

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB479

Hearing Date: Friday March 15, 2019
Committee On: Judiciary
Introducer: Wishart
One Liner: Prohibit sexual abuse of a detainee and change provisions relating to sexual abuse of an inmate or parolee

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents: Senator Anna Wishart	Representing: Introducer
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

LB479 would create the new criminal offense of sexual abuse of a detainee.

Sections 1 and 2 would amend §§ 27-404 and 27-413 to make evidence of sexual abuse of a detainee by a person accused of sexual assault in a subsequent criminal or civil case.

Section 4 would amend § 28-115 to add sexual abuse of a detainee to the list of offenses that are punishable by the next higher penalty classification when committed against a pregnant woman.

Section 5 would amend § 28-318 to incorporate those definitions into the new offense. This section would also amend the definition of sexual penetration to exclude bodily intrusions for law enforcement purposes.

Section 6 would amend the offense of sexual abuse of an inmate or parolee in § 28-322.01 to exclude otherwise lawful body cavity searches.

Section 7 creates the new offense. It would be unlawful for a person employed or authorized by law enforcement to engage in sexual contact or sexual penetration with a person that has been arrested or detained, without regard to whether the detained person consents. Sexual penetration is a Class IIA felony and sexual contact is a Class IIIA felony.

Section 8 would amend 29-4003 to require a person convicted of sexual abuse of a detainee to register as a sex offender.

Section 9 would amend § 83-4,143 to prohibit a person that has been convicted of sexual abuse of a detainee from being placed in an incarceration work camp.

Explanation of amendments:

AM1473 would add otherwise lawful pat-downs to the activities of law enforcement that are excluded from the newly created offense of sexual abuse of a detainee.

Steve Lathrop, Chairperson