

AMENDMENTS TO LB 285

Introduced by Lautenbaugh, 18.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 14, Legislative Bill 97, One Hundred
4 First Legislature, First Session, 2009, is amended to read:

5 Sec. 14. (1) Any person required to register under the
6 Sex Offender Registration Act who ~~is found to be a sexually~~
7 ~~violent predator under subdivision (4)(c) of section 29-4005 or~~
8 is required to register because of a conviction for one or more
9 of the following offenses, including any substantially equivalent
10 offense committed in another state, territory, commonwealth, or
11 other jurisdiction of the United States, and who knowingly and
12 intentionally uses a social networking web site, or service,
13 instant messaging, or chat room service that allows a person who
14 is less than eighteen years of age to access or use its social
15 networking web site, instant messaging, or chat room service,
16 commits the offense of unlawful use of the Internet by a prohibited
17 sex offender:

18 (a) Kidnapping of a minor pursuant to section 28-313;

19 (b) Sexual assault of a child in the first degree
20 pursuant to section 28-319.01;

21 (c) Sexual assault of a child in the second or third
22 degree pursuant to section 28-320.01;

23 (d) Incest of a minor pursuant to section 28-703;

- 1 (e) Pandering of a minor pursuant to section 28-802;
- 2 (f) Visual depiction of sexually explicit conduct of a
- 3 child pursuant to section 28-1463.03 or 28-1463.05;
- 4 (g) Possessing any visual depiction of sexually explicit
- 5 conduct pursuant to section 28-813.01;
- 6 (h) Criminal child enticement pursuant to section 28-311;
- 7 (i) Child enticement by means of an electronic
- 8 communication device pursuant to section 28-320.02;
- 9 (j) Enticement by electronic communication device
- 10 pursuant to section 28-833; or
- 11 (k) An attempt or conspiracy to commit an offense listed
- 12 in subdivisions (1)(a) through (1)(j) of this section.

13 (2) Unlawful use of the Internet by a prohibited sex
14 offender is a Class I misdemeanor for a first offense. Any second
15 or subsequent conviction under this section is a Class IIIA felony.

16 Sec. 2. Section 29-2264, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 29-2264 (1) Whenever any person is placed on probation
19 by a court and satisfactorily completes the conditions of his or
20 her probation for the entire period or is discharged from probation
21 prior to the termination of the period of probation, the sentencing
22 court shall issue an order releasing the offender from probation.
23 Such order in all felony cases shall provide notice that the
24 person's voting rights are restored two years after completion of
25 probation. The order shall include information on restoring other
26 civil rights through the pardon process, including application to
27 and hearing by the Board of Pardons.

1 (2) Whenever any person is convicted of a misdemeanor or
2 felony and is placed on probation by the court or is sentenced to
3 a fine only, he or she may, after satisfactory fulfillment of the
4 conditions of probation for the entire period or after discharge
5 from probation prior to the termination of the period of probation
6 and after payment of any fine, petition the sentencing court to set
7 aside the conviction.

8 (3) In determining whether to set aside the conviction,
9 the court shall consider:

10 (a) The behavior of the offender after sentencing;

11 (b) The likelihood that the offender will not engage in
12 further criminal activity; and

13 (c) Any other information the court considers relevant.

14 (4) The court may grant the offender's petition and issue
15 an order setting aside the conviction when in the opinion of the
16 court the order will be in the best interest of the offender and
17 consistent with the public welfare. The order shall:

18 (a) Nullify the conviction; and

19 (b) Remove all civil disabilities and disqualifications
20 imposed as a result of the conviction.

21 (5) The setting aside of a conviction in accordance with
22 the Nebraska Probation Administration Act shall not:

23 (a) Require the reinstatement of any office, employment,
24 or position which was previously held and lost or forfeited as a
25 result of the conviction;

26 (b) Preclude proof of a plea of guilty whenever such plea
27 is relevant to the determination of an issue involving the rights

1 or liabilities of someone other than the offender;

2 (c) Preclude proof of the conviction as evidence of the
3 commission of the misdemeanor or felony whenever the fact of its
4 commission is relevant for the purpose of impeaching the offender
5 as a witness, except that the order setting aside the conviction
6 may be introduced in evidence;

7 (d) Preclude use of the conviction for the purpose of
8 determining sentence on any subsequent conviction of a criminal
9 offense;

10 (e) Preclude the proof of the conviction as evidence
11 of the commission of the misdemeanor or felony in the event an
12 offender is charged with a subsequent offense and the penalty
13 provided by law is increased if the prior conviction is proved;

14 (f) Preclude the proof of the conviction to determine
15 whether an offender is eligible to have a subsequent conviction set
16 aside in accordance with the Nebraska Probation Administration Act;

17 (g) Preclude use of the conviction as evidence of
18 commission of the misdemeanor or felony for purposes of determining
19 whether an application filed or a license issued under sections
20 71-1901 to 71-1906.01 or the Child Care Licensing Act or a
21 certificate issued under sections 79-806 to 79-815 should be
22 denied, suspended, or revoked;

23 (h) Preclude proof of the conviction as evidence whenever
24 the fact of the conviction is relevant to a determination of
25 ~~risk of recidivism~~ the registration period under section 29-4013;
26 29-4005; or

27 (i) Relieve a person who is convicted of an offense for

1 which registration is required under the Sex Offender Registration
2 Act of the duty to register and to comply with the terms of the
3 act.

4 (6) Except as otherwise provided for the notice in
5 subsection (1) of this section, changes made to this section by
6 Laws 2005, LB 713, shall be retroactive in application and shall
7 apply to all persons, otherwise eligible in accordance with the
8 provisions of this section, whether convicted prior to, on, or
9 subsequent to September 4, 2005.

10 Sec. 3. Section 24, Legislative Bill 97, One Hundred
11 First Legislature, First Session, 2009, is amended to read:

12 Sec. 24. For purposes of the Sex Offender Registration
13 Act:

14 (1) Aggravated offense means any registrable offense
15 under section 29-4003 which involves the penetration of, direct
16 genital touching of, oral to anal contact with, or oral to genital
17 contact with (a) a victim age thirteen years or older without the
18 consent of the victim, (b) a victim under the age of thirteen
19 years, or (c) a victim who the sex offender knew or should
20 have known was mentally or physically incapable of resisting or
21 appraising the nature of his or her conduct;

22 ~~(1)~~ (2) Blog means a web site contained on the Internet
23 that is created, maintained, and updated in a log, journal, diary,
24 or newsletter format by an individual, group of individuals,
25 or corporate entity for the purpose of conveying information or
26 opinions to Internet users who visit their web site;

27 ~~(2)~~ (3) Chat room means a web site or server space on

1 the Internet or communication network primarily designated for the
2 virtually instantaneous exchange of text or voice transmissions
3 or computer file attachments amongst two or more computers or
4 electronic communication device users;

5 ~~(3)~~ (4) Chat room identifiers means the username,
6 password, symbol, image, or series of symbols, letters, numbers, or
7 text characters used by a chat room participant to identify himself
8 or herself in a chat room or to identify the source of any content
9 transmitted from a computer or electronic communication device to
10 the web site or server space upon which the chat room is dedicated;

11 (5) DNA sample has the same meaning as in section
12 29-4103;

13 ~~(4)~~ (6) Domain name means a series of text-based
14 symbols, letters, numbers, or text characters used to provide
15 recognizable names to numerically addressed Internet resources that
16 are registered by the Internet Corporation for Assigned Names and
17 Numbers;

18 ~~(5)~~ (7) Email means the exchange of electronic text
19 messages and computer file attachments between computers or other
20 electronic communication devices over a communications network,
21 such as a local area computer network or the Internet;

22 ~~(6)~~ (8) Email address means the string of letters,
23 numbers, and symbols used to specify the source or destination of
24 an email message that is transmitted over a communication network;

25 (9) Habitual living location means any place that an
26 offender may stay for a period of more than three days even
27 though the sex offender maintains a separate permanent address or

1 temporary domicile;

2 ~~(7)~~ (10) Instant messaging means a direct, dedicated,
3 and private communication service, accessed with a computer or
4 electronic communication device, that enables a user of the service
5 to send and receive virtually instantaneous text transmissions or
6 computer file attachments to other selected users of the service
7 through the Internet or a computer communications network;

8 ~~(8)~~ (11) Instant messaging identifiers means the
9 username, password, symbol, image, or series of symbols, letters,
10 numbers, images, or text characters used by an instant messaging
11 user to identify their presence to other instant messaging users or
12 the source of any content sent from their computer or electronic
13 communication device to another instant messaging user; and

14 (12) Minor means a person under eighteen years of age;

15 ~~(9)~~ (13) Social networking web site means a web page
16 or collection of web sites contained on the Internet (a) that
17 enables users or subscribers to create, display, and maintain a
18 profile or Internet domain containing biographical data, personal
19 information, photos, or other types of media, (b) that can be
20 searched, viewed, or accessed by other users or visitors to the
21 web site, with or without the creator's permission, consent,
22 invitation, or authorization, and (c) that may permit some form of
23 communication, such as direct comment on the profile page, instant
24 messaging, or email, between the creator of the profile and users
25 who have viewed or accessed the creator's profile;—

26 (14) State DNA Data Base means the data base established
27 pursuant to section 29-4104; and

1 (15) Temporary domicile means any place at which the
2 person actually lives or stays for a period of at least three
3 working days.

