

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 965

Introduced by Bostar, 29.

Read first time January 12, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 28-322.02, 28-322.03, 28-703, 83-4,143, and 84-941.01, Reissue
3 Revised Statutes of Nebraska, sections 27-404, 28-115, and
4 28-322.01, Revised Statutes Cumulative Supplement, 2024, and
5 sections 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01, 28-1701,
6 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes Supplement,
7 2025; to prohibit sexual abuse of a probationer or problem solving
8 court participant, sexual abuse by a conservator, guardian, or
9 guardian ad litem, and sexual abuse by a child welfare service
10 provider; to define and redefine terms; to transfer and change
11 provisions relating to sexual abuse of an inmate or parolee; to
12 provide immunity to probation employees for administration of opioid
13 overdose reversal medication; to change provisions related to the
14 offense of incest; to require registration under the Sex Offender
15 Registration Act; to change offenses included within certain victim
16 notification requirements; to harmonize provisions; and to repeal
17 the original sections.
18 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 27-404, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 27-404 (1) Evidence of a person's character or a trait of his or her
4 character is not admissible for the purpose of proving that he or she
5 acted in conformity therewith on a particular occasion, except:

6 (a) Evidence of a pertinent trait of his or her character offered by
7 an accused, or by the prosecution to rebut the same;

8 (b) Evidence of a pertinent trait of character of the victim of the
9 crime offered by an accused or by the prosecution to rebut the same, or
10 evidence of a character trait of peacefulness of the victim offered by
11 the prosecution in a homicide case to rebut evidence that the victim was
12 the first aggressor. In a sexual assault case, reputation, opinion, or
13 other evidence of past sexual behavior of the victim is governed by
14 section 27-412; or

15 (c) Evidence of the character of a witness as provided in sections
16 27-607 to 27-609.

17 (2) Evidence of other crimes, wrongs, or acts is not admissible to
18 prove the character of a person in order to show that he or she acted in
19 conformity therewith. It may, however, be admissible for other purposes,
20 such as proof of motive, opportunity, intent, preparation, plan,
21 knowledge, identity, or absence of mistake or accident.

22 (3) When such evidence is admissible pursuant to this section, in
23 criminal cases evidence of other crimes, wrongs, or acts of the accused
24 may be offered in evidence by the prosecution if the prosecution proves
25 to the court by clear and convincing evidence that the accused committed
26 the crime, wrong, or act. Such proof shall first be made outside the
27 presence of any jury.

28 (4) Regarding the admissibility in a civil or criminal action of
29 evidence of a person's commission of another offense or offenses of
30 sexual assault under sections 28-316.01 and 28-319 to 28-322.05 and
31 sections 10 and 11 of this act, see sections 27-413 to 27-415.

1 **Sec. 2.** Section 27-413, Revised Statutes Supplement, 2025, is
2 amended to read:

3 27-413 For purposes of sections 27-414 and 27-415, offense of sexual
4 assault means:

5 (1) Sexual ~~sexual~~ assault under section 28-319 or 28-320; ~~τ~~

6 (2) Sexual ~~sexual~~ abuse by a school worker under section
7 28-316.01; ~~τ~~

8 (3) Sexual ~~sexual~~ assault of a child under section 28-319.01 or
9 28-320.01; ~~τ~~

10 (4) Sexual ~~sexual~~ assault by use of an electronic communication
11 device under section 28-320.02; ~~τ~~

12 (5) Sexual ~~sexual~~ abuse of an inmate, ~~a~~ ~~or~~ parolee, a probationer,
13 or a problem solving court participant under sections 28-322.01 to
14 28-322.03; ~~τ~~

15 (6) Sexual ~~sexual~~ abuse of a protected individual under section
16 28-322.04; ~~τ~~

17 (7) Sexual ~~sexual~~ abuse of a detainee under section 28-322.05; ~~τ~~

18 (8) Sexual abuse by a conservator, guardian, or guardian ad litem
19 under section 10 of this act;

20 (9) Sexual abuse by a child welfare service provider under section
21 11 of this act;

22 (10) An ~~an~~ attempt or conspiracy to commit any of the crimes listed
23 in this section; ~~τ~~ or

24 (11) The ~~the~~ commission of or conviction for a crime in another
25 jurisdiction that is substantially similar to any crime listed in this
26 section.

27 **Sec. 3.** Section 28-101, Revised Statutes Supplement, 2025, is
28 amended to read:

29 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
30 and sections 10 and 11 of this act shall be known and may be cited as the
31 Nebraska Criminal Code.

1 **Sec. 4.** Section 28-115, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-115 (1) Except as provided in subsection (2) of this section, any
4 person who commits any of the following criminal offenses against a
5 pregnant woman shall be punished by the imposition of the next higher
6 penalty classification than the penalty classification prescribed for the
7 criminal offense:

8 (a) Assault in the first degree, section 28-308;

9 (b) Assault in the second degree, section 28-309;

10 (c) Assault in the third degree, section 28-310;

11 (d) Assault by strangulation or suffocation, section 28-310.01;

12 (e) Sexual assault in the first degree, section 28-319;

13 (f) Sexual assault in the second or third degree, section 28-320;

14 (g) Sexual assault of a child in the first degree, section
15 28-319.01;

16 (h) Sexual assault of a child in the second or third degree, section
17 28-320.01;

18 (i) Sexual abuse of an inmate, a or parolee, a probationer, or a
19 problem solving court participant in the first degree, section 28-322.02;

20 (j) Sexual abuse of an inmate, a or parolee, a probationer, or a
21 problem solving court participant in the second degree, section
22 28-322.03;

23 (k) Sexual abuse of a protected individual in the first or second
24 degree, section 28-322.04;

25 (l) Sexual abuse of a detainee in the first or second degree, under
26 section 28-322.05;

27 (m) Sexual abuse by a conservator, guardian, or guardian ad litem in
28 the first or second degree, section 10 of this act;

29 (n) Sexual abuse by a child welfare service provider, section 11 of
30 this act;

31 (o) ~~(m)~~ Domestic assault in the first, second, or third degree,

1 section 28-323;

2 ~~(p)~~ ~~(n)~~ Assault on an officer, an emergency responder, a state
3 correctional employee, a Department of Health and Human Services
4 employee, or a health care professional in the first degree, section
5 28-929;

6 ~~(q)~~ ~~(o)~~ Assault on an officer, an emergency responder, a state
7 correctional employee, a Department of Health and Human Services
8 employee, or a health care professional in the second degree, section
9 28-930;

10 ~~(r)~~ ~~(p)~~ Assault on an officer, an emergency responder, a state
11 correctional employee, a Department of Health and Human Services
12 employee, or a health care professional in the third degree, section
13 28-931;

14 ~~(s)~~ ~~(q)~~ Assault on an officer, an emergency responder, a state
15 correctional employee, a Department of Health and Human Services
16 employee, or a health care professional using a motor vehicle, section
17 28-931.01;

18 ~~(t)~~ ~~(r)~~ Assault by a confined person, section 28-932;

19 ~~(u)~~ ~~(s)~~ Confined person committing offenses against another person,
20 section 28-933; and

21 ~~(v)~~ ~~(t)~~ Proximately causing serious bodily injury while operating a
22 motor vehicle, section 60-6,198.

