



**Hundredth Legislature - First Session - 2007**  
**Revised Committee Statement**  
**LB 142**

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**Hearing Date:** February 15, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Friend)

**Title:** Change provisions relating to intimidation through the use of communication devices

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- |   |                     |   |
|---|---------------------|---|
| 5 | Yes                 | Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pirsch |
| 3 | No                  | Sen. Chambers, Sen. Schimek, Sen. Pedersen                          |
|   | Present, not voting |   |
|   | Absent              |   |
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**Proponents:**

Sen. Friend  
 Corey O’Brien  
 Robert Lausten  
 Jeremy Kinsey

**Representing:**

Nebraska Attorney General’s Office  
 LaVista Police Department  
 Nebraska Fraternal Order of Police

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

Legislative Bill 142 proposes to amend the existing criminal offense of intimidation by telephone call to include communication via computer or an electronic communication device.

Currently, intimidation by telephone call prohibits an individual from contacting another person via telephone with the intent to terrify, intimidate, threaten, harass, annoy, or offend and using indecent, lewd, lascivious, or obscene language or suggesting a lewd, lascivious or obscene act.

LB 142 proposes to expand this offense to include communication via computers or electronic devices and the transmission of lewd, lascivious or obscene writing, sound or visual depiction of

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sexual conduct. The bill also increases the penalty for the offense from a class III to a class I misdemeanor and enhances the penalty to a class IV felony if the perpetrator is over 18 years of age and knows or has reason to believe that the recipient of the communication is less than 16 years of age.

**Explanation of amendments, if any:**

COMMITTEE AMENDMENT

The committee amendment to LB 142, AM 579, replaces the green copy of the bill and makes the following changes to the bill as introduced:

1. Creates a new and separate offense of Enticement by electronic communications device rather than enhancing the penalty for the crime intimidation by telephone when the victim is fewer than 16. The offense of enticement by electronic communication device prohibits a person 19 or older from knowingly using an electronic communications device to contact a child under 16 or a peace officer who is believed to be a child under 16 and in so doing:
  - Uses or transmits lewd, lascivious, or obscene language, writing or sound;
  - Transmits or disseminates any visual depiction of sexually explicit conduct; or
  - Suggests any indecent, lewd or lascivious act;

Enticement by electronic communication device is a class IV felony.

2. Amends the definition of “electronic communications device” to clarify that it includes cell, wireless and wire based telephones, text messaging, computers and PDA’s.
3. Strikes references to “annoy or offend” in section 28-1310 to limit the offense of intimidation by electronic communication device to only include conduct intended to terrify, intimidate, threaten or harass another individual.
4. Amends the offense of intimidation by telephone to prohibit the transmission of indecent or obscene writings or sound or any visual depiction of sexually explicit conduct.
5. Replaces references to telephones with electronic communication device and updates the terminology in section 28-1310 to reflect recent technological changes.
6. Changes from “shall” to “may” the requirement that a court find that the use of indecent or obscene language or the making of a threat or lewd suggestion is prima facie evidence of the intent to terrify, intimidate, threaten or harass under section 28-1310.

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**Senator Brad Ashford, Chairperson**