



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 81**

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**Hearing Date:** February 2, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Schimek)

**Title:** Create the offense of school trespass and prohibit certain activities of registered sex offenders

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

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

8	Yes	Sen Ashford, Sen. Lathrop, Sen. Chambers, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
	Absent	

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**Proponents:**

Sen. Schimek  
Virgil Horne  
John Bonaiuto

**Representing:**

Lincoln Public School  
NASB

**Opponents:**

Amy Miller  
Coleen Nielsen

**Representing:**

ACLU  
Nebraska Criminal Defense Atty Assoc

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:** Legislative Bill 81 proposes to create the criminal offense school trespass and provide duties for businesses providing goods or services to an accredited school district.

The offense of school trespass prohibits any individual convicted of a sex offense against any person or any criminal offense against a minor who, without legitimate reason, enters or remains

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on or in the campus or school grounds, in a vehicle being used for a school purpose, or at a school sponsored activity or athletic event. School trespass also prohibits any person from remaining on school property after a reasonable request that such person leave has been made by a school official. School trespass is punishable as a Class I misdemeanor (0-1 year).

Law enforcement officers are authorized by the bill to make a warrantless arrest if they have probable cause that an individual committed school trespass. Normally, warrantless arrests are only authorized for felonies. An exception allows such arrests for misdemeanors committed in the presence of an officer and in situations where an immediate arrest is necessary to ensure that the individual is apprehended, prevent injury to the suspect or others, or prevent damage to property or the destruction of evidence.

LB 81 also provides that school officials who have a reasonable belief that a person has committed school trespass, may detain such individual in a reasonable manner for a reasonable period of time pending the arrival of law enforcement. School officials detaining persons under this provision are granted immunity from civil and criminal liability for detentions based upon a reasonable belief that such detention was authorized by the act.

Lastly, LB 81 places a duty on businesses which provide goods and services to an accredited school to identify and prevent any employees who are required to register as a sex offender from being present on school grounds, at a school activity or athletic event, or in a vehicle being used for school purposes. Businesses affected by this act are also required to determine on an annual basis if any of its employees are required to register as a sex offender. Violation of these provisions is a criminal offense penalized as a Class III misdemeanor (0-3 months jail, \$500 fine).

**Explanation of amendments, if any:**

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**Senator Brad Ashford, Chairperson**