ of
28 section 29-4003;

29 (iii) A violation of section 60-6,196 or 60-6,197, or a city or
30 village ordinance enacted in conformance with section 60-6,196 or
31 60-6,197, following two or more previous convictions for a violation of

1 any such section or ordinance; or

2 (iv) An offense that resulted in the death of another person; or

3 (b) Deferring the entry of judgment would be prohibited under
4 section 60-4,147.01.

5 (3) Any document or materials received by the court pursuant to
6 sections 29-4802 to 29-4804 that contain military or medical records,
7 reports, or evaluations shall be privileged and shall not be disclosed
8 directly or indirectly to anyone other than a judge; attorneys to parties
9 in the case; probation officers to whom a defendant's file is duly
10 transferred; the probation administrator or his or her designee; alcohol
11 and drug counselors, mental health practitioners, psychiatrists, and
12 psychologists licensed or certified under the Uniform Credentialing Act
13 to conduct substance abuse evaluations and treatment; or others entitled
14 by law to receive such information, including personnel affiliated with
15 the veteran justice program.

16 (4) Upon a court determination of eligibility for participation in a
17 veteran justice program, the court shall provide notice to any victim or
18 alleged victim of the offense committed by the veteran of such
19 determination and the right of the veteran to request participation in a
20 veteran justice program.

21 **Sec. 21.** Section 76-1410, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 76-1410 Subject to additional definitions contained in the Uniform
24 Residential Landlord and Tenant Act and unless the context otherwise
25 requires:

26 (1) Act of domestic violence means abuse as defined in section
27 42-903, sexual assault under sections 28-319 to 28-320.01, domestic
28 assault under section 28-323, stalking under section 28-311.03, ~~labor or~~
29 sex trafficking under section 28-831, labor trafficking under section 6
30 of this act, and knowing and intentional abuse, neglect, or exploitation
31 of a vulnerable adult or senior adult under section 28-386.

1 (2) Action includes recoupment, counterclaim, setoff, suit in
2 equity, and any other proceeding in which rights are determined,
3 including an action for possession.

4 (3) Building and housing codes include any law, ordinance, or
5 governmental regulation concerning fitness for habitation, or the
6 construction, maintenance, operation, occupancy, use, or appearance of
7 any premises, or dwelling unit. Minimum housing code shall be limited to
8 those laws, resolutions, or ordinances or regulations, or portions
9 thereof, dealing specifically with health and minimum standards of
10 fitness for habitation.

11 (4) Dwelling unit means a structure or the part of a structure that
12 is used as a home, residence, or sleeping place by one person who
13 maintains a household or by two or more persons who maintain a common
14 household.

15 (5) Good faith means honesty in fact in the conduct of the
16 transaction concerned.

17 (6) Household member means a child or adult, other than the
18 perpetrator of an act of domestic violence, who resides with a tenant.

19 (7) Landlord means the owner, lessor, or sublessor of the dwelling
20 unit or the building of which it is a part, and it also means a manager
21 of the premises who fails to disclose as required by section 76-1417.

22 (8) Organization includes a corporation, government, governmental
23 subdivision or agency, business trust, estate, trust, partnership,
24 limited liability company, or association, two or more persons having a
25 joint or common interest, and any other legal or commercial entity.

26 (9) Owner means one or more persons, jointly or severally, in whom
27 is vested (a) all or part of the legal title to property, or (b) all or
28 part of the beneficial ownership and a right to present use and enjoyment
29 of the premises; and the term includes a mortgagee in possession.

30 (10) Person includes an individual, limited liability company, or
31 organization.

1 (11) Qualified third party means an organization that (a) is a
2 nonprofit organization organized under section 501(c)(3) of the Internal
3 Revenue Code or a federally recognized Indian tribe whose governmental
4 body is within the borders of Nebraska and (b) has an affiliation
5 agreement with the Department of Health and Human Services to provide
6 services to victims of domestic violence and sexual assault under the
7 Protection from Domestic Abuse Act.

8 (12) Premises means a dwelling unit and the structure of which it is
9 a part and facilities and appurtenances therein and grounds, areas, and
10 facilities held out for the use of tenants generally or whose use is
11 promised to the tenant.

12 (13) Rent means all payments to be made to the landlord under the
13 rental agreement.

14 (14) Rental agreement means all agreements, written or oral, between
15 a landlord and tenant, and valid rules and regulations adopted under
16 section 76-1422 embodying the terms and conditions concerning the use and
17 occupancy of a dwelling unit and premises.

18 (15) Roomer means a person occupying a dwelling unit that lacks a
19 major bathroom or kitchen facility, in a structure where one or more
20 major facilities are used in common by occupants of the dwelling units.
21 Major facility in the case of a bathroom means toilet, or either a bath
22 or shower, and in the case of a kitchen means refrigerator, stove, or
23 sink.