23 (2) The enhancement in subsection (1) of this section does not apply
24 to any criminal offense listed in subsection (1) of this section that is
25 already punishable as a Class I, IA, or IB felony. If any criminal
26 offense listed in subsection (1) of this section is punishable as a Class
27 I misdemeanor, the penalty under this section is a Class IIIA felony.

28 (3) The prosecution shall allege and prove beyond a reasonable doubt
29 that the victim was pregnant at the time of the offense.

30 **Sec. 5.** Section 28-318, Revised Statutes Supplement, 2025, is
31 amended to read:

1 28-318 As used in sections 28-317 to 28-322.05 and sections 10 and
2 11 of this act, unless the context otherwise requires:

3 (1) Actor means a person accused of sexual assault;

4 (2) Intimate parts means the genital area, groin, inner thighs,
5 buttocks, or breasts;

6 (3) Past sexual behavior means sexual behavior other than the sexual
7 behavior upon which the sexual assault is alleged;

8 (4) Serious personal injury means great bodily injury or
9 disfigurement, extreme mental anguish or mental trauma, pregnancy,
10 disease, or loss or impairment of a sexual or reproductive organ;

11 (5) Sexual contact means the intentional touching of the victim's
12 sexual or intimate parts or the intentional touching of the victim's
13 clothing covering the immediate area of the victim's sexual or intimate
14 parts. Sexual contact also means the touching by the victim of the
15 actor's sexual or intimate parts or the clothing covering the immediate
16 area of the actor's sexual or intimate parts when such touching is
17 intentionally caused by the actor. Sexual contact includes only such
18 conduct which can be reasonably construed as being for the purpose of
19 sexual arousal or gratification of either party. Sexual contact also
20 includes the touching of a child with the actor's sexual or intimate
21 parts on any part of the child's body for purposes of sexual abuse by a
22 school worker under section 28-316.01 or sexual assault of a child under
23 sections 28-319.01 and 28-320.01;

24 (6) Sexual penetration means sexual intercourse in its ordinary
25 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,
26 however slight, of any part of the actor's or victim's body or any object
27 manipulated by the actor into the genital or anal openings of the
28 victim's body which can be reasonably construed as being for nonmedical,
29 nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not
30 require emission of semen;

31 (7) Victim means the person alleging to have been sexually

1 assaulted;

2 (8) Without consent means:

3 (a)(i) The victim was compelled to submit due to the use of force or
4 threat of force or coercion, or (ii) the victim expressed a lack of
5 consent through words, or (iii) the victim expressed a lack of consent
6 through conduct, or (iv) the consent, if any was actually given, was the
7 result of the actor's deception as to the identity of the actor or the
8 nature or purpose of the act on the part of the actor;

9 (b) The victim need only resist, either verbally or physically, so
10 as to make the victim's refusal to consent genuine and real and so as to
11 reasonably make known to the actor the victim's refusal to consent; and

12 (c) A victim need not resist verbally or physically where it would
13 be useless or futile to do so; and

14 (9) Force or threat of force means (a) the use of physical force
15 which overcomes the victim's resistance or (b) the threat of physical
16 force, express or implied, against the victim or a third person that
17 places the victim in fear of death or in fear of serious personal injury
18 to the victim or a third person where the victim reasonably believes that
19 the actor has the present or future ability to execute the threat.

20 **Sec. 6.** Section 28-322, Revised Statutes Supplement, 2025, is
21 amended to read:

22 28-322 For purposes of sections 28-322 to 28-322.03:

23 (1) Department means the Department of Correctional Services;

24 (2) (1) Inmate or parolee means any individual confined in a
25 facility operated by the ~~department~~ Department of Correctional Services
26 or a ~~city or county correctional or jail facility or~~

27 (3) Jail means any jail or correctional facility of a city or
28 county;

29 (4) Office means the Office of Probation Administration;

30 (5) Parolee means any individual under parole supervision; and

31 (6) (2) Person means:

1 (a) ~~Any an~~ individual employed by the ~~department~~ Department of
2 ~~Correctional Services~~, including any individual working in central
3 administration of the department, any individual working under contract
4 with the department, and any individual ~~, other than an inmate's spouse,~~
5 to whom the department has authorized or delegated control over an inmate
6 or an inmate's activities; ~~;~~ ;

7 (b) ~~Any an~~ individual employed by a ~~city or county correctional or~~
8 ~~jail facility~~, including any individual working in central administration
9 of the ~~city or county correctional or jail facility~~, any individual
10 working under contract with the ~~city or county correctional or jail~~
11 ~~facility~~, and any individual ~~, other than an inmate's spouse,~~ to whom the
12 ~~city or county correctional or jail facility~~ has authorized or delegated
13 control over an inmate or an inmate's activities; ~~;~~ ; and

14 (c) ~~Any an~~ individual employed by the office, including, but not
15 limited to:

16 (i) Any probation officer, chief probation officer, juvenile
17 probation officer, or juvenile intake officer, as those terms are defined
18 in section 29-2246; or

19 (ii) Any individual:

20 (A) Working in probation administration or for any probation
21 district;

22 (B) Working within any problem solving court under the purview of
23 the office; or

24 (C) To whom the office or a problem solving court has authorized or
25 delegated control over a probationer or problem solving court
26 participant, or such person's activities, whether by contract or
27 otherwise; Office of Probation Administration who performs official
28 duties within any facility operated by the Department of Correctional
29 Services or a city or county correctional or jail facility.

30 (7) Probationer means:

31 (a) Any individual under probation supervision, including, but not

1 limited to, as a result of a sentence of probation or post-release
2 supervision, pursuant to a deferred judgment, or pursuant to the Nebraska
3 Juvenile Code; or

4 (b) Any individual subject to a presentence or predisposition
5 investigation being completed by the office or subject to a probation
6 intake; and

7 (8) Problem solving court participant means a criminal defendant or
8 juvenile participating in any problem solving court program.

