

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 665**  
Final Reading

Introduced by Pirsch, 4.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-311,  
2 Revised Statutes Cumulative Supplement, 2010; to change  
3 provisions relating to criminal child enticement and to  
4 define a term; to repeal the original section; and to  
5 declare an emergency.

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

1           Section 1. Section 28-311, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           28-311 (1)(a) No person, by any means and without  
4 privilege to do so, shall knowingly solicit, coax, entice, or lure or  
5 attempt to solicit, coax, entice, or lure any child under the age of  
6 fourteen years to enter into any vehicle, whether or not the person  
7 knows the age of the child.

8           (b) No person, by any means and without privilege to do  
9 so, shall solicit, coax, entice, or lure or attempt to solicit, coax,  
10 entice, or lure any child under the age of fourteen years to enter  
11 into any place with the intent to seclude the child from his or her  
12 parent, guardian, or other legal custodian or the general public,  
13 whether or not the person knows the age of the child. For purposes of  
14 this subdivision, seclude means to take, remove, hide, secrete,  
15 conceal, isolate, or otherwise unlawfully separate.

16           (2) It is an affirmative defense to a charge under this  
17 section that:

18           (a) The person had the express or implied permission of  
19 the parent, guardian, or other legal custodian of the child in  
20 undertaking the activity;

21           (b)(i) The person is a law enforcement officer, emergency  
22 services provider as defined in section 71-507, firefighter, or other  
23 person who regularly provides emergency services, is the operator of  
24 a bookmobile or other such vehicle operated by the state or a  
25 political subdivision and used for informing, educating, organizing,

1 or transporting children, is a paid employee of, or a volunteer for,  
2 a nonprofit or religious organization which provides activities for  
3 children, or is an employee or agent of or a volunteer acting under  
4 the direction of any board of education and (ii) the person listed in  
5 subdivision (2)(b)(i) of this section was, at the time the person  
6 undertook the activity, acting within the scope of his or her lawful  
7 duties in that capacity; or

8 (c) The person undertook the activity in response to a  
9 bona fide emergency situation or the person undertook the activity in  
10 response to a reasonable belief that it was necessary to preserve the  
11 health, safety, or welfare of the child.

12 (3) Any person who violates this section commits criminal  
13 child enticement and is guilty of a Class IIIA felony. If such person  
14 has previously been convicted of (a) criminal child enticement under  
15 this section, (b) sexual assault of a child in the first degree under  
16 section 28-319.01, (c) sexual assault of a child in the second or  
17 third degree under section 28-320.01, (d) child enticement by means  
18 of an electronic communication device under section 28-320.02, or (e)  
19 assault under section 28-308, 28-309, or 28-310, kidnapping under  
20 section 28-313, or false imprisonment under section 28-314 or 28-315  
21 when the victim was under eighteen years of age when such person  
22 violates this section, such person is guilty of a Class III felony.

23 Sec. 2. Original section 28-311, Revised Statutes  
24 Cumulative Supplement, 2010, is repealed.

25 Sec. 3. Since an emergency exists, this act takes effect

1 when passed and approved according to law.