

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 41

Introduced by Flood, 19.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section
2 29-4004, Reissue Revised Statutes of Nebraska; to clarify
3 references to the county sheriff; and to repeal the
4 original section.

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

1 Section 1. Section 29-4004, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-4004 (1) Any person subject to the Sex Offender
4 Registration Act shall register with the sheriff of the county in
5 which the person resides or is temporarily domiciled within five
6 working days of becoming subject to the act.

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

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

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

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

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

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

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

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

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

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

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

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

1 domicile.

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

9 Sec. 2. Original section 29-4004, Reissue Revised
10 Statutes of Nebraska, is repealed.