9 **Sec. 7.** Section 28-322.01, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 28-322.01 (1) A person commits the offense of sexual abuse of an
12 inmate, ~~a~~ or parolee, ~~a~~ probationer, or a problem solving court
13 participant if such person subjects an inmate, ~~a~~ or parolee, ~~a~~
14 probationer, or a problem solving court participant to sexual penetration
15 or sexual contact ~~as those terms are defined in section 28-318.~~

16 (2) It is not a defense to a charge under this section that the
17 inmate, ~~or~~ parolee, probationer, or problem solving court participant
18 consented to such sexual penetration or sexual contact.

19 (3) ~~(2)~~ An otherwise lawful pat-down or body cavity search by a
20 person is not a violation of this section.

21 (4) Sexual contact or sexual penetration between spouses is not a
22 violation of this section.

23 **Sec. 8.** Section 28-322.02, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-322.02 Any person who subjects an inmate, ~~a~~ or parolee, ~~a~~
26 probationer, or a problem solving court participant to sexual penetration
27 in violation of section 28-322.01 is guilty of sexual abuse of an inmate,
28 ~~a~~ or parolee, ~~a~~ probationer, or a problem solving court participant in
29 the first degree. Sexual abuse of an inmate, ~~a~~ or parolee, ~~a~~ probationer,
30 or a problem solving court participant in the first degree is a Class IIA
31 felony.

1 **Sec. 9.** Section 28-322.03, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-322.03 Any person who subjects an inmate, a or parolee, a
4 probationer, or a problem solving court participant to sexual contact in
5 violation of section 28-322.01 is guilty of sexual abuse of an inmate, a
6 or parolee, a probationer, or a problem solving court participant in the
7 second degree. Sexual abuse of an inmate, a or parolee, a probationer, or
8 a problem solving court participant in the second degree is a Class IIIA
9 felony.

10 **Sec. 10.** (1) A conservator, guardian, or guardian ad litem shall
11 not subject any individual whom he or she has been appointed to serve as
12 a conservator, guardian, or guardian ad litem to sexual penetration or
13 sexual contact.

14 (2) It is not a defense to a charge under this section that such
15 individual consented to such sexual penetration or sexual contact.

16 (3) Sexual contact or sexual penetration between spouses is not a
17 violation of this section.

18 (4) A conservator, guardian, or guardian ad litem who subjects an
19 individual to sexual penetration in violation of this section is guilty
20 of sexual abuse by a conservator, guardian, or guardian ad litem in the
21 first degree. Such offense is a Class IIA felony.

22 (5) A conservator, guardian, or guardian ad litem who subjects an
23 individual to sexual contact in violation of this section is guilty of
24 sexual abuse by a conservator, guardian, or guardian ad litem in the
25 second degree. Such offense is a Class IIIA felony.

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

27 (a) Child welfare service provider means any:

28 (i) Individual or entity providing child welfare services,
29 including, but not limited to, any person with a contract or agreement
30 with the Department of Health and Human Services to provide child welfare
31 services; and

1 (ii) An agent or employee of an individual or entity described in
2 subdivision (1)(a)(i) of this section; and

3 (b) Minor means an individual who is under nineteen years of age.

4 (2) A child welfare service provider shall not subject any minor
5 receiving child welfare services from such provider or who is otherwise
6 in such provider's care, custody, or control to sexual penetration or
7 sexual contact.

8 (3) It is not a defense to a charge under this section that such
9 minor consented to such sexual penetration or sexual contact.

10 (4) A child welfare service provider who subjects a minor to sexual
11 penetration in violation of this section is guilty of sexual abuse by a
12 child welfare service provider in the first degree. Such offense is a
13 Class IIA felony.

14 (5) A child welfare service provider who subjects a minor to sexual
15 contact in violation of this section is guilty of sexual abuse by a child
16 welfare service provider in the second degree. Such offense is a Class
17 IIIA felony.

18 **Sec. 12.** Section 28-470, Revised Statutes Supplement, 2025, is
19 amended to read:

20 28-470 (1) A health professional who is authorized to prescribe or
21 dispense an opioid overdose reversal medication, if acting with
22 reasonable care, may prescribe, administer, or dispense such medication
23 to any of the following persons without being subject to administrative
24 action or criminal prosecution:

25 (a) A person who is apparently experiencing or who is likely to
26 experience an opioid-related overdose; or

27 (b) A family member, friend, or other person in a position to assist
28 a person who is apparently experiencing or who is likely to experience an
29 opioid-related overdose.

30 (2) A family member, friend, or any other person, including school
31 personnel, who is in a position to assist a person who is apparently

1 experiencing or who is likely to experience an opioid-related overdose,
2 other than an emergency responder or peace officer, is not subject to
3 actions under the Uniform Credentialing Act, administrative action, or
4 criminal prosecution if the person, acting in good faith:

5 (a) Obtains an opioid overdose reversal medication from a health
6 professional, pursuant to a prescription, or over the counter; and

7 (b) Administers such medication to a person who is apparently
8 experiencing an opioid-related overdose.

9 (3) An emergency responder who, acting in good faith, obtains an
10 opioid overdose reversal medication from the emergency responder's
11 emergency medical service organization and administers such medication to
12 a person who is apparently experiencing an opioid-related overdose shall
13 not be:

14 (a) Subject to administrative action or criminal prosecution; or

15 (b) Personally liable in any civil action to respond in damages as a
16 result of his or her acts of commission or omission arising out of and in
17 the course of his or her rendering such care or services or arising out
18 of his or her failure to act to provide or arrange for further medical
19 treatment or care for the person who is apparently experiencing an
20 opioid-related overdose, unless the emergency responder caused damage or
21 injury by his or her willful, wanton, or grossly negligent act of
22 commission or omission. This subdivision shall not affect the liability
23 of such emergency medical service organization for the emergency
24 responder's acts of commission or omission.

25 (4) A peace officer or law enforcement employee who, acting in good
26 faith, obtains an opioid overdose reversal medication from the peace
27 officer's or employee's law enforcement agency and administers such
28 medication to a person who is apparently experiencing an opioid-related
29 overdose shall not be:

30 (a) Subject to administrative action or criminal prosecution; or

31 (b) Personally liable in any civil action to respond in damages as a

1 result of his or her acts of commission or omission arising out of and in
2 the course of his or her rendering such care or services or arising out
3 of his or her failure to act to provide or arrange for further medical
4 treatment or care for the person who is apparently experiencing an
5 opioid-related overdose, unless the peace officer or employee caused
6 damage or injury by his or her willful, wanton, or grossly negligent act
7 of commission or omission. This subdivision shall not affect the
8 liability of such law enforcement agency for the peace officer's or
9 employee's acts of commission or omission.

