



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 97

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: March 11, 2009

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

LB 97 seeks to protect children from sexual predators by strengthening penalties and bringing Nebraska's laws up to date. As technology changes Internet predators find new avenues to pursue their victims, like social networking sites. Nebraska's justice system must keep pace.

By implementing the statutory changes of LB 97, Nebraska's law enforcement agencies shall have greater flexibility in protecting the state's youth.

LB 97 makes the following changes:

- Creates the offense of unlawful use of the Internet by a Registered Sex Offender (one who is classified as a level II or III sex offender or has been convicted of a sex offense involving a child) and makes it a Class I misdemeanor for the first offense and a Class IIIA felony for any subsequent offenses.
- Makes On-Line Enticement of a Child a Class ID felony for first offense as opposed to a Class IIIA felony and a Class IC felony for subsequent offenses as opposed to a Class II felony.
- Increases the penalty for Criminal Child Enticement from a Class I misdemeanor to a Class IIIA felony.
- Changes On-Line Enticement Using a Computer to On-Line Enticement Using an Electronic Communication Device so as to include those offenders who use PDA's or cell phones to commit their crimes.
- Makes Manufacture of Child Pornography a Class ID felony for a first offense as opposed to a Class III felony and a Class IC felony for subsequent offenses as opposed to a Class II felony.
- Makes trafficking in Child Pornography a Class III felony for a first offense as opposed to a Class IIIA felony and a Class IC felony for subsequent offenses.
- Makes Possession of Child Pornography a Class III felony as opposed to a Class IV felony and a Class IC felony for subsequent offenses.
- Expands the definition of visual depiction of sexually explicit conduct to include undeveloped films and videotapes and to include images merely depicted on a computer screen.

- Describes rules and procedures for introducing child pornography in court and for sharing child pornography evidence with the defense through the discovery process.
- Eliminates the applicability of the statute of limitations for the crime of Incest.
- Requires judges to tell applicable sex offenders at sentencing that they will have to disclose pertinent computer and Internet information to law enforcement and inform them that they are prohibited from accessing and using social networking sites.
- Adds the crime of Enticement by Electronic Communication Device to the list of registerable offenses.
- Allows for service of search warrants and subpoenas on Internet Service Providers headquartered in other jurisdictions but doing business on-line in Nebraska.

Principal Introducer:

_____ **Senator Scott Lautenbaugh**