

E AND R AMENDMENTS TO LB 125

Introduced by Slama, 1, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 29-119, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 29-119 For purposes of this section and sections 23-1201, 29-120,
6 and 29-2261, unless the context otherwise requires:

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

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

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

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

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

4 (c) In the case of a violation of section 28-813.01, 28-1463.03,
5 28-1463.04, or 28-1463.05, victim means a person who was a child as
6 defined in section 28-1463.02 and a participant or portrayed observer in
7 the visual depiction of sexually explicit conduct which is the subject of
8 the violation and who has been identified and can be reasonably notified.

9 (d) In the case of a sexual assault of a child, a possession offense
10 of a visual depiction of sexually explicit conduct, or a distribution
11 offense of a visual depiction of sexually explicit conduct, victim means
12 the child victim and the parents, guardians, or duly appointed legal
13 representative of the child victim but does not include the alleged
14 perpetrator of the crime.

15 (e) Victim also includes a person who was the victim of a theft
16 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the
17 thing involved is five thousand dollars or more and (ii) the victim and
18 perpetrator were intimate partners as defined in section 28-323.

19 Sec. 2. Original section 29-119, Revised Statutes Cumulative
20 Supplement, 2018, is repealed.

21 2. On page 1, line 2, strike "a term" and insert "victim".