10 (5) A probation employee who, acting in good faith, obtains an
11 opioid overdose reversal medication in accordance with the policies of
12 the Office of Probation Administration and administers such medication to
13 a person who is apparently experiencing an opioid-related overdose shall
14 not be:

15 (a) Subject to administrative action or criminal prosecution; or

16 (b) Personally liable in any civil action to respond in damages as a
17 result of his or her acts of commission or omission arising out of and in
18 the course of his or her rendering such care or services or arising out
19 of his or her failure to act to provide or arrange for further medical
20 treatment or care for the person who is apparently experiencing an
21 opioid-related overdose, unless the employee caused damage or injury by
22 his or her willful, wanton, or grossly negligent act of commission or
23 omission. This subdivision shall not affect the liability of such
24 employee's acts of commission or omission.

25 (6) (5) For purposes of this section:

26 (a) Administer has the same meaning as in section 38-2806;

27 (b) Dispense has the same meaning as in section 38-2817;

28 (c) Emergency responder means an emergency medical responder, an
29 emergency medical technician, an advanced emergency medical technician,
30 or a paramedic licensed under the Emergency Medical Services Practice Act
31 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

1 (d) Health professional means a physician, physician assistant,
2 nurse practitioner, or pharmacist licensed under the Uniform
3 Credentialing Act;

4 (e) Law enforcement agency means a police department, a town
5 marshal, the office of sheriff, or the Nebraska State Patrol;

6 (f) Law enforcement employee means an employee of a law enforcement
7 agency, a contractor of a law enforcement agency, or an employee of such
8 contractor who regularly, as part of his or her duties, handles,
9 processes, or is likely to come into contact with any evidence or
10 property which may include or contain opioids;

11 (g) Opioid overdose reversal medication means any lifesaving
12 medication approved by the United States Food and Drug Administration for
13 reversing an opioid overdose, whether obtained by prescription, from a
14 health professional, or over the counter, and includes, but is not
15 limited to, naloxone and nalmefene; and

16 (h) Peace officer has the same meaning as in section 49-801; and -

17 (i) Probation employee means a probation officer, chief probation
18 officer, juvenile probation officer, or juvenile intake officer, as those
19 terms are defined in section 29-2246.

20 **Sec. 13.** Section 28-703, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 28-703 (1) A Any person commits the offense of incest if he or she
23 who shall knowingly;

24 (a) Inter-marries or engages intermarry or engage in sexual
25 penetration or sexual contact with any person who falls within the
26 degrees of consanguinity set forth in section 28-702;

27 (b) Engages or any person who engages in sexual penetration or
28 sexual contact with his or her stepchild who is under nineteen years of
29 age; or commits incest.

30 (c) Engages in sexual penetration or sexual contact with his or her
31 adopted child or foster child.

1 (2) Incest is a Class III felony, except that incest with a person
2 who is under eighteen years of age is a Class IIA felony.

3 (3) ~~(3)(a)~~ For purposes of this section, the definitions found in
4 section 28-318 shall be used.

5 (4) ~~(b)~~ The testimony of a victim shall be entitled to the same
6 weight as the testimony of victims of other crimes under this code.

7 **Sec. 14.** Section 28-712.01, Revised Statutes Supplement, 2025, is
8 amended to read:

9 28-712.01 (1)(a) The department may assign a report for alternative
10 response consistent with the Child Protection and Family Safety Act.

11 (b) No report involving any of the following shall be assigned to
12 alternative response but shall be immediately forwarded to law
13 enforcement or the county attorney:

14 (i) Murder in the first or second degree as defined in section
15 28-303 or 28-304 or manslaughter as defined in section 28-305;

16 (ii) Assault in the first, second, or third degree or assault by
17 strangulation or suffocation as defined in section 28-308, 28-309,
18 28-310, or 28-310.01;

19 (iii) Sexual abuse, including acts prohibited by section 28-319,
20 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
21 28-322.04, 28-322.05, 28-703, or 28-707 or sections 10 and 11 of this
22 act;

23 (iv) Labor trafficking of a minor or sex trafficking of a minor as
24 defined in section 28-830;

25 (v) Neglect of a minor child that results in serious bodily injury
26 as defined in section 28-109, requires hospitalization of the child, or
27 results in an injury to the child that requires ongoing medical care,
28 behavioral health care, or physical or occupational therapy, including a
29 growth delay, which may be referred to as failure to thrive, that has
30 been diagnosed by a physician and is due to parental neglect;

31 (vi) Physical abuse to the head or torso of a child or physical

1 abuse that results in bodily injury;

2 (vii) An allegation that requires a forensic interview at a child
3 advocacy center or coordination with the child abuse and neglect
4 investigation team pursuant to section 28-728;

5 (viii) Out-of-home child abuse or neglect;

6 (ix) An allegation being investigated by a law enforcement agency at
7 the time of the assignment;

8 (x) A history of termination of parental rights;

9 (xi) Absence of a caretaker without having given an alternate
10 caregiver authority to make decisions and grant consents for necessary
11 care, treatment, and education of a child or without having made
12 provision to be contacted to make such decisions or grant such consents;

13 (xii) Domestic violence involving a caretaker in situations in which
14 the alleged perpetrator has access to the child or caretaker;

15 (xiii) A household member illegally manufactures methamphetamine or
16 opioids;

17 (xiv) A child has had contact with methamphetamine or other
18 nonprescribed opioids, including a positive drug screening or test; or

19 (xv) For a report involving an infant, a household member tests
20 positive for methamphetamine or nonprescribed opioids at the birth of
21 such infant.

22 (c) The department may adopt and promulgate rules and regulations to
23 (i) provide additional ineligibility criteria for assignment to
24 alternative response and (ii) establish additional criteria requiring
25 review by the Review, Evaluate, and Decide Team.

26 (d) A report that includes any of the following may be eligible for
27 alternative response but shall first be reviewed by the Review, Evaluate,
28 and Decide Team prior to assignment to alternative response:

29 (i) Domestic assault as defined in section 28-323 or domestic
30 violence in the family home;

31 (ii) Use of alcohol or controlled substances as defined in section

1 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to
2 care and provide safety for the child; or

3 (iii) A family member residing in the home or a caregiver that has
4 been the subject of a report accepted for traditional response or
5 assigned to alternative response in the past six months.

