

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1106

Introduced by Pirsch, 4.

Read first time January 23, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-1310, Revised Statutes Cumulative Supplement, 2006;
3 to create the offense of intimidation by electronic
4 communication device; to provide a penalty; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1310, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 28-1310 (1) A person commits the offense of intimidation
4 by ~~telephone call~~ electronic communication device if, with intent
5 to terrify, intimidate, threaten, harass, annoy, or offend, the
6 person:

7 (a) ~~Telephones~~ Transmits a communication to another using
8 an electronic communication device anonymously, whether or not
9 conversation ensues, and disturbs the peace, quiet, and right of
10 privacy of any person at the place where the ~~calls~~ are electronic
11 communication is received; or

12 (b) ~~Telephones~~ Transmits a communication to another
13 using an electronic communication device and uses indecent, lewd,
14 lascivious, or obscene language or suggests any indecent, lewd, or
15 lascivious act; or

16 (c) ~~Telephones~~ Transmits a communication to another using
17 an electronic communication device and threatens to inflict injury
18 to any person or to the property of any person; or

19 (d) Intentionally fails to disengage ~~the~~ an electronic
20 connection; or

21 (e) ~~Telephones~~ Transmits a communication to another using
22 an electronic communication device and attempts to extort money or
23 other thing of value from any person.

24 (2) The use of indecent, lewd, or obscene language or
25 the making of a threat or lewd suggestion shall be prima facie

1 evidence of intent to terrify, intimidate, threaten, harass, annoy,
2 or offend.

3 (3) The offense shall be deemed to have been committed
4 either at the place where the ~~call~~ electronic communication was
5 made or where it was received.

6 (4) Intimidation by ~~telephone call~~ electronic
7 communication device is a Class III misdemeanor.

8 Sec. 2. Original section 28-1310, Revised Statutes
9 Cumulative Supplement, 2006, is repealed.