

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 142

Introduced By: Friend, 10; Avery, 28; Erdman, 47; McDonald, 41
Read first time: January 8, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to communications; to amend section 28-1310,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to intimidation using communication
4 devices; to define terms; and to repeal the original
5 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 by
4 telephone call, computer, or electronic communication device if,
5 with the intent to terrify, intimidate, threaten, harass, annoy, or
6 offend, the person:

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

12 (b) ~~Telephones~~ Contacts another using a telephone,
13 computer, or electronic communication device and uses or transmits
14 any indecent, lewd, lascivious, or obscene language, writing,
15 sound, or visual depiction of sexually explicit conduct as defined in
16 section 28-1463.02, or suggests any indecent, lewd, or lascivious
17 act; ~~or~~

18 (c) ~~Telephones~~ Contacts another using a telephone,
19 computer, or electronic communication device and threatens to inflict
20 injury to any person or to the property of any person; ~~or~~

21 (d) Intentionally fails to disengage ~~the~~ a telephone
22 connection; or

23 (e) ~~Telephones~~ Contacts another using a telephone,
24 computer, or electronic communication device and attempts to extort
25 money or other thing of value from any person.

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

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

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

5 (4) Except as provided in subsection (5) of this section,
6 intimidation by telephone call, computer, or electronic communication
7 device is a Class I misdemeanor. ~~(4) Intimidation by telephone call~~
8 ~~is a Class III misdemeanor.~~

9 (5) A violation of subdivision (1)(b) of this section is a
10 Class IV felony if the violator is over eighteen years of age and
11 knows or has reason to believe that the recipient of the
12 communication is less than sixteen years of age.

13 (6) For purposes of this section:

14 (a) Computer has the same meaning as in section 28-1343;
15 and

16 (b) Electronic communication device means any device which,
17 in its ordinary and intended use, transmits signs, signals, writings,
18 sounds, visual images, data, or intelligence of any nature, in whole
19 or in part, by a wire, radio, or electromagnetic, photoelectric, or
20 photo-optical system to any telephone, computer, or other electronic
21 communication device.

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