6 (2) The Review, Evaluate, and Decide Team shall convene to review
7 reports pursuant to the department's rules, regulations, and policies, to
8 evaluate the information, and to determine assignment for alternative
9 response or traditional response. The team shall utilize consistent
10 criteria to review the severity of the allegation of child abuse or
11 neglect, access to the perpetrator, vulnerability of the child, family
12 history including previous reports, parental cooperation, parental or
13 caretaker protective factors, and other information as deemed necessary.
14 At the conclusion of the review, the report shall be assigned to either
15 traditional response or alternative response. Decisions of the team shall
16 be made by consensus. If the team cannot come to consensus, the report
17 shall be assigned for a traditional response.

18 (3) In the case of an alternative response, the department shall
19 complete a comprehensive assessment. The department shall transfer the
20 case being given alternative response to traditional response if the
21 department determines that a child is unsafe or if the concern for the
22 safety of the child is due to a temporary living arrangement. Upon
23 completion of the comprehensive assessment, if it is determined that the
24 child is safe, participation in services offered to the family receiving
25 an alternative response is voluntary, the case shall not be transferred
26 to traditional response based upon the family's failure to enroll or
27 participate in such services, and the subject of the report shall not be
28 entered into the central registry of child protection cases maintained
29 pursuant to section 28-718.

30 (4) The department shall, by the next working day after receipt of a
31 report of child abuse or neglect, enter into the tracking system of child

1 protection cases maintained pursuant to section 28-715 all reports of
2 child abuse or neglect received under this section that are opened for
3 alternative response and any action taken.

4 (5) The department shall make available to the appropriate
5 investigating law enforcement agency, child advocacy center, and county
6 attorney a copy of all reports relative to a case of suspected child
7 abuse or neglect. Aggregate, nonidentifying data regarding reports of
8 child abuse or neglect receiving an alternative response shall be made
9 available quarterly to requesting agencies outside the department. Such
10 alternative response data shall include, but not be limited to, the
11 nature of the initial child abuse or neglect report, the age of the child
12 or children, the nature of services offered, the location of the cases,
13 the number of cases per month, and the number of alternative response
14 cases that were transferred to traditional response. Other than the
15 office of Inspector General of Nebraska Child Welfare, the Public
16 Counsel, law enforcement agency personnel, child advocacy center
17 employees, and county attorneys, no other agency or individual shall be
18 provided specific, identifying reports of child abuse or neglect being
19 given alternative response. The office of Inspector General of Nebraska
20 Child Welfare shall have access to all reports relative to cases of
21 suspected child abuse or neglect subject to traditional response and
22 those subject to alternative response. The department and the office
23 shall develop procedures allowing for the Inspector General's review of
24 cases subject to alternative response. The Inspector General shall
25 include in the report pursuant to section 50-1818 a summary of all cases
26 reviewed pursuant to this subsection.

27 **Sec. 15.** Section 28-1701, Revised Statutes Supplement, 2025, is
28 amended to read:

29 28-1701 (1) A person shall not be arrested or prosecuted for an
30 eligible alcohol or drug offense if such person witnessed or was the
31 victim of a sexual assault and such person:

1 (a) Either:

2 (i) In good faith, reported such sexual assault to law enforcement;
3 or

4 (ii) Requested emergency medical assistance for the victim of the
5 sexual assault; and

6 (b) Evidence supporting the arrest or prosecution of the eligible
7 alcohol or drug offense was obtained or discovered as a result of such
8 person reporting such sexual assault to law enforcement or requesting
9 emergency medical assistance.

10 (2) A person shall not be arrested or prosecuted for an eligible
11 alcohol or drug offense if:

12 (a) Evidence supporting the arrest or prosecution of the person for
13 the offense was obtained or discovered as a result of the investigation
14 or prosecution of a sexual assault; and

15 (b) Such person cooperates with law enforcement in the investigation
16 or prosecution of the sexual assault.

17 (3) For purposes of this section:

18 (a) Eligible alcohol or drug offense means:

19 (i) A violation of subsection (3) or (13) of section 28-416 or of
20 section 28-441;

21 (ii) A violation of section 53-180.02 committed by a person older
22 than eighteen years of age and under the age of twenty-one years, as
23 described in subdivision (4)(a) of section 53-180.05;

24 (iii) A violation of a city or village ordinance similar to
25 subdivision (3)(a)(i) or (ii) of this section; or

26 (iv) Attempt, conspiracy, solicitation, being an accessory to,
27 aiding and abetting, aiding the consummation of, or compounding a felony
28 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
29 section as the underlying offense; and

30 (b) Sexual assault means:

31 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,

1 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
2 28-322.05, 28-703, or 28-1805 or sections 10 and 11 of this act, sex
3 trafficking or sex trafficking of a minor under section 28-831, or
4 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
5 or (f) of section 28-707; or
6 (ii) Attempt, conspiracy, solicitation, being an accessory to,
7 aiding and abetting, aiding the consummation of, or compounding a felony
8 with any of the offenses listed in subdivision (3)(b)(i) of this section
9 as the underlying offense.

10 **Sec. 16.** Section 29-4003, Revised Statutes Supplement, 2025, is
11 amended to read:

12 29-4003 (1)(a) The Sex Offender Registration Act applies to any
13 person who on or after January 1, 1997:

14 (i) Has ever pled guilty to, pled nolo contendere to, or been found
15 guilty of any of the following:

16 (A) Kidnapping of a minor pursuant to section 28-313, except when
17 the person is the parent of the minor and was not convicted of any other
18 offense in this section;

19 (B) False imprisonment of a minor pursuant to section 28-314 or
20 28-315;

21 (C) Sexual assault pursuant to section 28-319 or 28-320;

22 (D) Sexual abuse by a school worker pursuant to section 28-316.01;

23 (E) Sexual assault of a child in the second or third degree pursuant
24 to section 28-320.01;

25 (F) Sexual assault of a child in the first degree pursuant to
26 section 28-319.01;

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

29 (H) Incest of a minor pursuant to section 28-703;

30 (I) Pandering of a minor pursuant to section 28-802;

31 (J) Conduct relating to child sexual abuse material under section

1 28-1805 or subdivision (2)(b) or (c) of section 28-1804;

2 (K) Knowingly possessing or receiving any child sexual abuse
3 material pursuant to subsection (1) or (5) of section 28-1803;

4 (L) Criminal child enticement pursuant to section 28-311;

5 (M) Child enticement by means of an electronic communication device
6 pursuant to section 28-320.02;

7 (N) Debauching a minor pursuant to section 28-805; or

8 (O) Attempt, solicitation, aiding or abetting, being an accessory,
9 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
10 through (1)(a)(i)(N) of this section;

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

19 (iii) Is incarcerated in a jail, a penal or correctional facility,
20 or any other public or private institution or is under probation or
21 parole as a result of pleading guilty to or being found guilty of a
22 registrable offense under subdivision (1)(a)(i) or (ii) of this section
23 prior to January 1, 1997; or

