

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB 766

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 20, 2020

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 766 provides that evidence of the victim's consent is not admissible in any civil proceeding involving alleged sexual penetration or contact when the actor is an authority figure and the victim is under 19. The bill defines authority figure to mean an actor in a position of trust and authority over a victim, and includes, but is not limited to, the victim's guardian or foster parent, temporary caretaker, coach, counselor, principal, teacher, or health care provider. The bill further provides that a person commits first-degree sexual assault if such person subjects another person to sexual penetration when the actor is an authority figure and the victim is under 19, and a person commits second- or third-degree sexual assault of a child if he subjects another person under 19 to sexual contact and the actor is an authority figure.

LB 766 establishes that sexual assault of a child is in the second degree if the actor commits three or more separate violations of with the same victim over a period of three months or longer, regardless of whether serious personal injury to the victim results; a person shall not be convicted for such a violation unless the jury unanimously agrees that the requisite number of violations occurred over the requisite time period; however, the jury need not agree as to which violations constitute the requisite number; a person shall not be convicted of both this violation and another under this section if the violations involve the same victim and arise out of the same set of facts or pattern of conduct.

Finally, the bill changes the statute of limitations for failing to make a report of child abuse or neglect from 18 months from the offense to the later of that or the date such failure to report is first discovered by law enforcement.

Principal Introducer: _____

Senator Brett Lindstrom