

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1210

Introduced by Vargas, 7.

Read first time January 23, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-101, Revised Statutes Supplement, 2019; to create the offense of
- 3 sexual exploitation of a student; to define terms; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement, 2019, is
2 amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
4 2 of this act shall be known and may be cited as the Nebraska Criminal
5 Code.

6 Sec. 2. (1) A school official commits the offense of sexual
7 exploitation of a student if such school official engages in sexual
8 penetration or sexual contact with a student prior to one year following
9 such school student:

10 (a) Graduating from school; or

11 (b) Otherwise ceasing to be enrolled in school.

12 (2) A violation of this section is a Class II felony.

13 (3) It is not a defense to a charge under this section that the
14 school student consented to the sexual penetration or sexual contact.

15 (4) For purposes of this section:

16 (a) School means a school under the jurisdiction of a school board
17 authorized by Chapter 79 or under the governing authority of a private,
18 denominational, or parochial school;

19 (b)(i) School official means an individual who is nineteen years of
20 age or older and who is a teacher, school official, school administrator,
21 coach, school employee, or a volunteer acting as a teacher or coach or as
22 an assistant to a teacher or coach;

23 (ii) School official does not include a school student assisting a
24 school official;

25 (c) Sexual contact has the same meaning as in section 28-318; and

26 (d) Sexual penetration has the same meaning as in section 28-318.

27 Sec. 3. Original section 28-101, Revised Statutes Supplement, 2019,
28 is repealed.