

AMENDMENTS TO LB773

Introduced by Judiciary.

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-1310 (1) A person commits the offense of intimidation by
5 telephone call or electronic communication if, with intent to ~~terrify,~~
6 ~~intimidate, threaten, or harass an individual, annoy, or offend,~~ the
7 person causes significant distress to the individual by telephoning or
8 transmitting an electronic communication directly to such individual,
9 whether or not conversation or an electronic response ensues, and the
10 person:

11 ~~(a) Telephones another anonymously, whether or not conversation~~
12 ~~ensues, and disturbs the peace, quiet, and right of privacy of any person~~
13 ~~at the place where the calls are received; or~~

14 (a) Uses ~~(b) Telephones another and uses indecent, lewd, lascivious,~~
15 ~~or obscene language or suggests any obscene indecent, lewd, or lascivious~~
16 ~~act; or~~

17 (b) Threatens ~~(c) Telephones another and threatens to inflict~~
18 physical or mental injury to such individual or any other person or
19 physical injury to the property of such individual or any other person;
20 or

21 ~~(d) Intentionally fails to disengage the connection; or~~

22 (c) Attempts ~~(e) Telephones another and attempts to extort money or~~
23 ~~other thing of value from such individual or any other person.~~

24 ~~(2) The use of indecent, lewd, or obscene language or the making of~~
25 ~~a threat or lewd suggestion shall be prima facie evidence of intent to~~
26 ~~terrify, intimidate, threaten, harass, annoy, or offend.~~

27 (2) (3) The offense shall be deemed to have been committed either in

1 the state at the place where the call or electronic communication was
2 initiated ~~made~~ or where it was received.

3 ~~(3)~~ (4) Intimidation by telephone call or electronic communication
4 is a Class III misdemeanor.

5 (4) For purposes of this section, electronic communication means any
6 writing, sound, visual image, or data of any nature that is received or
7 transmitted by an electronic communication device as defined in section
8 28-833.