

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 458

Introduced by McCollister, 20.

Read first time January 15, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend
2 sections 29-4004, 29-4005, and 29-4006, Reissue Revised Statutes of
3 Nebraska, and section 29-4007, Revised Statutes Cumulative
4 Supplement, 2020; to amend sections 29-4004, 29-4005, 29-4006, and
5 29-4007, Reissue Revised Statutes of Nebraska; to provide for
6 alternative methods of appearance and change provisions relating to
7 the registration period; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4004, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-4004 (1) Any person subject to the Sex Offender Registration Act
4 shall register within three working days after becoming subject to the
5 act at a location designated by the Nebraska State Patrol for purposes of
6 accepting such registration.

7 (2) Except as provided in subsection (12) of this section, any Any
8 person required to register under the act shall inform the sheriff of the
9 county in which he or she resides, in person, and complete a form as
10 prescribed by the Nebraska State Patrol for such purpose, if he or she
11 has a new address, temporary domicile, or habitual living location,
12 within three working days before the change. The sheriff shall submit
13 such information to the sex offender registration and community
14 notification division of the Nebraska State Patrol on the day it is
15 received and in a manner prescribed by the Nebraska State Patrol for such
16 purpose.

17 (3) Except as provided in subsection (12) of this section, any Any
18 person required to register under the act shall inform the sheriff of the
19 county in which he or she resides, in person, and complete a form as
20 prescribed by the Nebraska State Patrol for such purpose, if he or she
21 has a new address, temporary domicile, or habitual living location in a
22 different county in this state, within three working days before the
23 address change. The sheriff shall submit such information to the sex
24 offender registration and community notification division of the Nebraska
25 State Patrol on the day it is received and in a manner as prescribed by
26 the Nebraska State Patrol for such purpose. If the change in address,
27 temporary domicile, or habitual living location is to a location within
28 the State of Nebraska, the division shall notify the sheriff of each
29 affected county of the new address, temporary domicile, or habitual
30 living location, within three working days. The person shall report to
31 the county sheriff of his or her new county of residence and register

1 with such county sheriff within three working days after the address
2 change.

3 (4) Except as provided in subsection (12) of this section, any Any
4 person required to register under the act shall inform the sheriff of the
5 county in which he or she resides, in person, and complete a form as
6 prescribed by the Nebraska State Patrol for such purpose, if he or she
7 moves to a new out-of-state address, within three working days before the
8 address change. The sheriff shall submit such information to the sex
9 offender registration and community notification division of the Nebraska
10 State Patrol on the day it is received and in a manner as prescribed by
11 the Nebraska State Patrol for such purpose. If the change in address,
12 temporary domicile, or habitual living location is to a location outside
13 of the State of Nebraska, the division shall notify the sheriff of each
14 affected county in Nebraska and the other state's, country's, or
15 territory's central repository for sex offender registration of the new
16 out-of-state address, temporary domicile, or habitual living location,
17 within three working days.

18 (5) Except as provided in subsection (12) of this section, any Any
19 person required to register under the act who is employed, carries on a
20 vocation, or attends school shall inform, in person, the sheriff of the
21 county in which he or she is employed, carries on a vocation, or attends
22 school and complete a form as prescribed by the Nebraska State Patrol for
23 such purpose, within three working days after becoming employed, carrying
24 on a vocation, or attending school. Except as provided in subsection (12)
25 of this section, the ~~The~~ person shall also notify the sheriff, in person,
26 of any changes in employment, vocation, or school of attendance, and
27 complete a form as prescribed by the Nebraska State Patrol for such
28 purpose, within three working days after the change. The sheriff shall
29 submit such information to the sex offender registration and community
30 notification division of the Nebraska State Patrol on the day it is
31 received and in a manner as prescribed by the Nebraska State Patrol for

1 such purpose.

2 (6) Except as provided in subsection (12) of this section, any Any
3 person required to register under the act who is residing, has a
4 temporary domicile, or is habitually living in another state, and is
5 employed, carries on a vocation, or attends school in this state, shall
6 report and register, in person, with the sheriff of the county in which
7 he or she is employed, carries on a vocation, or attends school in this
8 state and complete a form as prescribed by the Nebraska State Patrol for
9 such purpose, within three working days after becoming employed, carrying
10 on a vocation, or attending school. Except as provided in subsection (12)
11 of this section, the ~~The~~ person shall also notify the sheriff of any
12 changes in employment, vocation, or school of attendance, in person, and
13 complete a form as prescribed by the Nebraska State Patrol for such
14 purpose, within three working days after the change. The sheriff shall
15 submit such information to the sex offender registration and community
16 notification division of the Nebraska State Patrol on the day it is
17 received and in a manner as prescribed by the Nebraska State Patrol for
18 such purpose. For purposes of this subsection:

19 (a) Attends school means enrollment in any educational institution
20 in this state on a full-time or part-time basis; and

21 (b) Is employed or carries on a vocation means any full-time or
22 part-time employment, with or without compensation, which lasts for a
23 duration of more than fourteen days or for an aggregate period exceeding
24 thirty days in a calendar year.

25 (7) Any person incarcerated for a registrable offense under section
26 29-4003 in a jail, penal or correctional facility, or other public or
27 private institution shall be registered by the jail, penal or
28 correctional facility, or public or private institution prior to his or
29 her discharge, parole, furlough, work release, or release. The person
30 shall be informed and information shall be obtained as required in
31 section 29-4006.