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

27 (b) In addition to the registrable offenses under subdivision (1)(a)
28 of this section, the Sex Offender Registration Act applies to any person
29 who on or after January 1, 2010:

30 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
31 section, has ever pled guilty to, pled nolo contendere to, or been found

1 guilty of any of the following:

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

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

4 (III) Manslaughter pursuant to section 28-305;

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

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

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

8 (VII) Stalking pursuant to section 28-311.03;

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

11 (IX) Kidnapping pursuant to section 28-313;

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

13 (XI) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a
14 problem solving court participant in the first degree pursuant to section
15 28-322.02;

16 (XII) Sexual abuse of an inmate, a ~~or~~ parolee, a probationer, or a
17 problem solving court participant in the second degree pursuant to
18 section 28-322.03;

19 (XIII) Sexual abuse of a protected individual pursuant to section
20 28-322.04;

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

22 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
23 28-707;

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

26 (XVII) Attempt, solicitation, aiding or abetting, being an
27 accessory, or conspiracy to commit an offense listed in subdivisions (1)
28 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

29 (B) In order for the Sex Offender Registration Act to apply to the
30 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
31 (VI), (VII), (IX), and (X) of this section, a court shall have found that

1 evidence of sexual penetration or sexual contact, as those terms are
2 defined in section 28-318, was present in the record, which shall include
3 consideration of the factual basis for a plea-based conviction and
4 information contained in the presentence report;

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

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

16 (c) In addition to the registrable offenses under subdivisions (1)
17 (a) and (b) of this section, the Sex Offender Registration Act applies to
18 any person who on or after January 1, 2020:

19 (i) Has ever pled guilty to, pled nolo contendere to, or been found
20 guilty of sexual abuse of a detainee under section 28-322.05; or

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

29 (d) In addition to the registrable offenses under subdivisions (1)
30 (a), (b), and (c) of this section, the Sex Offender Registration Act
31 applies to any person who on or after January 1, 2023:

1 (i) Has ever pled guilty to, pled nolo contendere to, or been found
2 guilty of human trafficking under subsection (1) or (2) of section
3 28-831, and the court determines either by notification of sex offender
4 registration responsibilities or notation in the sentencing order that
5 the human trafficking was sex trafficking or sex trafficking of a minor
6 and not solely labor trafficking or labor trafficking of a minor; or

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

15 (e) In addition to the registrable offenses under subdivisions (1)
16 (a), (b), (c), and (d) of this section, the Sex Offender Registration Act
17 applies to any person who on or after the effective date of this act:

18 (i) Has ever pled guilty to, pled nolo contendere to, or been found
19 guilty of:

20 (A) Sexual abuse by a conservator, guardian, or guardian ad litem
21 under section 10 of this act; or

22 (B) Sexual abuse by a child welfare service provider under section
23 11 of this act; or

24 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
25 guilty of any offense that is substantially equivalent to a registrable
26 offense under subdivision (1)(e)(i) of this section by any village, town,
27 city, state, territory, commonwealth, or other jurisdiction of the United
28 States, by the United States Government, by court-martial or other
29 military tribunal, or by a foreign jurisdiction, notwithstanding a
30 procedure comparable in effect to that described under section 29-2264 or
31 any other procedure to nullify a conviction other than by pardon.

1 (2) A person appealing a conviction of a registrable offense under
2 this section shall be required to comply with the act during the appeals
3 process.

4 **Sec. 17.** Section 29-4309, Revised Statutes Supplement, 2025, is
5 amended to read:

6 29-4309 For the purposes of the Sexual Assault Victims' Bill of
7 Rights Act:

8 (1)(a) Advocate means:

9 (i) Any employee or supervised volunteer of a domestic violence and
10 sexual assault victim assistance program or of any other agency,
11 business, or organization that is not affiliated with a law enforcement
12 or prosecutor's office, whose primary purpose is assisting domestic
13 violence and sexual assault victims. This includes employees or
14 supervised volunteers of an Indian tribe or a postsecondary educational
15 institution;

16 (ii) A representative from a victim and witness assistance center as
17 established in sections 81-1845 to 81-1847 or a similar entity affiliated
18 with a law enforcement agency or prosecutor's office; or

19 (iii) An advocate who is employed by a child advocacy center that
20 meets the requirements of subsection (2) of section 28-728.

21 (b) If reasonably possible, an advocate shall speak the victim's
22 preferred language or use the services of a qualified interpreter;

23 (2) Health care provider means any individual who is licensed,
24 certified, or registered to perform specified health services consistent
25 with state law;

26 (3) Sexual assault means a violation of section 28-319, 28-319.01,
27 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
28 28-322.05, 28-703, or 28-1805 or sections 10 and 11 of this act, sex
29 trafficking or sex trafficking of a minor under section 28-831, or
30 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
31 or (f) of section 28-707;

1 (4) Sexual assault forensic evidence means evidence collected by a
2 health care provider contained within any sexual assault forensic
3 evidence collection kit, including a toxicology kit, or any forensic
4 evidence collected by law enforcement through the course of an
5 investigation; and

6 (5)(a) Sexual assault victim or victim means any person who is a
7 victim of sexual assault who reports such sexual assault:

8 (i) To a health care provider, law enforcement, or an advocate,
9 including anonymous reporting as provided in section 28-902; and

10 (ii) In the case of a victim who is under eighteen years of age, to
11 the Department of Health and Human Services.

12 (b) Sexual assault victim or victim also includes, if the victim
13 described in subdivision (5)(a) of this section is incompetent, deceased,
14 or a minor who is unable to consent to counseling services, such victim's
15 parent, guardian, or spouse, unless such person is the reported
16 assailant.

17 **Sec. 18.** Section 29-4316, Revised Statutes Supplement, 2025, is
18 amended to read:

19 29-4316 (1) For purposes of this section:

20 (a) Criminal justice agency has the same meaning as in section
21 29-3509;

22 (b) Sex trafficking means sex trafficking or sex trafficking of a
23 minor in violation of section 28-831; and

24 (c) Sexual assault means a violation of section 28-319, 28-319.01,
25 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
26 28-322.05, 28-703, or 28-1805 or sections 10 and 11 of this act or
27 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
28 or (f) of section 28-707.

29 (2) Except as provided in subsection (3) of this section, and unless
30 otherwise required by statute, a criminal justice agency and any attorney
31 involved in the investigation or prosecution of an alleged sexual assault

1 or sex trafficking violation shall maintain the confidentiality of the
2 identity and personal identifying information of the alleged victim. Such
3 information may be shared by such criminal justice agencies and between
4 such criminal justice agencies and attorneys as necessary to carry out
5 their duties.

