



One Hundred First Legislature - First Session - 2009  
**Introducer's Statement of Intent**  
**LB 285**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** March 18, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

On July 27, 2006, President Bush signed the Adam Walsh Child Protection and Safety Act of 2006. The purpose of which is to protect the public, in particular children, from violent sex offenders via a more comprehensive, nationalized system for registration of sex offenders. Title 1 of the Act establishes the Sex Offender Registration and Notification Act (SORNA) which outlines a comprehensive set of minimum registration and notification standards for sex offenders.

LB 285 is being introduced to bring the Nebraska Sex Offender Registration Act into compliance with federal guidelines.

The Adam Walsh Act calls for state conformity to various aspects of sex offender registration, including information that must be collected, duration of registration requirements for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required.

- Legislation is required for compliance with the Adam Walsh Act (AWA) by July 27, 2009.
  - Jurisdictions who do not substantially implement are subject to mandatory 10% reduction in Byrne Justice Assistance Grant funding.
- The AWA establishes a national, electronic sex offender registration program which outlines minimum registration and notification standards. The National Sex Offender Registry will be maintained at the FBI by the US Attorney General.

- Length of registration is based solely on the convicted offense(s):
  - 15 year registration for offenses not punishable by imprisonment for more than 1 year;
    - Eligible to apply to State Patrol for “Clean Record” consideration if, after ten years:
      - No conviction of sex offense or offense punishable by more than one year imprisonment;
      - Successful completion of probation, parole, or supervised release, and
      - Successful completion of appropriate sex offender treatment program.
  - 25 year registration for offenses:
    - punishable by imprisonment greater than 1 year;
  - Lifetime registration for prior sex offense conviction, aggravated offense, or lifetime registration in another jurisdiction.
  
- Expands registry offenses.
  - Incest, Unlawful Intrusion, Sexually related child abuse offenses, Enticement by electronic device, Sexual Assault of an inmate or protected adult;
  - Sexually motivated offenses;
  - Retroactive for sex offense convictions on or after January 1, 1997.
  
- Increases the amount of information collected upon registration:
  - All residency, employment and vehicle information,
  - Travel/Immigration documents,
  - All professional licenses information,
  - Computer/Internet identifiers & addresses,
  - Cell phone information,
  - Digital fingerprints and palm prints,
  - Digital photograph,
  - DNA sample.
  
- Verification of registry information is in-person and more frequently.
  - 15 year registrant – Annually
  - 25 year registrant – Every 6 months
  - Lifetime registrant – Every 3 months
  
- Initial registration at State Patrol facility, or location designated by the State Patrol, within three working days opposed to current five days.
  - Facilities need equipment necessary to obtain digital fingerprints, palm prints, and photograph.
  - Immediate update of statewide database.
  - Electronically sent to National Registry the same day.

- Verifications and Status Changes reported to County Sheriff within three workings days.
  - Maintain updated information within the county a registrants resides, has a temporary domicile, has habitual living location, works, or attends school.
  - Sheriff submits information to State Patrol in a manner prescribed by the State Patrol the same day.
  
- Public Notification on all registrants.
  
- Violation of registry requirement and registrant who cannot be located is reported to the U.S. Marshal Service and arrest warrant is sought.

**Principal Introducer:**

\_\_\_\_\_ **Senator Pete Pirsch**