4 Sec. 4. Section 29-4003, Reissue Revised Statutes of
5 Nebraska, as amended by section 25, Legislative Bill 97, One
6 Hundred First Legislature, First Session, 2009, is amended to read:

7 29-4003 ~~(1) Except as provided in subsection (2) of this~~
8 ~~section,~~ the (1)(a) The Sex Offender Registration Act shall apply
9 applies to any person who on or after January 1, 1997:

10 ~~(a) Pleads~~ (i) Has ever pled guilty to, pled nolo
11 contendere to, or been ex is found guilty of any of the following:

12 ~~(i)~~ (A) Kidnapping of a minor pursuant to section 28-313,
13 except when the person is the parent of the minor and was not
14 convicted of any other offense in this section;

15 ~~(ii)~~ (B) False imprisonment of a minor pursuant to
16 section 28-314 or 28-315;

17 ~~(iii)~~ (C) Sexual assault pursuant to section 28-319 or
18 28-320;

19 ~~(iv)~~ (D) Sexual assault of a child in the second or third
20 degree pursuant to section 28-320.01;

21 ~~(v)~~ (E) Sexual assault of a child in the first degree
22 pursuant to section 28-319.01;

23 ~~(vi)~~ (F) Sexual assault abuse of a vulnerable adult
24 pursuant to subdivision (1)(c) of section 28-386;

25 ~~(vii)~~ (G) Incest of a minor pursuant to section 28-703;

26 ~~(viii)~~ (H) Pandering of a minor pursuant to section
27 28-802;

1 ~~(i*)~~ (I) Visual depiction of sexually explicit conduct of
2 a child pursuant to section 28-1463.03 or 28-1463.05;

3 ~~(*)~~ (J) Knowingly possessing any visual depiction of
4 sexually explicit conduct which has a child as one of its
5 participants or portrayed observers pursuant to section 28-813.01;

6 ~~(*i)~~ (K) Criminal child enticement pursuant to section
7 28-311;

8 ~~(*ii)~~ (L) Child enticement by means of an electronic
9 communication device pursuant to section 28-320.02;

10 ~~(*iii)~~ (M) Debauching a minor pursuant to section 28-805;

11 or

12 ~~(*iv)~~ Enticement by electronic communication device
13 pursuant to section 28-833; or

14 ~~(*v)~~ (N) Attempt, solicitation, aiding or abetting,
15 being an accessory, or conspiracy to commit an offense listed
16 in subdivisions ~~(1)(a)(i)~~ (1)(a)(i)(A) through ~~(1)(a)(*iv)~~
17 (1)(a)(i)(M) of this section;

18 ~~(b)~~ Enters the state and has pleaded (ii) Has ever pled
19 guilty to, pled nolo contendere to, or has been found guilty
20 of any offense that is substantially equivalent to a registrable
21 offense under subdivision (1)(a) (1)(a)(i) of this section by
22 any village, town, city, state, territory, commonwealth, or other
23 jurisdiction of the United States, by the United States Government,
24 ~~or~~ by court-martial or other military tribunal, or by a foreign
25 jurisdiction, notwithstanding a procedure comparable in effect to
26 that described under section 29-2264 or any other procedure to
27 nullify a conviction other than by pardon;

1 ~~(e)~~ (iii) Is incarcerated in a jail, a penal or
2 correctional facility, or any other public or private institution
3 or is under probation or parole as a result of pleading guilty to
4 or being found guilty of a registrable offense under subdivision
5 ~~(1)(a) or (b)~~ (1)(a)(i) or (ii) of this section prior to January 1,
6 1997; or

7 ~~(d)~~ (iv) Enters the state and is required to register
8 as a sex offender under the laws of another village, town, city,
9 state, territory, commonwealth, or other jurisdiction of the United
10 States.

11 (b) In addition to the registrable offenses under
12 subdivision (1)(a) of this section, the Sex Offender Registration
13 Act applies to any person who on or after January 1, 2010:

14 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of
15 this subdivision, has ever pled guilty to, pled nolo contendere to,
16 or been found guilty of any of the following:

17 (I) Murder in the first degree pursuant to section
18 28-303;

19 (II) Murder in the second degree pursuant to section
20 28-304;

21 (III) Manslaughter pursuant to section 28-305;

22 (IV) Assault in the first degree pursuant to section
23 28-308;

24 (V) Assault in the second degree pursuant to section
25 28-309;

26 (VI) Assault in the third degree pursuant to section
27 28-310;

1 (VII) Stalking pursuant to section 28-311.03;
2 (VIII) Unlawful intrusion on a minor pursuant to section
3 28-311.08;
4 (IX) Kidnapping pursuant to section 28-313;
5 (X) False imprisonment pursuant to section 28-314 or
6 28-315;
7 (XI) Sexual abuse of an inmate or parolee in the first
8 degree pursuant to section 28-322.02;
9 (XII) Sexual abuse of an inmate or parolee in the second
10 degree pursuant to section 28-322.03;
11 (XIII) Sexual abuse of a protected individual pursuant to
12 section 28-322.04;
13 (XIV) Incest pursuant to section 28-703;
14 (XV) Child abuse pursuant to subdivision (1) (d) or (e) of
15 section 28-707;
16 (XVI) Enticement by electronic communication device
17 pursuant to section 28-833; or
18 (XVII) Attempt, solicitation, aiding or abetting, being
19 an accessory, or conspiracy to commit an offense listed in
20 subdivisions (1) (b) (i) (A) (I) through (1) (b) (i) (A) (XVI) of this
21 section.
22 (B) In order for the Sex Offender Registration Act to
23 apply to the offenses listed in subdivisions (1) (b) (i) (A) (I), (II),
24 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,
25 a court shall have found that evidence of sexual penetration or
26 sexual contact, as those terms are defined in section 28-318, was
27 present in the record, which shall include consideration of the

1 factual basis for a plea-based conviction and information contained
2 in the presentence report;

3 (ii) Has ever pled guilty to, pled nolo contendere to, or
4 been found guilty of any offense that is substantially equivalent
5 to a registrable offense under subdivision (1)(b)(i) of this
6 section by any village, town, city, state, territory, commonwealth,
7 or other jurisdiction of the United States, by the United States
8 Government, by court-martial or other military tribunal, or by
9 a foreign jurisdiction, notwithstanding a procedure comparable
10 in effect to that described under section 29-2264 or any other
11 procedure to nullify a conviction other than by pardon; or

12 (iii) Enters the state and is required to register as
13 a sex offender under the laws of another village, town, city,
14 state, territory, commonwealth, or other jurisdiction of the United
15 States.

16 ~~(2) In the case of a person convicted of a violation~~
17 ~~of section 28-313, 28-314, 28-315, or 28-805, the convicted person~~
18 ~~shall be subject to the Sex Offender Registration Act, unless the~~
19 ~~sentencing court determines at the time of sentencing, in light~~
20 ~~of all the facts, that the convicted person is not subject to the~~
21 ~~act. The sentencing court shall make such determination part of the~~
22 ~~sentencing order.~~

23 ~~(3) (2) A person appealing a conviction of a registrable~~
24 ~~offense under this section shall be required to comply with the act~~
25 ~~during the appeals process.~~

26 Sec. 5. Section 29-4004, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 29-4004 (1) Any person subject to the Sex Offender
2 Registration Act shall register with the sheriff of the county in
3 which the person resides or is temporarily domiciled within five
4 three working days of after becoming subject to the act at a
5 location designated by the Nebraska State Patrol for purposes of
6 accepting such registration.

7 (2) Any person required to register under the act shall
8 inform the sheriff of the county in which he or she resides, in
9 writing, person, and complete a form as prescribed by the Nebraska
10 State Patrol for such purpose, if he or she has a new address,
11 temporary domicile, or habitual living location, within such county
12 within five three working days after before the address change. The
13 sheriff shall forward submit such information to the sex offender
14 registration and community notification division of the Nebraska
15 State Patrol within five working days after receipt of the new
16 address. on the day it is received and in a manner prescribed by
17 the Nebraska State Patrol for such purpose.