24 (16) Single-family residence means a structure maintained and used
25 as a single dwelling unit. Notwithstanding that a dwelling unit shares
26 one or more walls with another dwelling unit, it is a single-family
27 residence if it has direct access to a street or thoroughfare and shares
28 neither heating facilities, hot water equipment, nor any other essential
29 facility or service with any other dwelling unit.

30 (17) Tenant means a person entitled under a rental agreement to
31 occupy a dwelling unit to the exclusion of others.

1 **Sec. 22.** (1) For purposes of this section, department means the
2 Department of Health and Human Services.

3 (2)(a) The Legislature recognizes the benefits to a civil society of
4 a family in which children live and are raised in an environment that is
5 both physically and emotionally healthy.

6 (b) The department shall conduct education and awareness campaigns
7 that promote marital fidelity and harmony, preparation for home
8 ownership, work and life balance, the arrival of children, healthy
9 parenting and child-rearing, financial literacy, and anger management.

10 (c) It is the intent of the Legislature to annually appropriate
11 twenty-five thousand dollars to carry out this subsection.

12 (3)(a) The Legislature recognizes the inherent harm to society,
13 marriages, and families that is caused by the use of pornography and the
14 solicitation of prostitution.

15 (b) The department shall conduct an educational campaign
16 highlighting the damages caused to healthy relationships by pornography,
17 the inherent dangers of prostitution, and the logical negative outcomes
18 from sexual activities outside of a committed relationship.

19 (c) It is the intent of the Legislature to annually appropriate
20 twenty-five thousand dollars to carry out this subsection.

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

23 84-941.01 Potentially disqualifying conviction includes a conviction
24 for:

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

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

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

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

31 (5) Assault in the first or second degree as provided in sections

- 1 28-308 and 28-309;
- 2 (6) Terroristic threats as provided in section 28-311.01;
- 3 (7) Stalking as provided in section 28-311.03;
- 4 (8) Kidnapping as provided in section 28-313;
- 5 (9) False imprisonment as provided in sections 28-314 and 28-315;
- 6 (10) A sexual act subject to criminal penalties as provided in
- 7 sections 28-317 to 28-322.05;
- 8 (11) Domestic assault as provided in section 28-323;
- 9 (12) Robbery as provided in section 28-324;
- 10 (13) Arson as provided in sections 28-502, 28-503, and 28-504;
- 11 (14) Fraud subject to criminal penalties as provided in sections
- 12 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- 13 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
- 14 28-515;
- 15 (16) Forgery as provided in sections 28-602 and 28-603;
- 16 (17) Incest as provided in section 28-703;
- 17 (18) Child abuse as provided in section 28-707;
- 18 (19) Any trafficking offense ~~Human trafficking, labor trafficking,~~
- 19 ~~sex trafficking, labor trafficking of a minor, or sex trafficking of a~~
- 20 ~~minor~~ as provided in section 28-831 or section 6, 7, or 8 of this act;
- 21 (20) False reporting as provided in section 28-907;
- 22 (21) Perjury as provided in section 28-915;
- 23 (22) Assault on an officer, an emergency responder, certain
- 24 employees, or a health care professional in the first degree as provided
- 25 in section 28-929;
- 26 (23) Assault on an officer, an emergency responder, certain
- 27 employees, or a health care professional in the second degree as provided
- 28 in section 28-930;
- 29 (24) Assault on an officer, an emergency responder, certain
- 30 employees, or a health care professional in the third degree as provided
- 31 in section 28-931;

1 (25) Assault on an officer, an emergency responder, certain
2 employees, or a health care professional using a motor vehicle as
3 provided in section 28-931.01;

4 (26) An offense that has as an element the threat to inflict serious
5 bodily injury as defined in section 28-109 or death on another person,
6 the intentional infliction of serious bodily injury as defined in section
7 28-109 on another person, or intentionally causing the death of another
8 person;

9 (27) An offense for which registration is required under the Sex
10 Offender Registration Act; or

11 (28) Any offense under the laws of another jurisdiction that is
12 substantially equivalent to any of the offenses listed in this section.

13 **Sec. 24.** This act becomes operative on January 1, 2026.

14 **Sec. 25.** Original sections 25-21,302, 28-801.01, 29-4001,
15 29-4001.01, and 84-941.01, Reissue Revised Statutes of Nebraska, and
16 sections 28-101, 28-830, 28-831, 28-1354, 29-110, 29-3005, 29-3523,
17 29-4003, 29-4007, 29-4802, and 76-1410, Revised Statutes Cumulative
18 Supplement, 2024, are repealed.