

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 265**

Introduced by Giese, 17.

Read first time January 14, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Sexual Predator Residency Restriction  
2 Act; to amend sections 29-4016 and 29-4017, Reissue  
3 Revised Statutes of Nebraska; to authorize certain  
4 residency restrictions near parks; and to repeal the  
5 original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 29-4016, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-4016 For purposes of the Sexual Predator Residency  
4 Restriction Act:

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

7           (2) Park means a parcel of ground or a facility set aside  
8 by a political subdivision for recreational use by the public;

9           ~~(2)~~ (3) Political subdivision means a village, a city, a  
10 county, a school district, a public power district, or any other  
11 unit of local government;

12           ~~(3)~~ (4) School means a public, private, denominational,  
13 or parochial school which meets the requirements for accreditation  
14 or approval prescribed in Chapter 79;

15           ~~(4)~~ (5) Sex offender means an individual who has been  
16 convicted of a crime listed in section 29-4003 and who is required  
17 to register as a sex offender pursuant to the Sex Offender  
18 Registration Act; and

19           ~~(5)~~ (6) Sexual predator means an individual who is  
20 required to register under the Sex Offender Registration Act, who  
21 has a high risk of recidivism as determined by the Nebraska State  
22 Patrol under section 29-4013, and who has victimized a person  
23 eighteen years of age or younger.

24           Sec. 2. Section 29-4017, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           29-4017 ~~(1)~~ (1) (a) (i) A political subdivision may enact  
2 an ordinance, resolution, or other legal restriction prescribing  
3 where sex offenders may reside only if the restrictions are  
4 limited to sexual predators, extend no more than five hundred feet  
5 from a school or child care facility, and meet the requirements  
6 of ~~subsection (2) of this section.~~ subdivision (a) (ii) of this  
7 subsection.

8           ~~(2)~~ (ii) An ordinance, resolution, or other legal  
9 restriction enacted by a political subdivision under this  
10 subsection shall not apply to a sexual predator who:

11           ~~(a)~~ Resides within a prison or a correctional or  
12 treatment facility operated by the state or a political  
13 subdivision;

14           ~~(b)~~ (A) Established a residence before July 1, 2006, and  
15 has not moved from that residence; or

16           ~~(c)~~ (B) Established a residence after July 1, 2006,  
17 and the school or child care facility triggering the restriction  
18 was established after the initial date of the sexual predator's  
19 residence at that location.

20           ~~(3)~~ (b) Any ordinance, resolution, or other legal  
21 restriction prescribing where sex offenders may reside which  
22 does not meet the requirements of this ~~section~~ subsection is  
23 void, regardless of whether such ordinance, resolution, or legal  
24 restriction was adopted prior to, on, or after July 14, 2006.

25           (2) (a) (i) A political subdivision may enact an ordinance,

1 resolution, or other legal restriction prescribing where sex  
2 offenders may reside only if the restrictions are limited to  
3 sexual predators, extend no more than five hundred feet from a  
4 park, and meet the requirements of subdivision (a)(ii) of this  
5 subsection.

6 (ii) An ordinance, resolution, or other legal restriction  
7 enacted under this subsection shall not apply to a sexual predator  
8 who:

9 (A) Established a residence before the effective date of  
10 this act and has not moved from that residence; or

11 (B) Established a residence after the effective date of  
12 this act and the park triggering the restriction was established  
13 after the initial date of the sexual predator's residence at that  
14 location.

15 (b) Any ordinance, resolution, or other legal restriction  
16 prescribing where sex offenders may reside which does not meet the  
17 requirements of this subsection is void, regardless of whether such  
18 ordinance, resolution, or legal restriction was adopted prior to,  
19 on, or after the effective date of this act.

20 (3) An ordinance, resolution, or other legal restriction  
21 enacted under this section shall not apply to a sexual predator  
22 who resides within a prison or a correctional or treatment facility  
23 operated by the state or a political subdivision.

24 Sec. 3. Original sections 29-4016 and 29-4017, Reissue  
25 Revised Statutes of Nebraska, are repealed.