18 (3) Any person required to register under the act shall
19 inform the sheriff of the county in which he or she resides, in
20 writing, person, and complete a form as prescribed by the Nebraska
21 State Patrol for such purpose, if he or she has a new address,
22 temporary domicile, or habitual living location in a different
23 county in this state, within five three working days after before
24 the address change. The sheriff shall forward the new address
25 submit such information to the sex offender registration and
26 community notification division of the Nebraska State Patrol within
27 five working days after receipt of the new address. The on the

1 day it is received and in a manner as prescribed by the Nebraska
2 State Patrol for such purpose. If the change in address, temporary
3 domicile, or habitual living location is to a location within the
4 State of Nebraska, the division shall notify the sheriff of the
5 each affected county to which the person is relocating of the new
6 address, temporary domicile, or habitual living location, within
7 three working days. The person shall report to the county sheriff
8 of his or her new county of residence and register with such county
9 sheriff within ~~five~~ three working days after the address change.

10 (4) Any person required to register under the act shall
11 inform the sheriff of the county in which he or she resides, in
12 ~~writing,~~ person, and complete a form as prescribed by the Nebraska
13 State Patrol for such purpose, if he or she moves to a new
14 out-of-state address, within five ~~three~~ working days after before
15 the address change. The sheriff shall forward the new out-of-state
16 address submit such information to the sex offender registration
17 and notification division of the Nebraska State Patrol within five
18 working days after receipt of the new out-of-state address. The
19 division shall forward the new out-of-state address to the other
20 state's central repository for sex offender registration. on the
21 day it is received and in a manner as prescribed by the Nebraska
22 State Patrol for such purpose. If the change in address, temporary
23 domicile, or habitual living location is to a location outside of
24 the State of Nebraska, the division shall notify the sheriff of
25 each affected county in Nebraska and the other state's, country's,
26 or territory's central repository for sex offender registration
27 of the new out-of-state address, temporary domicile, or habitual

1 living location, within three working days.

2 (5) Any person required to register under the act who is
3 employed, carries on a vocation, or attends school shall inform, in
4 person, the sheriff of the county in which he or she is employed,
5 carries on a vocation, or attends school and complete a form as
6 prescribed by the Nebraska State Patrol for such purpose, within
7 three working days after becoming employed, carrying on a vocation,
8 or attending school. The person shall also notify the sheriff,
9 in person, of any changes in employment, vocation, or school of
10 attendance, and complete a form as prescribed by the Nebraska
11 State Patrol for such purpose, within three working days after
12 the change. The sheriff shall submit such information to the sex
13 offender registration and community notification division of the
14 Nebraska State Patrol on the day it is received and in a manner as
15 prescribed by the Nebraska State Patrol for such purpose.

16 ~~(5)~~ (6) Any person required to register under the act
17 who is residing, has a temporary domicile, or is habitually living
18 in another state or is temporarily domiciled in another state,
19 and is employed, carries on a vocation, or attends school in this
20 state, shall report and register, in person, with the sheriff of
21 the county in which he or she is employed, carries on a vocation,
22 or attends school in this state and complete a form as prescribed
23 by the Nebraska State Patrol for such purpose, within ~~five~~ three
24 working days after becoming employed, carrying on a vocation,
25 or attending school. The person shall also notify the sheriff
26 of any changes in employment, vocation, or school of attendance,
27 in ~~writing,~~ person, and complete a form as prescribed by the

1 Nebraska State Patrol for such purpose, within ~~five~~ three working
2 days after the change. The sheriff shall ~~forward this~~ submit
3 ~~such~~ information to the sex offender registration and community
4 notification division of the Nebraska State Patrol ~~within five~~
5 ~~working days after receipt of such information.~~ on the day it is
6 ~~received and in a manner as prescribed by the Nebraska State Patrol~~
7 ~~for such purpose.~~ For purposes of this subsection:

8 (a) Attends school means enrollment in any educational
9 institution in this state on a full-time or part-time basis; and

10 (b) Is employed or carries on a vocation means any
11 full-time or part-time employment, with or without compensation,
12 which lasts for a duration of more than fourteen days or for an
13 aggregate period exceeding thirty days in a calendar year. and

14 ~~(c) Temporarily domiciled means a place at which the~~
15 ~~person actually lives or stays on a temporary basis even though~~
16 ~~he or she may plan to return to his or her permanent address~~
17 ~~or to another temporary address. For purposes of this section, a~~
18 ~~temporary domicile means any place at which the person actually~~
19 ~~lives or stays for a period of at least five working days.~~

20 ~~(6)~~ (7) Any person incarcerated for a registrable offense
21 under section 29-4003 in a jail, penal or correctional facility, or
22 other public or private institution ~~who is not already registered~~
23 shall be registered by the jail, penal or correctional facility,
24 or public or private institution prior to his or her discharge,
25 parole, furlough, work release, or release. The person shall be
26 informed and information shall be obtained as required in section
27 29-4006.

1 ~~(7) Any person required to register under the act shall~~
2 ~~inform the sheriff of the county in which he or she resides, in~~
3 ~~writing, of each postsecondary educational institution at which~~
4 ~~he or she is employed, carries on a vocation, or attends school,~~
5 ~~within five working days after such employment or attendance.~~
6 ~~The person shall also notify the sheriff of any change in such~~
7 ~~employment or attendance status at the postsecondary educational~~
8 ~~institution, in writing, within five working days after such~~
9 ~~change. The sheriff shall forward the information regarding such~~
10 ~~employment or attendance to the sex offender registration and~~
11 ~~community notification division of the Nebraska State Patrol within~~
12 ~~five working days after receipt of the information.~~

13 (8) Any person required to register or who is registered
14 under the act, but is incarcerated for more than five three
15 working days, whether or not in his or her own county of
16 residence or temporary domicile, shall inform the sheriff of the
17 county in which such person would reside or would be temporarily
18 domiciled if he or she was not incarcerated, he or she is
19 incarcerated, in writing, within five three working days after
20 incarceration, of his or her incarceration and his or her expected
21 release date, if any such date is available. The sheriff shall
22 forward the information regarding incarceration to the sex offender
23 registration and community notification division of the Nebraska
24 State Patrol immediately on the day on which it was received and in
25 a manner prescribed by the Nebraska State Patrol for such purpose.
26 ~~within five working days after receipt of the information.~~

27 (9) Any person required to register or who is registered

1 under the act who no longer has a residence, ~~or~~ temporary domicile,
2 or habitual living location shall ~~notify the county sheriff in~~
3 ~~which he or she is located,~~ in writing, report such change in
4 person to the sheriff of the county in which he or she is located,
5 within ~~five~~ three working days after such change in residence, ~~or~~
6 temporary domicile, or habitual living location. Such person shall
7 update his or her registration, in ~~writing,~~ person, to the sheriff
8 of the county in which he or she is located, on a form approved by
9 the sex offender registration and community notification division
10 of the Nebraska State Patrol at least once every thirty calendar
11 days during the time he or she remains without residence, ~~or~~
12 temporary domicile, or habitual living location.

13 (10) Each registering entity shall forward all written
14 information, photographs, and fingerprints obtained pursuant to the
15 act to the sex offender registration and community notification
16 division of the Nebraska State Patrol ~~within five working days-~~ on
17 the day it is received and in a manner prescribed by the Nebraska
18 State Patrol for such purpose. The information shall be forwarded
19 on forms furnished by the division. The division shall maintain a
20 central registry of sex offenders required to register under the
21 act. Any collected DNA samples shall be forwarded to the State DNA
22 Data Base.

23 Sec. 6. Section 29-4005, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-4005 ~~(1)~~ (1)(a) Except as provided in ~~subsections~~ ~~(2)~~
26 ~~and~~ ~~(3)~~ subsection (2) of this section, any person to whom the
27 Sex Offender Registration Act applies shall be required to register

1 during any period of supervised release, probation, or parole and
2 shall continue to comply with the act for a the period of ~~ten~~
3 ~~years~~ time after the date of discharge from probation, parole, or
4 supervised release or release from incarceration, whichever date is
5 most recent, as set forth in subdivision (b) of this subsection.
6 ~~The ten-year registration requirement shall not apply to any person~~
7 ~~while he or she is incarcerated in a jail, a penal or correctional~~
8 ~~facility, or any other public or private institution. The ten-year~~
9 ~~registration requirement does not include any~~ A sex offender shall
10 keep the registration current for the full registration period but
11 shall not be subject to verification procedures during any time the
12 sex offender is in custody or under an inpatient civil commitment,
13 unless the sex offender is allowed a reduction in his or her
14 registration period under subsection (2) of this section.