6 (3) The confidentiality required by subsection (2) of this section
7 does not apply:

8 (a) To the extent waived by the alleged victim;

9 (b) If criminal charges involving the alleged sexual assault or sex
10 trafficking are filed;

11 (c) If the victim has died as a result of, or in connection with,
12 the alleged sexual assault or sex trafficking;

13 (d) In cases where personal identifying information or the identity
14 of the victim are released as part of a child abduction alert system used
15 by law enforcement agencies, such as the AMBER Alert system;

16 (e) To a person making a report of suspected child abuse or neglect
17 as required in section 28-711;

18 (f) To the sharing of reports and information regarding child abuse
19 and neglect with a child abuse and neglect investigation team or child
20 abuse and neglect treatment team provided for in section 28-728;

21 (g) To the Department of Health and Human Services and other
22 assisting agencies as necessary to carry out their duties in
23 investigations of child abuse or neglect;

24 (h) To communication with an individual that an educational entity,
25 as defined in section 79-1201.01, has designated:

26 (i) As a Title IX coordinator; or

27 (ii) To receive reports related to sexual assault or sex trafficking
28 or to provide supportive measures related to such reports; or

29 (i) To communication with advocates and health care providers as
30 defined in section 29-4309.

31 **Sec. 19.** Section 81-1850, Revised Statutes Supplement, 2025, is

1 amended to read:

2 81-1850 (1) For purposes of this section:

3 (a) Covered offense means:

4 (i) Murder in the first degree, section 28-303;

5 (ii) Murder in the second degree, section 28-304;

6 (iii) Manslaughter, section 28-305;

7 (iv) Motor vehicle homicide, section 28-306;

8 (v) Assault in the first degree, section 28-308;

9 (vi) Assault in the second degree, section 28-309;

10 (vii) Assault by strangulation or suffocation, section 28-310.01;

11 (viii) Terroristic threats, section 28-311.01;

12 (ix) Stalking, section 28-311.03;

13 (x) Kidnapping, section 28-313;

14 (xi) False imprisonment in the first degree, section 28-314;

15 (xii) Sexual abuse by a school employee, section 28-316.01;

16 (xiii) Sexual assault in the first degree, section 28-319;

17 (xiv) Sexual assault of a child in the first degree, section
18 28-319.01;

19 (xv) Sexual assault in the second degree, section 28-320;

20 (xvi) Sexual assault of a child in the second or third degree,
21 section 28-320.01;

22 (xvii) Child enticement by means of an electronic communication
23 device, section 28-320.02;

24 (xviii) Sexual abuse of an inmate, a parolee, a probationer, or a
25 problem solving court participant in the first degree, section 28-322.02;

26 (xix) Sexual abuse of an inmate, a parolee, a probationer, or a
27 problem solving court participant in the second degree, section
28 28-322.03;

29 (xx) ~~(xviii)~~ Sexual abuse of a protected individual, section
30 28-322.04;

31 (xxi) Sexual abuse of a detainee, section 28-322.05;

1 (xxii) Sexual abuse by a conservator, guardian, or guardian ad
2 litem, section 10 of this act;

3 (xxiii) Sexual abuse by a child welfare service provider, section 11
4 of this act;

5 (xxiv) {xix} Domestic assault in the first or second degree, section
6 28-323;

7 (xxv) {xx} Sex trafficking, sex trafficking of a minor, labor
8 trafficking, or labor trafficking of a minor, section 28-831; or

9 (xxvi) {xxi} An attempt, solicitation, or conspiracy to commit an
10 offense listed in subdivision (1)(a) of this section; and

11 (b) Victim has the same meaning as in section 29-119.

12 (2)(a) Except as provided in subdivision (2)(b) of this section,
13 when a person is convicted of a felony, the county attorney shall forward
14 the name and address of any victim of such convicted person to the Board
15 of Parole, the Department of Correctional Services, the county
16 corrections agency, the Department of Health and Human Services, and the
17 Board of Pardons, as applicable.

18 (b) A victim may waive the right to notification under this section
19 by notifying the county attorney, in which case the county attorney is
20 not required to comply with subdivision (2)(a) of this section.

21 (c) The Board of Parole, the Department of Correctional Services,
22 the county corrections agency, the Department of Health and Human
23 Services, and the Board of Pardons shall include the victim's name in the
24 file of the convicted person, but the name shall not be part of the
25 public record of any parole or pardons hearings of the convicted person.

26 (d) Any victim, including a victim who has waived his or her right
27 to notification, may request the notification prescribed in this section,
28 as applicable, by sending a written request to the Board of Parole, the
29 Department of Correctional Services, the county corrections agency, the
30 Department of Health and Human Services, or the Board of Pardons any time
31 after the convicted person is incarcerated and until the convicted person

1 is no longer under the jurisdiction of the Board of Parole, the county
2 corrections agency, the Department of Correctional Services, or the Board
3 of Pardons or, if the convicted person is under the jurisdiction of the
4 Department of Health and Human Services, within the three-year period
5 after the convicted person is no longer under the jurisdiction of the
6 Board of Parole, the county corrections agency, the Department of
7 Correctional Services, or the Board of Pardons.

8 (3) A victim whose name appears in the file of the convicted person
9 shall be notified by the Board of Parole:

10 (a) Within ninety days after conviction of an offender, of the
11 tentative date of release and the earliest parole eligibility date of
12 such offender;

13 (b) Of any parole hearings or proceedings;

14 (c) Of any decision of the Board of Parole;

15 (d) When a convicted person who is on parole is returned to custody
16 because of parole violations; and

17 (e) If the convicted person has been adjudged a mentally disordered
18 sex offender or is a convicted sex offender, when such convicted person
19 is released from custody or treatment.

20 Such notification shall be given in person, by telecommunication, or
21 by mail.

22 (4) A victim whose name appears in the file of the convicted person
23 shall be notified by the Department of Correctional Services or a county
24 corrections agency:

25 (a) When a convicted person is granted a furlough or release from
26 incarceration for twenty-four hours or longer or any transfer of the
27 convicted person to community status;

28 (b) When a convicted person is released into community-based
29 programs, including educational release and work release programs. Such
30 notification shall occur at the beginning and termination of any such
31 program;

1 (c) When a convicted person escapes or does not return from a
2 granted furlough or release and again when the convicted person is
3 returned into custody;

4 (d) When a convicted person is discharged from custody upon
5 completion of his or her sentence. Such notice shall be given at least
6 thirty days before discharge, when practicable;

7 (e) Of the (i) department's calculation of the earliest parole
8 eligibility date of the prisoner with all potential good time or
9 disciplinary credits considered if the sentence exceeds ninety days or
10 (ii) county corrections agency's calculation of the earliest release date
11 of the prisoner. The victim may request one notice of the calculation
12 described in this subdivision. Such information shall be mailed not later
13 than thirty days after receipt of the request;

14 (f) Of any reduction in the prisoner's minimum sentence; and

15 (g) Of the victim's right to submit a statement as provided in
16 section 81-1848.

