

AMENDMENTS TO LB 285

Introduced by Judiciary.

1 1. Strike section 4 and insert the following new section:

2 Sec. 4. Section 29-4003, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-4003 ~~(1)~~ Except as provided in subsection ~~(2)~~ of this
5 section, the (1)(a) The Sex Offender Registration Act shall apply
6 applies to any person who on or after January 1, 1997:

7 (i) Has ever pleaded ~~(a) Pleads guilty to, pleaded nolo~~
8 contendere to, or been ~~ex is~~ found guilty of any of the following:

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

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

14 ~~(iii)~~ (C) Sexual assault pursuant to section 28-319 or
15 28-320;

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

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

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

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

23 ~~(viii)~~ (H) Pandering of a minor pursuant to section

1 28-802;

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

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

7 ~~(*i)~~ (K) Criminal child enticement pursuant to section
8 28-311;

9 ~~(*ii)~~ (L) Child enticement by means of a computer
10 pursuant to section 28-320.02;

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

12 or

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

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

27 ~~(e)~~ Is incarcerated in a jail, a penal or correctional

1 ~~facility, or any other public or private institution or is under~~
2 ~~probation or parole as a result of pleading guilty to or being~~
3 ~~found guilty of a registrable offense under subdivision (1)(a) or~~
4 ~~(b) of this section prior to January 1, 1997; or~~

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

9 (b) In addition to the registrable offenses under
10 subdivision (1)(a)(i) of this section, the Sex Offender
11 Registration Act applies to any person who on or after the
12 effective date of this act:

13 (i) Has ever pleaded guilty to, pleaded nolo contendere
14 to, been found guilty of, or been civilly committed for any of the
15 following:

16 (A) Murder in the first degree pursuant to section 28-303
17 in which there is a sexual element;

18 (B) Murder in the second degree pursuant to section
19 28-304 in which there is a sexual element;

20 (C) Manslaughter pursuant to section 28-305 in which
21 there is a sexual element;

22 (D) Assault in the first degree pursuant to section
23 28-308 in which there is a sexual element;

24 (E) Assault in the second degree pursuant to section
25 28-309 in which there is a sexual element;

26 (F) Assault in the third degree pursuant to section
27 28-310 in which there is a sexual element;

1 (G) Stalking pursuant to section 28-311.03 in which there
2 is a sexual element;

3 (H) Unlawful intrusion pursuant to section 28-311.08 on a
4 minor;

5 (I) Kidnapping pursuant to section 28-313 in which there
6 is a sexual element;

7 (J) False imprisonment pursuant to section 28-314 or
8 28-315 in which there is a sexual element;

9 (K) Sexual abuse of an inmate or parolee in the first
10 degree pursuant to section 28-322.02;

11 (L) Sexual abuse of an inmate or parolee in the second
12 degree pursuant to section 28-322.03;

13 (M) Sexual abuse of a protected individual pursuant to
14 section 28-322.04;

15 (N) Incest pursuant to section 28-703;

16 (O) Child abuse pursuant to subdivision (1)(d) or (e) of
17 section 28-707;

18 (P) Enticement by electronic communication device
19 pursuant to section 28-833; or

20 (Q) Attempt, solicitation, aiding or abetting, being
21 an accessory, or conspiracy to commit an offense listed in
22 subdivisions (1)(b)(i)(A) through (1)(b)(i)(P) of this section;

23 (ii) Has ever pleaded guilty to, pleaded nolo contendere
24 to, been found guilty of, or been civilly committed for any
25 offense that is substantially equivalent to a registrable offense
26 under subdivision (1)(b)(i) of this section by any village,
27 town, city, state, territory, commonwealth, or other jurisdiction

1 of the United States, by the United States Government, or
2 by court-martial or other military tribunal, or by a foreign
3 jurisdiction, notwithstanding a procedure comparable in effect to
4 that described under section 29-2264 or any other procedure to
5 nullify a conviction other than by pardon; or

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

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

17 ~~(3) (2) A person appealing a conviction of a registrable~~
18 ~~offense under this section shall be required to comply with the act~~
19 ~~during the appeals process.~~

20 2. On page 11, strike beginning with "in" in line 22
21 through "living," in line 24.