15 (b) The full registration period is as follows:

16 (i) Fifteen years, if the sex offender was convicted
17 of a registrable offense under section 29-4003 not punishable by
18 imprisonment for more than one year;

19 (ii) Twenty-five years, if the sex offender was convicted
20 of a registrable offense under section 29-4003 punishable by
21 imprisonment for more than one year; or

22 (iii) Life, if the sex offender was convicted of
23 a registrable offense under section 29-4003 punishable by
24 imprisonment for more than one year and was convicted of an
25 aggravated offense or had a prior sex offense conviction or has
26 been determined to be a lifetime registrant in another state,
27 territory, commonwealth, or other jurisdiction of the United

1 States, by the United States Government, by court-martial or other
2 military tribunal, or by a foreign jurisdiction.

3 (2) A sex offender who is required to register for
4 fifteen years may request a reduction in the registration period to
5 ten years upon completion of ten years of the registration period
6 after the date of discharge from probation, parole, supervised
7 release, or incarceration, whichever date is most recent. The sex
8 offender shall make the request to the Nebraska State Patrol. The
9 sex offender shall provide proof that, during such registration
10 period, he or she:

11 (a) Was not convicted of any offense for which
12 imprisonment for more than one year could have been imposed;

13 (b) Was not convicted of any sex offense;

14 (c) Successfully completed any period of probation,
15 parole, supervised release, or incarceration; and

16 (d) Successfully completed an appropriate sex offender
17 treatment program.

18 (3) Any time period when any person who is required to
19 register under the act knowingly or willfully fails to comply with
20 such registration requirement shall not be counted as completed
21 registration time and shall be used to recalculate the registration
22 period. The recalculation shall be completed by the sex offender
23 registration and community notification division of the Nebraska
24 State Patrol.

25 (2) A person required to register under section 29-4003
26 shall be required to register under the act for the rest of his
27 or her life if the offense creating the obligation to register is

1 an aggravated offense, if the person has a prior conviction for a
2 registrable offense, or if the person is required to register as
3 a sex offender for the rest of his or her life under the laws of
4 another state, territory, commonwealth, or other jurisdiction of
5 the United States. A sentencing court shall make that fact part of
6 the sentencing order.

7 ~~(3)(a)~~ When sentencing a person for a registrable offense
8 under section 29-4003, a court may also determine if the person
9 is a sexually violent predator. When making its determination
10 the court shall consider information contained in the presentence
11 report and the recommendation of experts in the behavior and
12 treatment of sex offenders, victims' rights advocates, and
13 representatives of law enforcement agencies.

14 ~~(b)~~ In addition to complying with the annual verification
15 requirements in section 29-4006 and the lifetime registration
16 requirements of subsection ~~(2)~~ of this section, a person determined
17 to be a sexually violent predator shall verify the registration
18 information quarterly after the initial registration date.

19 ~~(4)~~ For purposes of this section:

20 ~~(a)~~ Aggravated offense means any registrable offense
21 under section 29-4003 which involves the penetration of ~~(i)~~ a
22 victim age twelve years or more through the use of force or the
23 threat of serious violence or ~~(ii)~~ a victim under the age of twelve
24 years;

25 ~~(b)~~ Mental abnormality means a congenital or acquired
26 condition of a person that affects the emotional or volitional
27 capacity of the person in a manner that predisposes that person to

1 the commission of a criminal sexual act to a degree that makes the
2 person a menace to the health and safety of other persons; and

3 (c) Sexually violent predator means a person who has been
4 convicted of one or more registrable offenses under section 29-4003
5 and who suffers from a mental abnormality or personality disorder
6 that makes the person likely to engage in sexually violent offenses
7 directed at a stranger, or at a person with whom a relationship
8 has been established or promoted, for the primary purpose of
9 victimization.

10 Sec. 7. Section 29-4006, Reissue Revised Statutes of
11 Nebraska, as amended by section 26, Legislative Bill 97, One
12 Hundred First Legislature, First Session, 2009, is amended to read:

13 29-4006 (1) Registration information required by the Sex
14 Offender Registration Act shall be in a form entered into a data
15 base in a format approved by the sex offender registration and
16 community notification division of the Nebraska State Patrol and
17 shall include, but not be limited to, the following information:

18 (a) The legal name and all aliases which the person has
19 used or under which the person has been known;

20 (b) A complete description of the person, including date
21 of birth, social security number, motor vehicle operator's license
22 number, photographs, and fingerprints;

23 (c) A listing of each registrable offense under section
24 29-4003 to which the person pleaded guilty or was found guilty, the
25 jurisdiction where each offense was committed, the court in which
26 the person pleaded guilty or was found guilty of each offense, and
27 the name under which the person pleaded guilty or was found guilty

1 of each offense;

2 ~~(d) The name and location of each jail, penal or~~
3 ~~correctional facility, or public or private institution to which~~
4 ~~the person was incarcerated for each offense and the actual time~~
5 ~~served or confined;~~

6 ~~(e) The address of the person's current residence and~~
7 ~~place of employment or vocation and any school he or she is~~
8 ~~attending; and~~

9 (b) The person's date of birth and any alias dates of
10 birth;

11 (c) The person's social security number;

12 (d) The address of each residence at which the person
13 resides, has a temporary domicile, has a habitual living location,
14 or will reside;

15 (e) The name and address of any place where the person
16 is an employee or will be an employee, including work locations
17 without a single worksite;

18 (f) The name and address of any place where the person is
19 a student or will be a student;

20 (g) The license plate number and a description of any
21 vehicle owned or operated by the person and its regular storage
22 location;

23 (h) The person's motor vehicle operator's license number,
24 including the person's valid motor vehicle operator's license or
25 state identification card submitted for photocopying;

26 (i) The person's original travel and immigration
27 documents submitted for photocopying;

1 (j) The person's original professional licenses or
2 certificates submitted for photocopying;

3 (k) The person's remote communication device identifiers
4 and addresses, including, but not limited to, all global unique
5 identifiers, serial numbers, Internet protocol addresses, telephone
6 numbers, and account numbers specific to the device;

7 (l) The person's telephone numbers;

8 (m) A physical description of the person;

9 (n) A digital link to the text of the provision of law
10 defining the criminal offense or offenses for which the person is
11 registered under the act;

12 (o) Access to the criminal history of the person,
13 including the date of all arrests and convictions, the status
14 of parole, probation, or supervised release, registration status,
15 and the existence of any outstanding arrest warrants for the
16 person;

17 (p) A current photograph of the person;

18 (q) A set of fingerprints and palm prints of the person;

19 (r) A DNA sample of the person; and

20 ~~(f)~~ (s) All email addresses, instant messaging
21 identifiers, chat room identifiers, global unique identifiers, and
22 other Internet communication identifiers that the person uses or
23 plans to use, all domain names registered by the registrant, and
24 all blogs and Internet sites maintained by the person or to which
25 the person has uploaded any content or posted any messages or
26 information.

27 (2) When the person provides any information under

1 ~~subdivision (f) of subsection (1)~~ subdivision (1)(k) or (s) of
2 this section, the registrant shall sign a consent form, provided by
3 the law enforcement agency receiving this information, authorizing
4 the:

5 (a) Search of all the computers or electronic
6 communication devices possessed by the person; and

7 (b) Installation of hardware or software to monitor
8 the person's Internet usage on all the computers or electronic
9 communication devices possessed by the person.

10 (3) ~~For the duration of the registration period required~~
11 ~~by the act,~~ Except as provided in section 29-4005, the registration
12 information shall be verified annually within thirty days after
13 the anniversary date of the person's initial registration date.
14 ~~To properly verify, the following shall occur:~~ as provided in
15 subsections (4), (5), and (6) of this section for the duration of
16 the registration period. The person shall appear in person for such
17 verification at the office of the sheriff of the county in which he
18 or she resides, has a temporary domicile, or is habitually living
19 for purposes of accepting verifications and shall have his or
20 her photograph and fingerprints taken upon request of verification
21 personnel.

22 (a) ~~The sex offender registration and community~~
23 ~~notification division of the Nebraska State Patrol shall mail a~~
24 ~~nonforwardable verification form to the last-reported address of~~
25 ~~the person;~~

26 (b) ~~The verification form shall be signed by the person~~
27 ~~and state whether the address last reported to the division is~~

1 still correct, and

2 (c) The person shall mail the verification form to the
3 division within ten days after receipt of the form.

