

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 665

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; and to repeal the original section.
- 5 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.