

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 302

Introduced by Campbell, 25.

Read first time January 15, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-101, Revised Statutes Cumulative Supplement, 2014; to create the
- 3 offense of rehoming a child; to provide a penalty; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1418.01, and 28-1429.03 and
4 section 2 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

6 Sec. 2. (1) A person commits the offense of rehomng a child if he
7 or she is a parent or custodian of a child and engages in: (a) A
8 transaction, or any act taken to facilitate such transaction, through
9 electronic or any other means, with the intent to leave such child and
10 permanently avoid parental responsibility by placing such child in the
11 physical custody of a nonrelative without court approval except as
12 provided in subsection (2) of this section; (b) the selling,
13 transferring, or arranging for the sale or transfer of a child to another
14 person or entity for money or anything of value or to receive such child
15 for money or anything of value; or (c) assisting, aiding, abetting, or
16 conspiring in the commission of any act described in subdivision (a) or
17 (b) of this section regardless of whether money or anything of value was
18 promised or received by the person.

19 (2) Rehoming a child does not include: (a) Placement of a child by a
20 parent or custodian with a relative, stepparent, adoption agency, or the
21 Division of Children and Family Services of the Department of Health and
22 Human Services; (b) temporary placement of a child by a parent or
23 custodian for a designated short-term period of time with specific intent
24 to return for the child; (c) placement of a child in another state in
25 accordance with the requirements of the Interstate Compact on the
26 Placement of Children; (d) leaving a child at a hospital as provided in
27 section 29-121; or (e) placement pursuant to the Nebraska Indian Child
28 Welfare Act, including any adoption under tribal law or custom.

29 (3) For the purposes of this section:

30 (a) Action includes transferring, recruiting, harboring,
31 transporting, providing, soliciting, or obtaining a child; and

1 (b) Child means an individual under the age of eighteen years.

2 (4) Any person who commits the offense of rehoming a child is guilty
3 of a Class IV felony.

4 Sec. 3. Original section 28-101, Revised Statutes Cumulative
5 Supplement, 2014, is repealed.