4 (4) If the person fails to complete and mail the
5 verification form to the sex offender registration and community
6 notification division of the Nebraska State Patrol within ten days
7 after receipt of the form, or the form cannot be delivered due to
8 the registrant not being at the address last reported, the person
9 shall be in violation of this section unless the person proves that
10 the address last reported to the division is still correct.

11 (4) A person required to register under the act for
12 fifteen years shall report every twelve months in the month of
13 his or her birth, in person, to the office of the sheriff of
14 the county in which he or she resides for purposes of accepting
15 verifications, regardless of the original registration month. The
16 sheriff shall submit such verification information to the sex
17 offender registration and community notification division of the
18 Nebraska State Patrol on the day it is received and in a manner
19 prescribed by the Nebraska State Patrol for such purpose.

20 (5) A person required to register under the act for
21 twenty-five years shall report, in person, every six months to
22 the office of the sheriff of the county in which he or she
23 resides for purposes of accepting verification. The person shall
24 report, in person, in the month of his or her birth and in the
25 sixth month following the month of his or her birth, regardless
26 of the original registration month. The sheriff shall submit such
27 verification information to the sex offender registration and

1 community notification division of the Nebraska State Patrol on the
2 day it is received and in a manner prescribed by the Nebraska State
3 Patrol for such purpose.

4 (6) A person required to register under the act for life
5 shall report, in person, every three months to the office of the
6 sheriff of the county in which he or she resides for purposes of
7 accepting verification. The person shall report, in person, in the
8 month of his or her birth and every three months following the
9 month of his or her birth, regardless of the original registration
10 month. The sheriff shall submit such verification information to
11 the sex offender registration and community notification division
12 of the Nebraska State Patrol on the day it is received and in a
13 manner prescribed by the Nebraska State Patrol for such purpose.

14 (7) The verification form shall be signed by the person
15 required to register under the act and state whether the address
16 last reported to the division is still correct.

17 (8) Upon receipt of registration and confirmation of the
18 registry requirement, the sex offender registration and community
19 notification division of the Nebraska State Patrol shall notify
20 the person by certified mail of his or her registry duration and
21 verification schedule.

22 (9) If the person required to register under the act
23 fails to report in person as required in subsection (4), (5), or
24 (6) of this section, the person shall be in violation of this
25 section.

26 ~~(5)~~ (10) If the person required to register under the
27 act falsifies the registration or verification information or form

1 or fails to provide or timely update law enforcement of any
2 of the information required to be provided by the Sex Offender
3 Registration Act, the person shall be in violation of this section.

4 ~~(6)~~ (11) The requirement to verify the address of a
5 sexually violent predator quarterly as provided in section 29-4005
6 and the requirement to verify the address of any other registrant
7 annually as required in this section verification requirements
8 of a person required to register under the act shall not apply
9 during periods of such ~~registrant's~~ person's incarceration or
10 inpatient civil commitment. Address verification Verification shall
11 be resumed as soon as such incarcerated person is placed on any
12 type of supervised release, parole, or probation or outpatient
13 civil commitment or is released from incarceration or civil
14 commitment. Prior to any type of release from incarceration,
15 ~~such~~ or inpatient civil commitment, the person shall report the
16 a change of address, in writing, to the sheriff of the county
17 in which he or she is incarcerated and the sheriff of the county
18 in which he or she resides, has a temporary domicile, or has a
19 habitual living location. or is temporarily domiciled. The sheriff
20 shall ~~forward~~ submit the change of address to the sex offender
21 registration and community notification division of the Nebraska
22 State Patrol on the day it is received and in a manner prescribed
23 by the Nebraska State Patrol for such purpose.

24 ~~(7)~~ (12) Any person required to register under the
25 ~~Sex Offender Registration Act~~ act shall, in person, inform the
26 sheriff of any legal change in name, ~~in writing,~~ within ~~five~~ three
27 working days after such change, and provide a copy of the legal

1 documentation supporting the change in name. The sheriff shall
2 ~~forward~~ submit the information to the sex offender registration and
3 community notification division of the Nebraska State Patrol, in
4 writing, ~~within five working days~~ immediately after receipt of the
5 information and in a manner prescribed by the Nebraska State Patrol
6 for such purpose.

7 ~~(8)~~ (13) Any person required to register under the Sex
8 Offender Registration Act shall inform the sheriff with whom he
9 or she is required to register of any changes in or additions
10 to such person's list of email addresses, instant messaging
11 identifiers, chat room identifiers, global unique identifiers,
12 and other Internet communication identifiers that the registrant
13 uses or plans to use, all domain names registered by the person,
14 and all blogs and Internet web sites maintained by the person
15 or to which the person has uploaded any content or posted any
16 messages or information, in writing, by the next working day. The
17 sheriff receiving this updated information shall ~~forward~~ submit
18 the information to the sex offender registration and community
19 notification division of the Nebraska State Patrol, in writing, by
20 the next working day after receipt of the information.

21 (14) At any time that a person required to register
22 under the act violates the registry requirements and cannot be
23 located, the registry information shall reflect that the person has
24 absconded, a warrant shall be sought for the person's arrest, and
25 the United States Marshals Service shall be notified.

26 Sec. 8. Section 29-4007, Reissue Revised Statutes of
27 Nebraska, as amended by section 27, Legislative Bill 97, One

1 Hundred First Legislature, First Session, 2009, is amended to read:

2 29-4007 (1) When sentencing a person convicted of a
3 registrable offense under section 29-4003, the court shall:

4 (a) Provide written notification of the duty to register
5 under the Sex Offender Registration Act at the time of sentencing
6 to any defendant who has ~~pleaded~~ pled guilty or has been found
7 guilty of a registrable offense under section 29-4003. The written
8 notification shall:

9 (i) Inform the defendant of whether or not he or she
10 is subject to the act, the duration of time he or she will be
11 subject to the act, and that he or she shall report to a location
12 designated by the Nebraska State Patrol for purposes of accepting
13 such registration within three working days after the date of the
14 written notification to register;

15 ~~(i)~~ (ii) Inform the defendant that if he or she moves to
16 another address within the same county, he or she must report to
17 the county sheriff in the county in which he or she is residing or
18 ceases to have a residence or temporary domicile, he or she must
19 report all address changes, including not having a residence or
20 temporary domicile, to the county sheriff in the county where he or
21 she has been residing within five ~~three~~ working days after ~~after~~
22 his or her move;

23 (iii) Inform the defendant that if he or she no longer
24 has a residence, temporary domicile, or habitual living location,
25 he or she shall report such change in person to the sheriff of
26 the county in which he or she is located within three working days
27 after such change in residence, temporary domicile, or habitual

1 living location;

2 ~~(iii)~~ (iv) Inform the defendant that if he or she moves to
3 another county in the State of Nebraska, he or she must notify, in
4 person, the county sheriff in the county ~~where~~ in which he or she
5 had been last residing, had a temporary domicile, or had a habitual
6 living location and the county sheriff in the county ~~where~~ in which
7 he or she is living of his or her current address. The notice must
8 be given within ~~five~~ three working days ~~after~~ before his or her
9 move;

10 ~~(iii)~~ (v) Inform the defendant that if he or she moves
11 to another state, he or she must report, in person, the change of
12 address to the county sheriff of the county ~~where~~ in which he or
13 she has been residing, has had a temporary domicile, or has had
14 a habitual living location and must comply with the registration
15 requirements of the state to which he or she is moving. The notice
16 must be given within ~~five~~ three working days ~~after~~ before his or
17 her move;

18 ~~(iv)~~ (vi) Inform the defendant that he or she shall (A)
19 inform the sheriff of the county in which he or she resides,
20 has a temporary domicile, or is habitually living, in writing,
21 person, of each postsecondary educational institution at which he
22 or she is employed, carries on a vocation, or attends school,
23 within ~~five~~ three working days after such employment or attendance
24 and (B) notify the sheriff of any change in such employment or
25 attendance status of such person at such ~~postsecondary~~ educational
26 institution, within three working days;

27 (vii) Inform the defendant that he or she shall (A)

1 inform the sheriff of the county in which the employment site is
2 located, in person, of the name and address of any place where he
3 or she is or will be an employee, within three working days after
4 such employment, and (B) inform the sheriff of the county in which
5 the employment site is located, in person, of any change in his or
6 her employment;

7 ~~(v)~~ (viii) Inform the defendant that if he or she goes
8 to another state to work or goes to another state as a student and
9 still resides, has a temporary domicile, or has a habitual living
10 location ~~or is temporarily domiciled~~ in this state, he or she must
11 comply with the registration requirements of both states;

