

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 81

Introduced By: Schimek, 27; Howard, 9; McGill, 26; Nantkes, 46; Pahls,
31

Read first time: January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Revised Statutes Cumulative Supplement, 2006; to
3 create the offense of school trespass; to provide for
4 detention, arrest, and immunity; to require providers of
5 goods and services to schools to prohibit registered sex
6 offenders employed by such providers from being on or in
7 school property or at school-related events; to provide
8 penalties; to harmonize provisions; and to repeal the
9 original section.

10 Be it enacted by the people of the State of Nebraska,

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

3 28-101. Sections 28-101 to 28-1350 and sections 2 and 3 of
4 this act shall be known and may be cited as the Nebraska Criminal
5 Code.

6 Sec. 2. (1) A person commits school trespass if:

7 (a) He or she has been convicted of a criminal offense
8 against a minor or of any type of sexual offense against any person
9 and without a legitimate reason, enters and remains on or in the
10 campus, grounds, or other property of a school, in a vehicle owned,
11 leased, or contracted by a school being used for a school purpose, in
12 a vehicle being driven for a school purpose by a school employee or
13 by his or her designee, or at a school-sponsored activity or athletic
14 event; or

15 (b) He or she enters the campus, grounds, or other property
16 of a school or a school-sponsored activity or athletic event and
17 remains after the reasonable request of a school official, school
18 principal, or his or her designee that such person leave.

19 (2) School trespass is a Class I misdemeanor.

20 (3) A school official, school principal, or his or her
21 designee who has reasonable cause to believe that a person is
22 violating this section may detain the person in a reasonable manner
23 for a reasonable period of time pending the arrival of a police
24 officer, sheriff, deputy sheriff, or member of the Nebraska State
25 Patrol. A school district, school official, school principal, or
26 designee shall not be civilly or criminally liable and shall be
27 immune from lawsuit for any action based on the school official's,

1 school principal's, or designee's reasonable belief that such action
2 is authorized under this section. This section does not create a duty
3 in the school district or any school official, school principal, or
4 designee to detain any individual or to take any other action.

5 (4) A police officer, sheriff, deputy sheriff, or member of
6 the Nebraska State Patrol may arrest a person without a warrant if the
7 police officer, sheriff, deputy sheriff, or member of the Nebraska
8 State Patrol has probable cause to believe that the person violated
9 this section, whether or not the violation occurred in the presence
10 of the police officer, sheriff, deputy sheriff, or member of the
11 Nebraska State Patrol.

12 (5) For purposes of this section:

13 (a) Campus, grounds, or other property of a school includes
14 administrative, operations, office, and maintenance facilities and
15 property owned, leased, or under the control of the school; and

16 (b) School means any public or nonpublic preschool,
17 kindergarten, elementary school, middle school, junior high school,
18 high school, alternative school or program, or any combination
19 thereof.

20 Sec. 3. Every contractor, subcontractor, vendor, or other
21 provider of goods or services to a public, private, denominational, or
22 parochial school which meets the requirements for accreditation or
23 approval prescribed in Chapter 79 shall identify and prohibit any
24 employee or agent who is registered under the Sex Offender
25 Registration Act from being physically present, while working for or
26 in any way acting on behalf of such contractor, subcontractor,
27 vendor, or other provider, (1) on or in the campus, grounds, or other

1 property of any such school, (2) in a vehicle owned, leased, or
2 contracted by such school being used for a school purpose, (3) in a
3 vehicle being driven for a school purpose by a school employee or by
4 his or her designee, or (4) on property at which a school-sponsored
5 activity or athletic event is being held. Each contractor,
6 subcontractor, vendor, or other provider of goods or services to such
7 school shall at reasonable intervals and no less than annually
8 develop a list of its employees and agents and determine if any
9 persons on such list are registered under the act.

10 Violation of this section is a Class IIIA misdemeanor.

11 Sec. 4. Original section 28-101, Revised Statutes Cumulative
12 Supplement, 2006, is repealed.