

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 707

Introduced by Haar, 21.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-311.08, Reissue Revised Statutes of Nebraska; to
3 change provisions and penalties relating to unlawful
4 intrusion; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311.08, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-311.08 (1) It shall be unlawful for any person to
4 knowingly intrude upon any other person without his or her consent
5 or knowledge in a place of solitude or seclusion.

6 (2) For purposes of this section:

7 (a) Intrude means the surreptitious viewing or recording
8 ~~either by video, audio, or other electronic means~~ of a person; and
9 ~~in a state of undress~~ and

10 (b) Place of solitude or seclusion means a place where
11 a person would intend to be in a state of undress and have a
12 reasonable expectation of privacy, including, but not limited to,
13 any a dwelling unit, a facility, public or private, used as a
14 restroom, tanning booth, locker room, shower room, fitting room, or
15 dressing room.

16 (3) Violation of this section is a Class III misdemeanor
17 for a first offense and a Class I misdemeanor for a second or
18 subsequent offense, unless the victim is under the age of eighteen
19 in which case a violation is a Class ~~II~~ I misdemeanor. Lack of
20 knowledge as to the victim's age is not a defense to the enhanced
21 penalty under this section.

22 Sec. 2. Original section 28-311.08, Reissue Revised
23 Statutes of Nebraska, is repealed.