12 ~~(vi)~~ (ix) Inform the defendant that fingerprints, palm
13 prints, a DNA sample if not previously collected, and a photograph
14 will be obtained by any registering entity in order to comply with
15 the registration requirements;

16 (x) Inform the defendant of registry and verification
17 locations;

18 (xi) Inform the defendant of the reduction request
19 requirements, if eligible, under section 29-4005;

20 ~~(vii)~~ (xii) Inform the defendant that he or she must
21 provide a list to all sheriffs with whom he or she must register
22 of all email addresses, instant messaging identifiers, chat
23 room identifiers, global unique identifiers, and other Internet
24 communication identifiers that the defendant uses or plans to
25 use, all domain names registered by the defendant, and all blogs
26 and Internet web sites maintained by the defendant or to which
27 the defendant has uploaded any content or posted any messages or

1 information;

2 ~~(viii)~~ (xiii) Inform the defendant that he or she
3 is required to inform the sheriff with whom he or she is
4 required to register of any changes in or additions to his or
5 her list of email addresses, instant messaging identifiers, chat
6 room identifiers, global unique identifiers, and other Internet
7 communication identifiers that the defendant uses or plans to
8 use, all domain names registered by the defendant, and all blogs
9 and Internet web sites maintained by the defendant or to which
10 the defendant has uploaded any content or posted any messages or
11 information, in writing, by the next working day after such change
12 or addition; and

13 ~~(ix)~~ (xiv) Inform the defendant that throughout the
14 applicable registration period, if applicable, he or she is
15 prohibited from accessing or using any Internet social networking
16 web site or any instant messaging or chat room service that has
17 the likelihood of allowing the defendant to have contact with any
18 child who is under the age of eighteen years ~~should the Nebraska~~
19 ~~State Patrol classify such defendant as a level II or level III sex~~
20 ~~offender or~~ if the defendant has been convicted and is currently
21 being sentenced for:

22 (A) Kidnapping of a minor pursuant to section 28-313;

23 (B) False imprisonment of a minor pursuant to section
24 28-314 or 28-315;

25 (C) Sexual assault in the first degree pursuant to
26 subdivision (1)(c) of section 28-319 or sexual assault of a child
27 in the first degree pursuant to section 28-319.01;

1 (D) Sexual assault of a child in the second or third
2 degree pursuant to section 28-320.01;

3 (E) Incest of a minor pursuant to section 28-703;

4 (F) Visual depiction of sexually explicit conduct of a
5 child pursuant to section 28-1463.03 or 28-1463.05;

6 (G) Knowingly possessing any visual depiction of sexually
7 explicit conduct pursuant to section 28-813.01;

8 (H) Criminal child enticement pursuant to section 28-311;

9 (I) Child enticement by means of an electronic
10 communication device pursuant to section 28-320.02;

11 (J) Enticement by electronic communication device
12 pursuant to section 28-833; or

13 (K) Any attempt or conspiracy to commit an offense
14 listed in subdivisions (1)(a)(ix)(A) through (1)(a)(ix)(J) of this
15 section;

16 (b) Require the defendant to read and sign a form stating
17 that the duty of the defendant to register under the Sex Offender
18 Registration Act has been explained;

19 (c) Retain a copy of the written notification signed by
20 the defendant; and

21 ~~(d) If the defendant is adjudicated a sexually violent~~
22 ~~predator, include the supporting reports and other information~~
23 ~~supporting this finding.~~

24 (d) Provide a A copy of the signed, written notification,
25 the judgment and sentence, the information or amended information,
26 and the journal entry of the court shall be provided to the
27 county attorney, the defendant, the sex offender registration and

1 community notification division of the Nebraska State Patrol, and
2 the county sheriff of the county in which the defendant resides,
3 has a temporary domicile, or has a habitual living location. ~~or is~~
4 temporarily domiciled.

5 (2) When a person is convicted of a registrable offense
6 under section 29-4003 and is not subject to immediate incarceration
7 upon sentencing, prior to being released by the court, the
8 sentencing court shall ensure that the defendant is registered
9 by the sheriff of the county in which the defendant is convicted
10 no later than the time of sentencing. The sheriff shall obtain
11 full registration information and documents as required by section
12 29-4006, and forward the information and documents to the sex
13 offender registration and community notification division of the
14 Nebraska State Patrol within five working days. a Nebraska State
15 Patrol office or other location designated by the patrol for
16 purposes of accepting registrations.

17 (3) (a) The Department of Correctional Services or a city
18 or county correctional or jail facility shall provide written
19 notification of the duty to register pursuant to the Sex Offender
20 Registration Act to any person committed to its custody for a
21 registrable offense under section 29-4003 prior to the person's
22 release from incarceration. The written notification shall:

23 (i) Inform the person of whether or not he or she is
24 subject to the act, the duration of time he or she will be
25 subject to the act, and that he or she shall report to a location
26 designated by the Nebraska State Patrol for purposes of accepting
27 such registration within three working days after the date of the

1 written notification to register;

2 ~~(i)~~ (ii) Inform the person that if he or she moves to
3 another address within the same county, he or she must report
4 all address changes, in person, to the county sheriff ~~in~~ of the
5 county ~~where~~ in which he or she has been residing within ~~five~~ three
6 working days ~~after~~ before his or her move;

7 (iii) Inform the defendant that if he or she no longer
8 has a residence, temporary domicile, or habitual living location,
9 he or she shall report such change in person to the sheriff of
10 the county in which he or she is located within three working days
11 after such change in residence, temporary domicile, or habitual
12 living location;

13 ~~(ii)~~ (iv) Inform the person that if he or she moves to
14 another county in the State of Nebraska, he or she must notify,
15 in person, the county sheriff ~~in~~ of the county ~~where~~ in which he
16 or she had been last residing, had a temporary domicile, or had a
17 habitual living location and the county sheriff ~~in~~ of the county
18 ~~where~~ in which he or she is residing, has a temporary domicile, or
19 is habitually living of his or her current address. The notice must
20 be given within ~~five~~ three working days ~~after~~ before his or her
21 move;

22 ~~(iii)~~ (v) Inform the person that if he or she moves to
23 another state, he or she must report, in person, the change of
24 address to the county sheriff of the county ~~where~~ in which he or
25 she has been residing, has a temporary domicile, or is habitually
26 living and must comply with the registration requirements of the
27 state to which he or she is moving. The ~~notice~~ report must be given

1 within ~~five~~ three working days ~~after~~ before his or her move;

2 ~~(iv)~~ (vi) Inform the person that he or she shall (A)
3 inform the sheriff of the county in which he or she resides,
4 has a temporary domicile, or is habitually living, in writing,
5 person, of each postsecondary educational institution at which he
6 or she is employed, carries on a vocation, or attends school,
7 within ~~five~~ three working days after such employment or attendance
8 and (B) notify the sheriff of any change in such employment or
9 attendance status of such person at such ~~postsecondary~~ educational
10 institution, within three working days after such change;

11 (vii) Inform the person that he or she shall (A) inform
12 the sheriff of the county in which the employment site is located,
13 in person, of the name and address of any place where he or she
14 is or will be an employee, within three working days after such
15 employment, and (B) inform the sheriff of the county in which the
16 employment site is located, in person, of any change in his or her
17 employment;

18 ~~(v)~~ (viii) Inform the person that if he or she goes to
19 another state to work or goes to another state as a student and
20 still resides, has a temporary domicile, or has a habitual living
21 location ~~or is temporarily domiciled~~ in this state, he or she must
22 comply with the registration requirements of both states;

23 ~~(vi)~~ (ix) Inform the defendant that fingerprints, palm
24 prints, a DNA sample if not previously collected, and a photograph
25 will be obtained by any registering entity in order to comply with
26 the registration requirements;

27 (x) Inform the defendant of registry and verification

1 locations;

2 (xi) Inform the defendant of the reduction request
3 requirements under section 29-4005;

4 ~~(vii)~~ (xii) Inform the defendant that he or she must
5 provide a list to all sheriffs with whom he or she must register
6 of all email addresses, instant messaging identifiers, chat
7 room identifiers, global unique identifiers, and other Internet
8 communication identifiers that the defendant uses or plans to
9 use, all domain names registered by the defendant, and all blogs
10 and Internet web sites maintained by the defendant or to which
11 the defendant has uploaded any content or posted any messages or
12 information;

13 ~~(viii)~~ (xiii) Inform the defendant that he or she
14 is required to inform the sheriff with whom he or she is
15 required to register of any changes in or additions to his or
16 her list of email addresses, instant messaging identifiers, chat
17 room identifiers, global unique identifiers, and other Internet
18 communication identifiers that the defendant uses or plans to
19 use, all domain names registered by the defendant, and all blogs
20 and Internet web sites maintained by the defendant or to which
21 the defendant has uploaded any content or posted any messages or
22 information, in writing, by the next working day after such change
23 or addition; and

