

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 991**

Introduced by McCollister, 20; Bolz, 29; Crawford, 45; Morfeld, 46;  
Williams, 36.

Read first time January 15, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crime victims; to amend section 29-119,
- 2 Revised Statutes Cumulative Supplement, 2014; to redefine victim;
- 3 and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-119, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 29-119 For purposes of this section and sections 23-1201, 29-120,  
4 and 29-2261, unless the context otherwise requires:

5 (1) A plea agreement means that as a result of a discussion between  
6 the defense counsel and the prosecuting attorney:

7 (a) A charge is to be dismissed or reduced; or

8 (b) A defendant, if he or she pleads guilty to a charge, may receive  
9 less than the maximum penalty permitted by law; and

10 (2)(a) Victim means a person who, as a result of a homicide under  
11 sections 28-302 to 28-306, a first degree sexual assault under section  
12 28-319, a first degree assault under section 28-308, a sexual assault of  
13 a child in the second or third degree under section 28-320.01, a sexual  
14 assault of a child in the first degree under section 28-319.01, a second  
15 degree assault under section 28-309, a third degree assault under section  
16 28-310, domestic assault under section 28-323, a first degree false  
17 imprisonment under section 28-314, a second or third degree sexual  
18 assault under section 28-320, or a robbery under section 28-324, has had  
19 a personal confrontation with the offender. Victim also ~~and also~~ includes  
20 a person who has suffered serious bodily injury as defined in section  
21 28-109 as a result of a motor vehicle accident when the driver was  
22 charged with a violation of section 60-6,196 or 60-6,197 or with a  
23 violation of a city or village ordinance enacted in conformance with  
24 either section.

25 (b) In the case of a homicide, victim means the nearest surviving  
26 relative under the law as provided by section 30-2303 but does not  
27 include the alleged perpetrator of the homicide.

28 (c) In the case of a violation of section 28-813.01, 28-1463.03,  
29 28-1463.04, or 28-1463.05, victim means a person who was a child as  
30 defined in section 28-1463.02 and a participant or portrayed observer in  
31 the visual depiction of sexually explicit conduct which is the subject of

1 the violation and who has been identified and can be reasonably notified.

2 (d) In the case of a sexual assault of a child, a possession offense  
3 of a visual depiction of sexually explicit conduct, or a distribution  
4 offense of a visual depiction of sexually explicit conduct, victim means  
5 the child victim and the parents, guardians, or duly appointed legal  
6 representative of the child victim but does not include the alleged  
7 perpetrator of the crime.

8 Sec. 2. Original section 29-119, Revised Statutes Cumulative  
9 Supplement, 2014, is repealed.