

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 125

FINAL READING

Introduced by Lathrop, 12.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to victims' rights; to amend section 29-119,
- 2 Revised Statutes Cumulative Supplement, 2018; 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 2018, 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 has had a personal confrontation
11 with an offender as a result of a homicide under sections 28-302 to
12 28-306, a first degree assault under section 28-308, a second degree
13 assault under section 28-309, a third degree assault under section 28-310
14 when the victim is an intimate partner as defined in section 28-323, a
15 first degree false imprisonment under section 28-314, a first degree
16 sexual assault under section 28-319, a sexual assault of a child in the
17 first degree under section 28-319.01, a second or third degree sexual
18 assault under section 28-320, a sexual assault of a child in the second
19 or third degree under section 28-320.01, domestic assault in the first,
20 second, or third degree under section 28-323, or a robbery under section
21 28-324. Victim also includes a person who has suffered serious bodily
22 injury as defined in section 28-109 as a result of a motor vehicle
23 accident when the driver was charged with a violation of section 60-6,196
24 or 60-6,197 or with a violation of a city or village ordinance enacted in
25 conformance with either section.

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

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

1 the visual depiction of sexually explicit conduct which is the subject of
2 the violation and who has been identified and can be reasonably notified.

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

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

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