24 ~~(ix)~~ (xiv) Inform the defendant that throughout the
25 applicable registration period, if applicable, he or she is
26 prohibited from accessing or using any Internet social networking
27 web site or any instant messaging or chat room service that has

1 the likelihood of allowing the defendant to have contact with any
2 child who is under the age of eighteen years ~~should the Nebraska~~
3 ~~State Patrol classify such defendant as a level II or level III sex~~
4 ~~offender or~~ if the defendant has been convicted and is currently
5 being sentenced for:

- 6 (A) Kidnapping of a minor pursuant to section 28-313;
- 7 (B) False imprisonment of a minor pursuant to section
8 28-314 or 28-315;
- 9 (C) Sexual assault in the first degree pursuant to
10 subdivision (1)(c) of section 28-319 or sexual assault of a child
11 in the first degree pursuant to section 28-319.01;
- 12 (D) Sexual assault of a child in the second or third
13 degree pursuant to section 28-320.01;
- 14 (E) Incest of a minor pursuant to section 28-703;
- 15 (F) Visual depiction of sexually explicit conduct of a
16 child pursuant to section 28-1463.03 or 28-1463.05;
- 17 (G) Knowingly possessing any visual depiction of sexually
18 explicit conduct pursuant to section 28-813.01;
- 19 (H) Criminal child enticement pursuant to section 28-311;
- 20 (I) Child enticement by means of an electronic
21 communication device pursuant to section 28-320.02;
- 22 (J) Enticement by electronic communication device
23 pursuant to section 28-833; or
- 24 (K) Any attempt or conspiracy to commit an offense
25 listed in subdivisions (3)(a)(ix)(A) through (3)(a)(ix)(J) of this
26 section.
- 27 (b) The Department of Correctional Services or a city or

1 county correctional or jail facility shall:

2 (i) Require the person to read and sign the notification
3 form stating that the duty to register under the Sex Offender
4 Registration Act has been explained;

5 (ii) Retain a signed copy of the written notification to
6 register; and

7 (iii) Provide a copy of the signed, written notification
8 to register to the person, and to the sex offender registration
9 and community notification division of the Nebraska State Patrol,
10 and the sheriff of the county in which the person will be residing
11 upon release from the institution. If the person is going to reside
12 outside of the State of Nebraska, then notification to the sheriff
13 is not required.

14 (4) If a person is convicted of a registrable offense
15 under section 29-4003 and is immediately incarcerated, he or she
16 shall be registered as required under the act prior to discharge,
17 parole, or work release.

18 ~~(4)~~ (5) The Department of Motor Vehicles shall cause
19 written notification of the duty to register to be provided on
20 the applications for a motor vehicle operator's license and for a
21 commercial driver's license.

22 ~~(5)~~ (6) All written notification as provided in this
23 section shall be on a form ~~prepared~~ approved by the Attorney
24 General.

25 Sec. 9. Section 29-4009, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 29-4009 (1) Information obtained under the Sex Offender

1 Registration Act shall not be confidential, except that ~~the~~
2 following information shall only be disclosed to law enforcement
3 agencies, including federal or state probation or parole agencies,
4 if appropriate:

5 (a) A sex offender's social security number;

6 (b) Any references to arrests of a sex offender that did
7 not result in conviction;

8 (c) A sex offender's travel or immigration document
9 information;

10 (d) A sex offender's remote communication device
11 identifiers and addresses;

12 (e) A sex offender's email addresses, instant messaging
13 identifiers, chat room identifiers, global unique identifiers, and
14 other Internet communication identifiers;

15 (f) A sex offender's telephone numbers;

16 (g) A sex offender's motor vehicle operator's license
17 information or state identification card number; and

18 (h) The name of any employer of a sex offender.

19 ~~(1) Information shall be disclosed to law enforcement~~
20 ~~agencies for law enforcement purposes;~~

21 ~~(2) Information on persons subject to section 83-174.03~~
22 ~~shall be disclosed to the Office of Parole Administration;~~

23 ~~(3) Information concerning a defendant who is registered~~
24 ~~and reports to be employed with, carrying on a vocation at,~~
25 ~~or attending a postsecondary educational institution, shall be~~
26 ~~disclosed to the law enforcement agency having responsibility for~~
27 ~~the campus where the institution is located. This notification~~

1 shall go to the affected campus police, if any, and other law
2 enforcement agency having jurisdiction in the area in which the
3 institution is located;

4 ~~(4) Information may be disclosed to governmental~~
5 ~~agencies conducting confidential background checks for employment,~~
6 ~~volunteer, licensure, or certification purposes;~~

7 ~~(5) Information may be disclosed to health care providers~~
8 ~~who serve children or vulnerable adults for the purpose of~~
9 ~~conducting confidential background checks for employment;~~

10 ~~(6) Information concerning the address or whereabouts of~~
11 ~~the person required to register may be disclosed to the victim or~~
12 ~~victims of such person; and~~

13 ~~(7) (2) The Nebraska State Patrol, any law enforcement~~
14 ~~agency, and any probation or parole officer may release relevant~~
15 ~~information that is necessary to protect the public concerning a~~
16 ~~specific person required to register, except that the identity of~~
17 ~~a any victim of an a sex offense that requires registration shall~~
18 ~~not be released.~~

19 ~~(3) The release of information authorized by this~~
20 ~~section shall conform with the rules and regulations adopted and~~
21 ~~promulgated by the Nebraska State Patrol pursuant to section~~
22 ~~29-4013.~~

23 Sec. 10. Section 29-4011, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-4011 (1) Any person required to register under the Sex
26 Offender Registration Act who violates the act is guilty of a Class
27 IV felony, unless the act which caused the person to be placed on

1 ~~the registry was a misdemeanor, in which case a violation of the~~
2 ~~Sex Offender Registration Act shall be a crime of the same class or~~
3 ~~within the same penalty range as the original act.~~

4 (2) Any person required to register under the ~~Sex~~
5 ~~Offender Registration Act~~ act who violates the act and who has
6 previously been convicted of a violation of the act is guilty of
7 a Class III felony and shall be sentenced to a mandatory minimum
8 term of at least one year in prison unless the ~~act~~ violation which
9 caused the person to be placed on the registry was a misdemeanor,
10 in which case the violation of the ~~Sex Offender Registration Act~~
11 act shall be a Class IV felony.

12 (3) Any law enforcement agency with jurisdiction in the
13 area in which a person required to register under the act resides,
14 has a temporary domicile, maintains a habitual living location,
15 is employed, carries on a vocation, or attends school shall
16 investigate and enforce violations of the act.

17 Sec. 11. Section 29-4013, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 29-4013 (1) The Nebraska State Patrol shall adopt and
20 promulgate rules and regulations to carry out the registration
21 provisions of the Sex Offender Registration Act.

22 (2) (a) The Nebraska State Patrol shall adopt and
23 promulgate rules and regulations for the release of information
24 pursuant to section 29-4009.

25 ~~(b) The rules and regulations adopted by the Nebraska~~
26 ~~State Patrol shall identify and incorporate factors relevant to the~~
27 ~~sex offender's risk of recidivism. Factors relevant to the risk of~~

1 ~~recidivism include, but are not limited to:~~

2 ~~(i) Conditions of release that minimize the risk of~~
3 ~~recidivism, including probation, parole, counseling, therapy, or~~
4 ~~treatment;~~

5 ~~(ii) Physical conditions that minimize the risk of~~
6 ~~recidivism, including advanced age or debilitating illness; and~~

7 ~~(iii) Any criminal history of the sex offender indicative~~
8 ~~of a high risk of recidivism, including:~~

9 ~~(A) Whether the conduct of the sex offender was found to~~
10 ~~be characterized by repetitive and compulsive behavior;~~

11 ~~(B) Whether the sex offender committed the sexual offense~~
12 ~~against a child;~~

13 ~~(C) Whether the sexual offense involved the use of a~~
14 ~~weapon, violence, or infliction of serious bodily injury;~~

15 ~~(D) The number, date, and nature of prior offenses;~~

16 ~~(E) Whether psychological or psychiatric profiles~~
17 ~~indicate a risk of recidivism;~~

18 ~~(F) The sex offender's response to treatment;~~

19 ~~(G) Any recent threats by the sex offender against a~~
20 ~~person or expressions of intent to commit additional crimes; and~~

