

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 782

Introduced by Pansing Brooks, 28; Howard, 9; Walz, 15.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-1310, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to intimidation by telephone call; to provide for
- 4 intimidation by electronic communication; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 28-1310 (1) A person commits the offense of intimidation by
4 telephone call or electronic communication if, with intent to terrify,
5 intimidate, threaten, or harass another person, annoy, or offend, the
6 person initiating the communication:

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

10 ~~(a) (b) Telephones or transmits an electronic communication directly~~
11 ~~to another, whether or not conversation or an electronic communication~~
12 ~~response ensues, and uses indecent, lewd, lascivious, or obscene language~~
13 ~~or suggests any obscene indecent, lewd, or lascivious act; or~~

14 ~~(b) (c) Telephones or transmits an electronic communication directly~~
15 ~~to another, whether or not conversation or an electronic communication~~
16 ~~response ensues, and threatens to inflict physical or mental injury to~~
17 ~~any person or physical injury to the property of any person; or~~

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

19 ~~(c) (e) Telephones or transmits an electronic communication directly~~
20 ~~to another, whether or not conversation or an electronic communication~~
21 ~~response ensues, and attempts to extort money or other thing of value~~
22 ~~from any person.~~

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

26 ~~(2) (3) The offense shall be deemed to have been committed either in~~
27 ~~the state at the place where the call or electronic communication was~~
28 ~~initiated made or where it was received.~~

29 ~~(3) (4) Intimidation by telephone call or electronic communication~~
30 ~~is a Class III misdemeanor.~~

31 ~~(4) For purposes of this section, electronic communication means any~~

1 writing, sound, visual image, or data of any nature that is received or
2 transmitted by an electronic communication device as defined in section
3 28-833.

4 Sec. 2. Original section 28-1310, Reissue Revised Statutes of
5 Nebraska, is repealed.