

AMENDMENTS TO LB 142

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 28-101, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 28-101 Sections 28-101 to 28-1350 and section 3 of this
6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. Section 28-1310, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 28-1310 ~~(1)~~ (1)(a) A person commits the offense of
10 intimidation by ~~telephone call~~ electronic communication device if,
11 with the intent to terrify, intimidate, threaten, or harass, ~~annoy,~~
12 ~~or offend,~~ the person:

13 ~~(a) Telephones~~ (i) Contacts another anonymously, using an
14 electronic communication device, whether or not conversation any
15 communication ensues, and disturbs the peace, quiet, and right of
16 privacy of any person at the place where the calls communications
17 are received; or

18 ~~(b) Telephones~~ (ii) Contacts another using an electronic
19 communication device and uses or transmits any indecent, lewd,
20 lascivious, or obscene language, writing, or sound, or transmits
21 any visual depiction of sexually explicit conduct as defined in
22 section 28-1463.02, or suggests any indecent, lewd, or lascivious
23 act; or

1 ~~(e) Telephones (iii) Contacts another using an electronic~~
2 communication device and threatens to inflict injury to any person
3 or to the property of any person; ~~or~~

4 ~~(d) (iv) Intentionally fails to disengage the an~~
5 electronic communication device connection; or

6 ~~(e) Telephones (v) Contacts another using an electronic~~
7 communication device and attempts to extort money or other thing of
8 value from any person.

9 ~~(2) (b) The use of indecent, lewd, or obscene language or~~
10 the making of a threat or lewd suggestion ~~shall~~ may be prima facie
11 evidence of intent to terrify, intimidate, threaten, or harass.
12 ~~annoy, or offend.~~

13 (2) Intimidation by electronic communication device is a
14 Class I misdemeanor.

15 (3) ~~The offense~~ Intimidation by electronic communication
16 device shall be deemed to have been committed either at the place
17 where the call communication was made initiated or where it was
18 received.

19 ~~(4) Intimidation by telephone call is a Class III~~
20 ~~misdemeanor.~~

21 (4) For purposes of this section, electronic
22 communication device means any device which, in its ordinary and
23 intended use, transmits signs, signals, writings, sounds, visual
24 images, data, or intelligence of any nature, in whole or in
25 part, by a wire, radio, or electromagnetic, photoelectric, or
26 photo-optical system to another electronic communication device.
27 Electronic communication device includes, but is not limited

1 to: Cellular, wireless, and wire-based telephones, including
2 text-messaging capabilities on such telephones; computers as
3 defined in section 28-1343; and personal data assistants that
4 operate in a manner consistent with this definition.

5 Sec. 3. (1) A person commits the offense of enticement by
6 electronic communication device if he or she is nineteen years of
7 age or over and knowingly uses an electronic communication device
8 to contact a child under sixteen years of age or a peace officer
9 who is believed by such person to be a child under sixteen years of
10 age and in so doing:

11 (a) Uses or transmits any indecent, lewd, lascivious, or
12 obscene language, writing, or sound;

13 (b) Transmits or otherwise disseminates any visual
14 depiction of sexually explicit conduct as defined in section
15 28-1463.02; or

16 (c) Suggests any indecent, lewd, or lascivious act.

17 (2) Enticement by electronic communication device is a
18 Class IV felony.

19 (3) Enticement by electronic communication device is
20 deemed to have been committed either at the place where the
21 communication was initiated or where it was received.

22 (4) For purposes of this section, electronic
23 communication device means any device which, in its ordinary and
24 intended use, transmits signs, signals, writings, sounds, visual
25 images, data, or intelligence of any nature, in whole or in
26 part, by a wire, radio, or electromagnetic, photoelectric, or
27 photo-optical system to another electronic communication device.

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3 text-messaging capabilities on such telephones; computers as
4 defined in section 28-1343; and personal data assistants that
5 operate in a manner consistent with this definition.

6 Sec. 4. Original sections 28-101 and 28-1310, Revised
7 Statutes Cumulative Supplement, 2006, are repealed.