21 ~~(H) Behavior of the sex offender while confined.~~

22 ~~(e) (b) The procedures for release of information~~
23 ~~established by the Nebraska State Patrol shall provide for three~~
24 ~~levels of law enforcement and public notification by the law~~
25 ~~enforcement agency in whose jurisdiction the sex offender is to be~~
26 ~~released depending on the risk of recidivism by the sex offender as~~
27 ~~follows: using electronic systems.~~

1 ~~(i) If the risk of recidivism is low, other law~~
2 ~~enforcement agencies shall be notified;~~

3 ~~(ii) If the risk of recidivism is moderate, in addition~~
4 ~~to the notice required by subdivision (i) of this subdivision,~~
5 ~~schools, day care centers, health care facilities providing~~
6 ~~services to children or vulnerable adults, and religious and youth~~
7 ~~organizations shall be notified; and~~

8 ~~(iii) If the risk of recidivism is high, in addition~~
9 ~~to the notice required by subdivisions (i) and (ii) of this~~
10 ~~subdivision, the public shall be notified through means designed to~~
11 ~~reach members of the public, which are limited to direct contact,~~
12 ~~news releases, a method utilizing a telephone system, or the~~
13 ~~Internet. The Nebraska State Patrol shall provide notice of sex~~
14 ~~offenders with a high risk of recidivism to at least one legal~~
15 ~~newspaper published in and of general circulation in the county~~
16 ~~where the offender is registered or, if none is published in the~~
17 ~~county, in a legal newspaper of general circulation in such county.~~

18 (3) Information concerning the address or whereabouts of
19 a sex offender may be disclosed to his or her victim or victims.

20 (4) The following shall have access to public
21 notification information: Any agency responsible for conducting
22 employment-related background checks under section 3 of the
23 National Child Protection Act of 1993, 42 U.S.C. 5119a; any
24 social service entity responsible for protecting minors in the
25 child welfare system; any volunteer organization in which contact
26 with minors or other vulnerable individuals might occur; any
27 public housing agency in each area in which a registered sex

1 offender resides or is an employee or a student; any governmental
2 agency conducting confidential background checks for employment,
3 volunteer, licensure, or certification purposes; and any health
4 care provider who serves children or vulnerable adults for
5 the purpose of conducting confidential background checks for
6 employment. If any means of notification proposes a fee for usage,
7 then nonprofit organizations holding a certificate of exemption
8 under section 501(c) of the Internal Revenue Code shall not be
9 charged.

10 ~~(d) The Nebraska State Patrol shall establish procedures~~
11 ~~for the evaluation of the risk of recidivism and implementation of~~
12 ~~community notification that promote the uniform application of the~~
13 ~~notification rules and regulations required by this section.~~

14 ~~(e) The Nebraska State Patrol or a designee shall assign~~
15 ~~a notification level, based upon the risk of recidivism, to all~~
16 ~~persons required to register under the act.~~

17 ~~(f) (5) Personnel and mental health professionals for~~
18 ~~the sex offender registration and community notification division~~
19 ~~of the Nebraska State Patrol shall have access to all documents~~
20 ~~that are generated by any governmental agency that may have~~
21 ~~bearing on sex offender ~~risk assessment~~ registration and community~~
22 ~~notification. ~~pursuant to this section.~~ This may include, but~~
23 ~~is not limited to, law enforcement reports, presentence reports,~~
24 ~~criminal histories, ~~or~~ birth certificates, or death certificates.~~
25 ~~The division shall not be charged for access to documents under~~
26 ~~this ~~subdivision.~~ subsection. Access to such documents will ensure~~
27 ~~that a fair ~~risk assessment~~ determination of what is an appropriate~~

1 registration period is completed using the totality of all
2 information available. ~~For purposes of this subdivision, mental~~
3 ~~health professional means (i) a practicing physician licensed to~~
4 ~~practice medicine in this state under the Medicine and Surgery~~
5 ~~Practice Act, (ii) a practicing psychologist licensed to engage in~~
6 ~~the practice of psychology in this state as provided in section~~
7 ~~38-3111, or (iii) a practicing mental health professional licensed~~
8 ~~or certified in this state as provided in the Mental Health~~
9 ~~Practice Act.~~

10 ~~(3)~~ (6) Nothing in subsection (2) of this section shall
11 be construed to prevent law enforcement officers from providing
12 community notification concerning any person who poses a danger
13 under circumstances that are not provided for in the Sex Offender
14 Registration Act.

15 Sec. 12. Section 29-4016, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 29-4016 For purposes of the Sexual Predator Residency
18 Restriction Act:

19 (1) Child care facility means a facility licensed
20 pursuant to the Child Care Licensing Act;

21 (2) Political subdivision means a village, a city, a
22 county, a school district, a public power district, or any other
23 unit of local government;

24 (3) School means a public, private, denominational, or
25 parochial school which meets the requirements for accreditation or
26 approval prescribed in Chapter 79;

27 (4) Sex offender means an individual who has been

1 convicted of a crime listed in section 29-4003 and who is required
2 to register as a sex offender pursuant to the Sex Offender
3 Registration Act; and

4 (5) Sexual predator means an individual who is required
5 to register under the Sex Offender Registration Act, who has a
6 ~~high risk of recidivism as determined by the Nebraska State Patrol~~
7 ~~under section 29-4013, committed an aggravated offense as defined~~
8 in section 3 of this act, and who has victimized a person eighteen
9 years of age or younger.

10 Sec. 13. Section 83-174.03, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 83-174.03 (1) Any individual who, on or after July 14,
13 2006, (a) is convicted of or completes a term of incarceration
14 ~~for an offense requiring registration~~ a registrable offense under
15 section 29-4003 and has a previous conviction for a ~~registerable~~
16 registrable offense under such section, (b) is convicted of sexual
17 assault of a child in the first degree pursuant to section
18 28-319.01, or (c) is convicted of or completes a term of
19 incarceration for an aggravated offense as defined in section
20 ~~29-4005, 3 of this act,~~ shall, upon completion of his or her term
21 of incarceration or release from civil commitment, be supervised
22 in the community by the Office of Parole Administration for the
23 remainder of his or her life.

24 (2) Notice shall be provided to the Office of Parole
25 Administration by an agency or political subdivision which has
26 custody of an individual required to be supervised in the community
27 pursuant to subsection (1) of this section at least sixty days

1 prior to the release of such individual from custody.

2 (3) Individuals required to be supervised in the
3 community pursuant to subsection (1) of this section shall
4 undergo a risk assessment and evaluation by the Office of Parole
5 Administration to determine the conditions of community supervision
6 to be imposed to best protect the public from the risk that the
7 individual will reoffend.

8 (4) Conditions of community supervision imposed on an
9 individual by the Office of Parole Administration may include the
10 following:

11 (a) Drug and alcohol testing if the conviction resulting
12 in the imposition of community supervision involved the use of
13 drugs or alcohol;

14 (b) Restrictions on employment and leisure activities
15 necessary to minimize interaction with potential victims;

16 (c) Requirements to report regularly to the individual's
17 community supervision officer;

18 (d) Requirements to reside at a specified location and
19 notify the individual's community supervision officer of any change
20 in address or employment;

21 (e) A requirement to allow the Office of Parole
22 Administration access to medical records from the individual's
23 current and former providers of treatment;

24 (f) A requirement that the individual submit himself or
25 herself to available medical, psychological, psychiatric, or other
26 treatment, including, but not limited to, polygraph examinations;
27 or

1 (g) Any other conditions designed to minimize the risk of
2 recidivism, including, but not limited to, the use of electronic
3 monitoring, which are not unduly restrictive.

4 Sec. 14. Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12,
5 13, 15, and 17 of this act become operative on January 1, 2010.
6 The other sections of this act become operative on their effective
7 date.

8 Sec. 15. Original sections 29-2264, 29-4004, 29-4005,
9 29-4009, 29-4011, 29-4013, 29-4016, and 83-174.03, Reissue Revised
10 Statutes of Nebraska, sections 29-4006 and 29-4007, Reissue
11 Revised Statutes of Nebraska, as amended by sections 26 and 27,
12 respectively, Legislative Bill 97, One Hundred First Legislature,
13 First Session, 2009, and sections 14 and 24, Legislative Bill 97,
14 One Hundred First Legislature, First Session, 2009, are repealed.

15 Sec. 16. Original section 29-4003, Reissue Revised
16 Statutes of Nebraska, as amended by section 25, Legislative
17 Bill 97, One Hundred First Legislature, First Session, 2009, is
18 repealed.

19 Sec. 17. The following section is outright repealed:
20 Section 29-4010, Reissue Revised Statutes of Nebraska.

21 Sec. 18. Since an emergency exists, this act takes effect
22 when passed and approved according to law.