

E AND R AMENDMENTS TO LB 147

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

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

3 Section 1. Section 25-21,271, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 25-21,271 (1) Any person desiring to change his or her
6 name ~~may~~ shall file a petition in the district court of the county
7 in which such person may be a resident, setting forth (a) that the
8 petitioner has been a bona fide citizen of such county for at least
9 one year prior to the filing of the petition, (b) the address of
10 the petitioner, (c) the date of birth of the petitioner, (d) the
11 cause for which the change of petitioner's name is sought, and ~~(e)~~
12 (e) the name asked for.

13 (2) Notice of the filing of the petition shall be
14 published in a newspaper in the county, and if no newspaper is
15 printed in the county, then in a newspaper of general circulation
16 therein. The notice shall be published (a) once a week for four
17 consecutive weeks if the petitioner is nineteen years of age
18 or older at the time the action is filed and (b) once a week
19 for two consecutive weeks if the petitioner is under nineteen
20 years of age at the time the action is filed. In an action
21 involving a petitioner under nineteen years of age who has a
22 noncustodial parent, notice of the filing of the petition shall be
23 sent by certified mail within five days after publication to the

1 noncustodial parent at the address provided to the clerk of the
2 district court pursuant to subsection (1) of section 42-364.13 for
3 the noncustodial parent if he or she has provided an address. The
4 clerk of the district court shall provide the petitioner with the
5 address upon request.

6 (3) It shall be the duty of the district court, upon
7 being duly satisfied by proof in open court of the truth of the
8 allegations set forth in the petition, that there exists proper
9 and reasonable cause for changing the name of the petitioner,
10 and that notice of the filing of the petition has been given as
11 required by this section, to order and direct a change of name of
12 such petitioner and that an order for the purpose be made in the
13 journals of the court.

14 (4) The clerk of the district court shall deliver a copy
15 by hard copy or electronic means of any name-change order issued
16 by the court pursuant to this section to the Department of Health
17 and Human Services for use pursuant to sections 28-376 and 28-718
18 and to the sex offender registration and community notification
19 division of the Nebraska State Patrol for use pursuant to section
20 29-4004.

21 Sec. 2. Section 28-376, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-376 (1) The department shall establish and maintain
24 an Adult Protective Services Central Registry for recording each
25 report of alleged abuse.

26 (2) Upon request, a vulnerable adult who is the subject
27 of a report or, if the vulnerable adult is legally incapacitated,

1 the guardian or guardian ad litem of the vulnerable adult shall
2 be entitled to receive a copy of all information contained in the
3 registry pertaining to his or her case. The department shall not
4 release data that would be harmful or detrimental to the vulnerable
5 adult or that would identify or locate a person who, in good faith,
6 made a report or cooperated in a subsequent investigation unless
7 ordered to do so by a court of competent jurisdiction.

8 (3) The department shall establish classifications for
9 all cases in the registry. All cases determined to be unfounded
10 shall be expunged from the registry.

11 (4) The department shall determine whether a name-change
12 order received from the clerk of a district court pursuant to
13 section 25-21,271 is for a person on the Adult Protective Services
14 Central Registry and, if so, shall include the changed name with
15 the former name in the registry and file or cross-reference the
16 information under both names.

17 Sec. 3. Section 28-718, Revised Statutes Supplement,
18 2009, is amended to read:

19 28-718 (1) There shall be a central register of
20 child protection cases maintained in the department containing
21 records of all reports of child abuse or neglect opened for
22 investigation as provided in section 28-713 and classified as
23 either court substantiated or agency substantiated as provided in
24 section 28-720. The department may change records classified as
25 inconclusive prior to August 30, 2009, to agency substantiated. The
26 department shall give public notice of the changes made to this
27 section and subsection (3) of section 28-720 by Laws 2009, LB 122,

1 within thirty days after August 30, 2009, by having such notice
2 published in a newspaper or newspapers of general circulation
3 within the state.