17 (5) A victim whose name appears in the file of a convicted person
18 shall be notified by the Department of Health and Human Services:

19 (a) When a person described in subsection (6) of this section
20 becomes the subject of a petition pursuant to the Nebraska Mental Health
21 Commitment Act or the Sex Offender Commitment Act prior to his or her
22 discharge from custody upon the completion of his or her sentence or
23 within thirty days after such discharge. The county attorney who filed
24 the petition shall notify the Department of Correctional Services of such
25 petition. The Department of Correctional Services shall forward the names
26 and addresses of victims appearing in the file of the convicted person to
27 the Department of Health and Human Services; and

28 (b) When a person under a mental health board commitment pursuant to
29 subdivision (a) of this subsection:

30 (i) Escapes from an inpatient facility providing board-ordered
31 treatment and again when the person is returned to an inpatient facility;

1 (ii) Is discharged or has a change in disposition from inpatient
2 board-ordered treatment;

3 (iii) Is granted a furlough or release for twenty-four hours or
4 longer; and

5 (iv) Is released into educational release programs or work release
6 programs. Such notification shall occur at the beginning and termination
7 of any such program.

8 (6) Subsection (5) of this section applies to a person convicted of
9 a covered offense which is also alleged to be the recent act or threat
10 underlying the commitment of such person as mentally ill and dangerous or
11 as a dangerous sex offender as defined in section 83-174.01.

12 (7) A victim whose name appears in the file of a person convicted of
13 a covered offense shall be notified, via certified mail, by the Board of
14 Pardons:

15 (a) Of any pardon or commutation proceedings at least thirty
16 calendar days prior to the proceedings; and

17 (b) If a pardon or commutation has been granted, within ten days
18 after such granting.

19 (8) The Board of Parole, the Department of Correctional Services,
20 the Department of Health and Human Services, and the Board of Pardons
21 shall adopt and promulgate rules and regulations as needed to carry out
22 this section.

23 (9) The victim's address and telephone number maintained by the
24 Department of Correctional Services, the Department of Health and Human
25 Services, the county corrections agency, the Board of Parole, and the
26 Board of Pardons pursuant to subsection (2) of this section shall be
27 exempt from disclosure under Nebraska public records laws and federal
28 freedom of information laws, as such federal laws existed on January 1,
29 2004.

30 **Sec. 20.** Section 83-4,143, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-4,143 (1) It is the intent of the Legislature that the Board of
2 Parole may recommend placement of felony offenders at the incarceration
3 work camp. The offenders recommended by the board shall be offenders
4 currently housed at other Department of Correctional Services adult
5 correctional facilities and shall complete the incarceration work camp
6 programming prior to release on parole.

7 (2) When the Board of Parole is of the opinion that a felony
8 offender currently incarcerated in a Department of Correctional Services
9 adult correctional facility may benefit from a brief and intensive period
10 of regimented, structured, and disciplined programming immediately prior
11 to release on parole, the board may direct placement of such an offender
12 in an incarceration work camp for a period not to exceed one hundred
13 eighty days as a condition of release on parole. The board may consider
14 such placement if the felony offender (a) is medically and mentally fit
15 to participate, with allowances given for reasonable accommodation as
16 determined by medical and mental health professionals, and (b) has not
17 previously been incarcerated for a violent felony crime. Offenders
18 convicted of a crime under sections 28-319 to 28-322.05 and sections 10
19 and 11 of this act or of any capital crime are not eligible to be placed
20 in an incarceration work camp.

21 (3) The Director of Correctional Services may assign a felony
22 offender to an incarceration work camp if he or she believes it is in the
23 best interests of the felony offender and of society, except that
24 offenders convicted of a crime under sections 28-319 to 28-322.05 and
25 sections 10 and 11 of this act or of any capital crime are not eligible
26 to be assigned to an incarceration work camp pursuant to this subsection.

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

29 84-941.01 Potentially disqualifying conviction includes a conviction
30 for:

31 (1) Criminal attempt as provided in section 28-201, conspiracy as

1 provided in section 28-202, or aiding and abetting as provided in section
2 28-206, to commit an offense listed in this section;
3 (2) Murder as provided in sections 28-303 or 28-304;
4 (3) Manslaughter as provided in section 28-305;
5 (4) Motor vehicle homicide as provided in section 28-306;
6 (5) Assault in the first or second degree as provided in sections
7 28-308 and 28-309;
8 (6) Terroristic threats as provided in section 28-311.01;
9 (7) Stalking as provided in section 28-311.03;
10 (8) Kidnapping as provided in section 28-313;
11 (9) False imprisonment as provided in sections 28-314 and 28-315;
12 (10) A sexual act subject to criminal penalties as provided in
13 sections 28-317 to 28-322.05 and sections 10 and 11 of this act;
14 (11) Domestic assault as provided in section 28-323;
15 (12) Robbery as provided in section 28-324;
16 (13) Arson as provided in sections 28-502, 28-503, and 28-504;
17 (14) Fraud subject to criminal penalties as provided in sections
18 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
19 (15) Theft as provided in sections 28-511, 28-512, 28-513, and
20 28-515;
21 (16) Forgery as provided in sections 28-602 and 28-603;
22 (17) Incest as provided in section 28-703;
23 (18) Child abuse as provided in section 28-707;
24 (19) Human trafficking, labor trafficking, sex trafficking, labor
25 trafficking of a minor, or sex trafficking of a minor as provided in
26 section 28-831;
27 (20) False reporting as provided in section 28-907;
28 (21) Perjury as provided in section 28-915;
29 (22) Assault on an officer, an emergency responder, certain
30 employees, or a health care professional in the first degree as provided
31 in section 28-929;

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

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

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

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

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

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

19 **Sec. 22.** Original sections 28-322.02, 28-322.03, 28-703, 83-4,143,
20 and 84-941.01, Reissue Revised Statutes of Nebraska, sections 27-404,
21 28-115, and 28-322.01, Revised Statutes Cumulative Supplement, 2024, and
22 sections 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01, 28-1701,
23 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes Supplement,
24 2025, are repealed.