

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 984

Introduced by Howard, 9; Ashford, 20; Avery, 28; Campbell, 25;
Conrad, 46; Cornett, 45; Dubas, 34; Giese, 17; Gloor,
35; Hansen, 42; Lathrop, 12; McGill, 26; Mello, 5;
Nordquist, 7; Pirsch, 4; Wallman, 30.

Read first time January 19, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-707, Reissue Revised Statutes of Nebraska; to change
3 a penalty relating to child abuse; and to repeal the
4 original section.

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

1 Section 1. Section 28-707, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-707 (1) A person commits child abuse if he or she
4 knowingly, intentionally, or negligently causes or permits a minor
5 child to be:

6 (a) Placed in a situation that endangers his or her life
7 or physical or mental health;

8 (b) Cruelly confined or cruelly punished;

9 (c) Deprived of necessary food, clothing, shelter, or
10 care;

11 (d) Placed in a situation to be sexually exploited by
12 allowing, encouraging, or forcing such minor child to solicit for
13 or engage in prostitution, debauchery, public indecency, or obscene
14 or pornographic photography, films, or depictions; or

15 (e) Placed in a situation to be sexually abused as
16 defined in section 28-319, 28-319.01, or 28-320.01.

17 (2) The statutory privilege between patient and
18 physician, between client and professional counselor, and between
19 husband and wife shall not be available for excluding or refusing
20 testimony in any prosecution for a violation of this section.

21 (3) Child abuse is a Class I misdemeanor if the offense
22 is committed negligently.

23 (4) Child abuse is a Class IIIA felony if the offense
24 is committed knowingly and intentionally and does not result in
25 serious bodily injury as defined in section 28-109.

1 (5) Child abuse is a Class ~~III~~ II felony if the offense
2 is committed knowingly and intentionally and results in serious
3 bodily injury as defined in such section.

4 (6) Child abuse is a Class IB felony if the offense is
5 committed knowingly and intentionally and results in the death of
6 such child.

7 Sec. 2. Original section 28-707, Reissue Revised Statutes
8 of Nebraska, is repealed.