4 (2) The department shall determine whether a name-change
5 order received from the clerk of a district court pursuant to
6 section 25-21,271 is for a person on the central register of child
7 protection cases and, if so, shall include the changed name with
8 the former name in the register and file or cross-reference the
9 information under both names.

10 Sec. 4. Section 29-4004, Revised Statutes Supplement,
11 2009, is amended to read:

12 29-4004 (1) Any person subject to the Sex Offender
13 Registration Act shall register within three working days after
14 becoming subject to the act at a location designated by the
15 Nebraska State Patrol for purposes of accepting such registration.

16 (2) Any person required to register under the act shall
17 inform the sheriff of the county in which he or she resides, in
18 person, and complete a form as prescribed by the Nebraska State
19 Patrol for such purpose, if he or she has a new address, temporary
20 domicile, or habitual living location, within three working days
21 before the change. The sheriff shall submit such information to the
22 sex offender registration and community notification division of
23 the Nebraska State Patrol on the day it is received and in a manner
24 prescribed by the Nebraska State Patrol for such purpose.

25 (3) Any person required to register under the act shall
26 inform the sheriff of the county in which he or she resides, in
27 person, and complete a form as prescribed by the Nebraska State

1 Patrol for such purpose, if he or she has a new address, temporary
2 domicile, or habitual living location in a different county in
3 this state, within three working days before the address change.
4 The sheriff shall submit such information to the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol on the day it is received and in a manner as
7 prescribed by the Nebraska State Patrol for such purpose. If the
8 change in address, temporary domicile, or habitual living location
9 is to a location within the State of Nebraska, the division shall
10 notify the sheriff of each affected county of the new address,
11 temporary domicile, or habitual living location, within three
12 working days. The person shall report to the county sheriff of
13 his or her new county of residence and register with such county
14 sheriff within three working days after the address change.

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

1 repository for sex offender registration of the new out-of-state
2 address, temporary domicile, or habitual living location, within
3 three working days.

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

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

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

14 (7) Any person incarcerated for a registrable offense
15 under section 29-4003 in a jail, penal or correctional facility,
16 or other public or private institution shall be registered by
17 the jail, penal or correctional facility, or public or private
18 institution prior to his or her discharge, parole, furlough, work
19 release, or release. The person shall be informed and information
20 shall be obtained as required in section 29-4006.

21 (8) Any person required to register or who is registered
22 under the act, but is incarcerated for more than three working
23 days, shall inform the sheriff of the county in which he or
24 she is incarcerated, in writing, within three working days after
25 incarceration, of his or her incarceration and his or her expected
26 release date, if any such date is available. The sheriff shall
27 forward the information regarding incarceration to the sex offender

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

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

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

25 (11) The sex offender registration and community
26 notification division of the Nebraska State Patrol shall determine
27 whether a name-change order received from the clerk of a district

1 court pursuant to section 25-21,271 is for a person in the central
2 registry of sex offenders and, if so, shall include the changed
3 name with the former name in the registry, file or cross-reference
4 the information under both names, and notify the sheriff of the
5 county in which such person then resides.

6 Sec. 5. This act becomes operative on January 1, 2012.

7 Sec. 6. Original sections 25-21,271 and 28-376, Reissue
8 Revised Statutes of Nebraska, and sections 28-718 and 29-4004,
9 Revised Statutes Supplement, 2009, are repealed.

10 2. On page 1, strike lines 2 through 6 and insert
11 "25-21,271 and 28-376, Reissue Revised Statutes of Nebraska,
12 and sections 28-718 and 29-4004, Revised Statutes Supplement,
13 2009; to change petition requirements for a change of name; to
14 require delivery of court orders regarding name changes; to require
15 inclusion and notification of name changes for the Adult Protective
16 Services Central Registry, the central register of child protection
17 cases, and the central registry of sex offenders; to provide an
18 operative date; and to repeal the original sections."