

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 147

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
2 25-21,271, 28-718, and 29-4004, Reissue Revised Statutes
3 of Nebraska; to provide name-change court orders to
4 update the central register of child protection cases and
5 the central registry of sex offenders; and to repeal the
6 original sections.
7 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 file a petition in the district court of the county in
5 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 cause for
8 which the change of petitioner's name is sought, and (c) the name
9 asked for.

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

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

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

15 Sec. 2. Section 28-718, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 28-718 (1) There shall be a central register of child
18 protection cases maintained in the department containing records
19 of all reports of child abuse or neglect opened for investigation
20 as provided in section 28-713 and classified as either court
21 substantiated or inconclusive as provided in section 28-720.

22 (2) The department shall determine whether a name-change
23 order received from the clerk of a district court pursuant to
24 section 25-21,271 is for a person on the central register of child
25 protection cases and, if so, shall include the changed name with

1 the former name in the register and file or cross-reference the
2 information under both names.

3 Sec. 3. Section 29-4004, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-4004 (1) Any person subject to the Sex Offender
6 Registration Act shall register with the sheriff of the county in
7 which the person resides or is temporarily domiciled within five
8 working days of becoming subject to the act.

9 (2) Any person required to register under the act shall
10 inform the sheriff of the county in which he or she resides,
11 in writing, if he or she has a new address within such county
12 within five working days after the address change. The sheriff
13 shall forward such information to the sex offender registration and
14 community notification division of the Nebraska State Patrol within
15 five working days after receipt of the new address.

16 (3) Any person required to register under the act shall
17 inform the sheriff of the county in which he or she resides, in
18 writing, if he or she has a new address in a different county
19 in this state within five working days after the address change.
20 The sheriff shall forward the new address to the sex offender
21 registration and community notification division of the Nebraska
22 State Patrol within five working days after receipt of the new
23 address. The division shall notify the sheriff of the county to
24 which the person is relocating of the new address. The person shall
25 report to the county sheriff of his or her new county of residence

1 and register with such county sheriff within five working days
2 after the address change.

3 (4) Any person required to register under the act shall
4 inform the sheriff of the county in which he or she resides,
5 in writing, if he or she moves to a new out-of-state address
6 within five working days after the address change. The sheriff
7 shall forward the new out-of-state address to the sex offender
8 registration and notification division of the Nebraska State Patrol
9 within five working days after receipt of the new out-of-state
10 address. The division shall forward the new out-of-state address to
11 the other state's central repository for sex offender registration.

12 (5) Any person required to register under the act who
13 is residing in another state or is temporarily domiciled in
14 another state, and is employed, carries on a vocation, or attends
15 school in this state shall report and register with the sheriff
16 of the county in which he or she is employed, carries on a
17 vocation, or attends school in this state within five working
18 days after becoming employed, carrying on a vocation, or attending
19 school. The person shall also notify the sheriff of any changes in
20 employment, vocation, or school of attendance, in writing, within
21 five working days after the change. The sheriff shall forward
22 this information to the sex offender registration and community
23 notification division of the Nebraska State Patrol within five
24 working days after receipt of such information. For purposes of
25 this subsection:

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

3 (b) Is employed or carries on a vocation means any
4 full-time or part-time employment, with or without compensation,
5 which lasts for a duration of more than fourteen days or for an
6 aggregate period exceeding thirty days in a calendar year; and

7 (c) Temporarily domiciled means a place at which the
8 person actually lives or stays on a temporary basis even though
9 he or she may plan to return to his or her permanent address
10 or to another temporary address. For purposes of this section, a
11 temporary domicile means any place at which the person actually
12 lives or stays for a period of at least five working days.

13 (6) Any person incarcerated for a registrable offense
14 under section 29-4003 in a jail, penal or correctional facility, or
15 other public or private institution who is not already registered
16 shall be registered by the jail, penal or correctional facility,
17 or public or private institution prior to his or her discharge,
18 parole, furlough, work release, or release. The person shall be
19 informed and information shall be obtained as required in section
20 29-4006.

21 (7) Any person required to register under the act shall
22 inform the sheriff of the county in which he or she resides, in
23 writing, of each postsecondary educational institution at which
24 he or she is employed, carries on a vocation, or attends school,
25 within five working days after such employment or attendance.

1 The person shall also notify the sheriff of any change in such
2 employment or attendance status at the postsecondary educational
3 institution, in writing, within five working days after such
4 change. The sheriff shall forward the information regarding such
5 employment or attendance to the sex offender registration and
6 community notification division of the Nebraska State Patrol within
7 five working days after receipt of the information.

8 (8) Any person required to register or who is registered
9 under the act, but is incarcerated for more than five days, whether
10 or not in his or her own county of residence or temporary domicile,
11 shall inform the sheriff of the county in which such person would
12 reside or would be temporarily domiciled if he or she was not
13 incarcerated, within five working days after incarceration, of his
14 or her incarceration and his or her expected release date, if any
15 such date is available. The sheriff shall forward the information
16 regarding incarceration to the sex offender registration and
17 community notification division of the Nebraska State Patrol within
18 five working days after receipt of the information.

19 (9) Any person required to register or who is registered
20 under the act who no longer has a residence or temporary domicile
21 shall notify the county sheriff of the county in which he or she
22 is located, in writing, within five working days after such change
23 in residence or temporary domicile. Such person shall update his
24 or her registration, in writing, on a form approved by the sex
25 offender registration and community notification division of the

1 Nebraska State Patrol at least once every thirty calendar days
2 during the time he or she remains without residence or temporary
3 domicile.

4 (10) Each registering entity shall forward all written
5 information, photographs, and fingerprints obtained pursuant to the
6 act to the sex offender registration and community notification
7 division of the Nebraska State Patrol within five working days. The
8 information shall be forwarded on forms furnished by the division.
9 The division shall maintain a central registry of sex offenders
10 required to register under the act.

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

19 Sec. 4. Original sections 25-21,271, 28-718, and 29-4004,
20 Reissue Revised Statutes of Nebraska, are repealed.