

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 914

Introduced by McGill, 26.

Read first time January 10, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Sex Offender Registration Act; to amend
2 section 29-4005, Revised Statutes Cumulative Supplement,
3 2010; to change provisions relating to reductions in
4 registration periods; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4005, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 29-4005 (1)(a) Except as provided in subsection (2) of
4 this section, any person to whom the Sex Offender Registration Act
5 applies shall be required to register during any period of supervised
6 release, probation, or parole and shall continue to comply with the
7 act for the period of time after the date of discharge from
8 probation, parole, or supervised release or release from
9 incarceration, whichever date is most recent, as set forth in
10 subdivision (b) of this subsection. A sex offender shall keep the
11 registration current for the full registration period but shall not
12 be subject to verification procedures during any time the sex
13 offender is in custody or under an inpatient civil commitment, unless
14 the sex offender is allowed a reduction in his or her registration
15 period under subsection (2) of this section.

16 (b) The full registration period is as follows:

17 (i) Fifteen years, if the sex offender was convicted of a
18 registrable offense under section 29-4003 not punishable by
19 imprisonment for more than one year;

20 (ii) Twenty-five years, if the sex offender was convicted
21 of a registrable offense under section 29-4003 punishable by
22 imprisonment for more than one year; or

23 (iii) Life, if the sex offender was convicted of a
24 registrable offense under section 29-4003 punishable by imprisonment
25 for more than one year and was convicted of an aggravated offense or

1 had a prior sex offense conviction or has been determined to be a
2 lifetime registrant in another state, territory, commonwealth, or
3 other jurisdiction of the United States, by the United States
4 Government, by court-martial or other military tribunal, or by a
5 foreign jurisdiction.

6 (2)(a) A sex offender who is required to register for
7 twenty-five years because of a violation of subdivision (1)(c) of
8 section 28-319 when the sex offender was twenty years of age, the
9 victim was fifteen years of age, and the sexual penetration would
10 have been consensual but for the age of the victim or (b) a sex
11 offender who is required to register for fifteen years may request a
12 reduction in the registration period to ten years upon completion of
13 ten years of the registration period after the date of discharge from
14 probation, parole, supervised release, or incarceration, whichever
15 date is most recent. The sex offender shall make the request to the
16 Nebraska State Patrol. The sex offender shall provide proof that,
17 during such registration period, he or she:

18 ~~(a)~~ (i) Was not convicted of any offense for which
19 imprisonment for more than one year could have been imposed;

20 ~~(b)~~ (ii) Was not convicted of any sex offense;

21 ~~(c)~~ (iii) Successfully completed any period of probation,
22 parole, supervised release, or incarceration; and

23 ~~(d)~~ (iv) Successfully completed an appropriate sex
24 offender treatment program.

25 (3) Any time period when any person who is required to

1 register under the act knowingly or willfully fails to comply with
2 such registration requirement shall not be counted as completed
3 registration time and shall be used to recalculate the registration
4 period. The recalculation shall be completed by the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol.

7 Sec. 2. Original section 29-4005, Revised Statutes
8 Cumulative Supplement, 2010, is repealed.