

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 147**

FINAL READING

Introduced by Pirsch, 4; Nordquist, 7.

Read first time January 09, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to change of name; to amend sections 25-21,271  
2 and 28-376, Reissue Revised Statutes of Nebraska, and  
3 sections 28-718 and 29-4004, Revised Statutes Supplement,  
4 2009; to change petition requirements for a change of  
5 name; to require delivery of court orders regarding  
6 name changes; to require inclusion and notification of  
7 name changes for the Adult Protective Services Central  
8 Registry, the central register of child protection cases,  
9 and the central registry of sex offenders; to provide an  
10 operative date; and to repeal the original sections.

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

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

3           25-21,271 (1) Any person desiring to change his or her  
4 name ~~may~~ shall file a petition in the district court of the county  
5 in which such person may be a resident, setting forth (a) that the  
6 petitioner has been a bona fide citizen of such county for at least  
7 one year prior to the filing of the petition, (b) the address of  
8 the petitioner, (c) the date of birth of the petitioner, (d) the  
9 cause for which the change of petitioner's name is sought, and ~~(e)~~  
10 (e) the name asked for.

11           (2) Notice of the filing of the petition shall be  
12 published in a newspaper in the county, and if no newspaper is  
13 printed in the county, then in a newspaper of general circulation  
14 therein. The notice shall be published (a) once a week for four  
15 consecutive weeks if the petitioner is nineteen years of age  
16 or older at the time the action is filed and (b) once a week  
17 for two consecutive weeks if the petitioner is under nineteen  
18 years of age at the time the action is filed. In an action  
19 involving a petitioner under nineteen years of age who has a  
20 noncustodial parent, notice of the filing of the petition shall be  
21 sent by certified mail within five days after publication to the  
22 noncustodial parent at the address provided to the clerk of the  
23 district court pursuant to subsection (1) of section 42-364.13 for  
24 the noncustodial parent if he or she has provided an address. The  
25 clerk of the district court shall provide the petitioner with the

1 address upon request.

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

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

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

19 28-376 (1) The department shall establish and maintain  
20 an Adult Protective Services Central Registry for recording each  
21 report of alleged abuse.

22 (2) Upon request, a vulnerable adult who is the subject  
23 of a report or, if the vulnerable adult is legally incapacitated,  
24 the guardian or guardian ad litem of the vulnerable adult shall  
25 be entitled to receive a copy of all information contained in the

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

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

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

15 Sec. 3. Section 28-718, Revised Statutes Supplement,  
16 2009, is amended to read:

17 28-718 (1) There shall be a central register of  
18 child protection cases maintained in the department containing  
19 records of all reports of child abuse or neglect opened for  
20 investigation as provided in section 28-713 and classified as  
21 either court substantiated or agency substantiated as provided in  
22 section 28-720. The department may change records classified as  
23 inconclusive prior to August 30, 2009, to agency substantiated. The  
24 department shall give public notice of the changes made to this  
25 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

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

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

1 the change in address, temporary domicile, or habitual living  
2 location is to a location outside of the State of Nebraska, the  
3 division shall notify the sheriff of each affected county in  
4 Nebraska and the other state's, country's, or territory's central  
5 repository for sex offender registration of the new out-of-state  
6 address, temporary domicile, or habitual living location, within  
7 three working days.

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

22 (6) Any person required to register under the act who  
23 is residing, has a temporary domicile, or is habitually living in  
24 another state, and is employed, carries on a vocation, or attends  
25 school in this state, shall report and register, in person, with

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

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

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

20 (7) Any person incarcerated for a registrable offense  
21 under section 29-4003 in a jail, penal or correctional facility,  
22 or other public or private institution shall be registered by  
23 the jail, penal or correctional facility, or public or private  
24 institution prior to his or her discharge, parole, furlough, work  
25 release, or release. The person shall be informed and information



1 shall be obtained as required in section 29-4006.

2 (8) Any person required to register or who is registered  
3 under the act, but is incarcerated for more than three working  
4 days, shall inform the sheriff of the county in which he or  
5 she is incarcerated, in writing, within three working days after  
6 incarceration, of his or her incarceration and his or her expected  
7 release date, if any such date is available. The sheriff shall  
8 forward the information regarding incarceration to the sex offender  
9 registration and community notification division of the Nebraska  
10 State Patrol immediately on the day on which it was received and in  
11 a manner prescribed by the Nebraska State Patrol for such purpose.

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

24 (10) Each registering entity shall forward all written  
25 information, photographs, and fingerprints obtained pursuant to the

1 act to the sex offender registration and community notification  
2 division of the Nebraska State Patrol on the day it is received  
3 and in a manner prescribed by the Nebraska State Patrol for such  
4 purpose. The information shall be forwarded on forms furnished by  
5 the division. The division shall maintain a central registry of sex  
6 offenders required to register under the act. Any collected DNA  
7 samples shall be forwarded to the State DNA Data Base.

8 (11) The sex offender registration and community  
9 notification division of the Nebraska State Patrol shall determine  
10 whether a name-change order received from the clerk of a district  
11 court pursuant to section 25-21,271 is for a person in the central  
12 registry of sex offenders and, if so, shall include the changed  
13 name with the former name in the registry, file or cross-reference  
14 the information under both names, and notify the sheriff of the  
15 county in which such person then resides.

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

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