

LEGISLATIVE BILL 511

Approved by the Governor March 30, 1999

Introduced by Chambers, 11

AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of sexual abuse of an inmate or parolee; to provide penalties; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 28-101, Revised Statutes Supplement, 1998, is amended to read:

28-101. Sections 28-101 to 28-1348 and sections 2 to 5 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. For purposes of sections 2 to 5 of this act, person means an individual employed by the Department of Correctional Services or by the Office of Parole Administration, which includes, but is not limited to, individuals working in central administration of the department, any individual working under contract with the department, and any individual to whom the department has authorized or delegated control over inmates or inmates' activities.

Sec. 3. A person commits the offense of sexual abuse of an inmate or parolee if such person subjects an individual who is confined in a correctional institution or under parole supervision to sexual penetration or sexual contact as those terms are defined in section 28-318. It is not a defense to a charge under this section that the inmate or parolee consented to such sexual penetration or sexual contact.

Sec. 4. Any person who subjects an inmate or parolee to sexual penetration is guilty of sexual abuse of an inmate or parolee in the first degree. Sexual abuse of an inmate or parolee in the first degree is a Class III felony.

Sec. 5. Any person who subjects an inmate or parolee to sexual contact is guilty of sexual abuse of an inmate or parolee in the second degree. Sexual abuse of an inmate or parolee in the second degree is a Class IV felony.

Sec. 6. Original section 28-101, Revised Statutes Supplement, 1998, is repealed.