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2026

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 978

Introduced by Storer, 43; Bosn, 25; DeKay, 40; Hallstrom, 1; Hardin, 48.

Read first time January 12, 2026

Committee: Judiciary

A BILL FOR AN ACT relating to civil actions; to provide for civil actions against persons for conduct relating to obscene materials, child sexual abuse materials, and child sexual exploitation devices and images; to define terms; to provide powers for the Attorney General and county attorneys; to provide immunity for Internet utilities, courts, attorneys, and agents and employees of courts and attorneys; to provide a civil penalty; and to provide severability.

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

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Section 1. (1) For purposes of this section:

(a) Child sexual abuse material has the same meaning as in section 28-1802;

(b) Internet utility has the same meaning as in section 87-1002;

(c) Obscene has the same meaning as in section 28-807; and

(d) Prohibited content means any depiction or content that:

(i) Is child sexual abuse material;

(ii) Describes or promotes child sexual abuse material; or

(iii) Is obscene.

(2) A person shall not intentionally:

(a) Allow or facilitate access to prohibited content on a publicly available Internet website;

(b) Issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means on an Internet website any prohibited content; or

(c) Create or develop prohibited content that is made available on an Internet website.

(3)(a) Except as provided in subdivision (3)(b) of this section, an individual depicted in or exposed to prohibited content may bring a civil action for appropriate relief against any person who violates subsection (2) of this section with respect to such prohibited content.

(b) This subsection does not authorize a civil action by an adult whose exposure to child sexual abuse material was caused by such adult's intentional viewing of such material.

(c) Appropriate relief in an action under this subsection includes:

(i) Such preliminary and other equitable relief as may be appropriate;

(ii) Actual damages, both economic and noneconomic; and

(iii) Reasonable attorney's fees and other litigation costs reasonably incurred.

(d) In an action under this subsection, the doctrine of contributory

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negligence shall not apply, and no plaintiff shall be allocated fault under Chapter 25. A person who violates subsection (2) of this section shall be jointly and severally liable for damages caused by such violation.

(4) The Attorney General may bring a civil action against a person who violates subsection (2) of this section to restrain or enjoin such violation and for such other equitable relief as the court deems appropriate to carry out the purposes of this section.

(5) An Internet utility does not violate subsection (2) of this section solely by providing access or connection to or from a website or other information or content on the Internet or a facility, system, or network not under the Internet utility's control, including providing access or transmitting, downloading, or storing data, to the extent that such Internet utility is not responsible, in whole or in part, for the creation or development of prohibited content.

(6) This section is intended to create a new statutory cause of action that is in addition to any other remedy that may exist under the law. The duties and liabilities created under this section apply whether or not the violator would be considered a publisher or distributor of prohibited content under any other statutory or common law cause of action.

(7) Sovereign immunity shall not be an affirmative defense in a civil action brought pursuant to this section.

(8) Any remedy available under this section may be awarded without regard to whether the conduct giving rise to the remedy resulted in a criminal conviction.

Sec. 2. (1) For purposes of this section, prohibited content has the same meaning as in section 1 of this act.

(2) There shall be no civil or criminal liability for the viewing or possession of prohibited content by:

(a) A judge who does so in good faith and for purposes of a

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proceeding before the court;

(b) An attorney who does so in good faith in the course of representing a client or potential client; or

(c) An agent or employee of a judge or attorney who does so in good faith and for a legitimate purpose while acting with the scope of such agency or employment.

Sec. 3. (1) For purposes of this section:

(a) Child sexual exploitation device or image means an anatomically correct mannequin, robot, doll, device, or image that:

(i) Has the features of, or features that resemble those of, a minor; and

(ii) Is intended for use in sexual acts; and

(b) Minor means an individual under eighteen years of age.

(2) A person shall not:

(a) Knowingly buy, sell, deliver, or distribute any child sexual exploitation device or image;

(b) Knowingly possess a child sexual exploitation device or image that has been bought, sold, delivered, or distributed; or

(c) Possess a child sexual exploitation device or image with the intent to engage in any conduct prohibited by subdivision (2)(a) of this section.

(3)(a) A minor whose features are represented by, or intended by the violator to be represented by, a child sexual exploitation device or image, may bring a civil action for appropriate relief against any person who violates subsection (2) of this section with respect to such device or image.

(b) Appropriate relief in an action under this subsection includes:

(i) Such preliminary and other equitable relief as may be appropriate;

(ii) Actual damages, both economic and noneconomic; and

(iii) Reasonable attorney's fees and other litigation costs

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reasonably incurred.

(4)(a) A person who violates subsection (2) of this section shall be subject to a civil penalty of not more than ten thousand dollars per violation. The Attorney General or a county attorney may seek recovery of such civil penalties in a civil action.

(b) The Attorney General or a county attorney may also bring a civil action against a person who violates subsection (2) of this section to restrain or enjoin such violation and for such other equitable relief as the court deems appropriate to carry out the purposes of this section.

(c) Any civil penalties collected under this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 4. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.