1 (8) Any person required to register or who is registered under the
2 act, but is incarcerated for more than three working days, shall inform
3 the sheriff of the county in which he or she is incarcerated, in writing,
4 within three working days after incarceration, of his or her
5 incarceration and his or her expected release date, if any such date is
6 available. The sheriff shall forward the information regarding
7 incarceration to the sex offender registration and community notification
8 division of the Nebraska State Patrol immediately on the day on which it
9 was received and in a manner prescribed by the Nebraska State Patrol for
10 such purpose.

11 (9) Except as provided in subsection (12) of this section, any Any
12 person required to register or who is registered under the act who no
13 longer has a residence, temporary domicile, or habitual living location
14 shall report such change in person to the sheriff of the county in which
15 he or she is located, within three working days after such change in
16 residence, temporary domicile, or habitual living location. Except as
17 provided in subsection (12) of this section, such ~~Such~~ person shall
18 update his or her registration, in person, to the sheriff of the county
19 in which he or she is located, on a form approved by the sex offender
20 registration and community notification division of the Nebraska State
21 Patrol at least once every thirty calendar days during the time he or she
22 remains without residence, temporary domicile, or habitual living
23 location.

24 (10) Each registering entity shall forward all written information,
25 photographs, and fingerprints obtained pursuant to the act to the sex
26 offender registration and community notification division of the Nebraska
27 State Patrol on the day it is received and in a manner prescribed by the
28 Nebraska State Patrol for such purpose. The information shall be
29 forwarded on forms furnished by the division. The division shall maintain
30 a central registry of sex offenders required to register under the act.
31 Any collected DNA samples shall be forwarded to the State DNA Data Base.

1 (11) The sex offender registration and community notification
2 division of the Nebraska State Patrol shall determine whether a name-
3 change order received from the clerk of a district court pursuant to
4 section 25-21,271 is for a person in the central registry of sex
5 offenders and, if so, shall include the changed name with the former name
6 in the registry, file or cross-reference the information under both
7 names, and notify the sheriff of the county in which such person then
8 resides.

9 (12) The Nebraska State Patrol may develop an alternative process to
10 be used instead of appearing in person under subsections (2), (3), (4),
11 (5), (6), and (9) of this section when natural disasters, public health
12 considerations, or other factors make appearing in person difficult,
13 impossible, or unsafe as determined by the sex offender registration and
14 community notification division of the Nebraska State Patrol. Such
15 alternative process may include electronic or telephonic notification to
16 the sheriff or appearing at a different location.

17 Sec. 2. Section 29-4005, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-4005 (1)(a) Except as provided in subsection (2) of this section,
20 any person to whom the Sex Offender Registration Act applies shall be
21 required to register during any period of supervised release, probation,
22 or parole and shall continue to comply with the act for the period of
23 time after the date of discharge from ~~probation, parole, or supervised~~
24 ~~release or release from incarceration, whichever date is most recent,~~ as
25 set forth in subdivision (b) of this subsection. A sex offender shall
26 keep the registration current for the full registration period but shall
27 not be subject to verification procedures during any time the sex
28 offender is in custody or under an inpatient civil commitment, unless the
29 sex offender is allowed a reduction in his or her registration period
30 under subsection (2) of this section.

31 (b) The full registration period is as follows:

1 (i) Fifteen years, if the sex offender was convicted of a
2 registrable offense under section 29-4003 not punishable by imprisonment
3 for more than one year;

4 (ii) Twenty-five years, if the sex offender was convicted of a
5 registrable offense under section 29-4003 punishable by imprisonment for
6 more than one year; or

7 (iii) Life, if the sex offender was convicted of a registrable
8 offense under section 29-4003 punishable by imprisonment for more than
9 one year and was convicted of an aggravated offense or had a prior sex
10 offense conviction or has been determined to be a lifetime registrant in
11 another state, territory, commonwealth, or other jurisdiction of the
12 United States, by the United States Government, by court-martial or other
13 military tribunal, or by a foreign jurisdiction.

14 (2) A sex offender who is required to register for fifteen years may
15 request a reduction in the registration period to seven ~~ten~~ years upon
16 completion of seven ~~ten~~ years of the registration period after the date
17 of discharge from probation, ~~parole,~~ ~~supervised~~ ~~release,~~ or
18 incarceration, whichever date is most recent. The sex offender shall make
19 the request to the Nebraska State Patrol. The sex offender shall provide
20 proof that, during such registration period, he or she:

21 (a) Was not convicted of any offense for which imprisonment for more
22 than one year could have been imposed;

23 (b) Was not convicted of any sex offense;

24 (c) Successfully completed any period of probation, parole,
25 supervised release, or incarceration; and

26 (d) Successfully completed an appropriate sex offender treatment
27 program.

28 (3) Any time period when any person who is required to register
29 under the act knowingly or willfully fails to comply with such
30 registration requirement shall not be counted as completed registration
31 time and shall be used to recalculate the registration period. The

1 recalculation shall be completed by the sex offender registration and
2 community notification division of the Nebraska State Patrol.

3 Sec. 3. Section 29-4006, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-4006 (1) Registration information required by the Sex Offender
6 Registration Act shall be entered into a data base in a format approved
7 by the sex offender registration and community notification division of
8 the Nebraska State Patrol and shall include, but not be limited to, the
9 following information:

10 (a) The legal name and all aliases which the person has used or
11 under which the person has been known;

12 (b) The person's date of birth and any alias dates of birth;

13 (c) The person's social security number;

14 (d) The address of each residence at which the person resides, has a
15 temporary domicile, has a habitual living location, or will reside;

16 (e) The name and address of any place where the person is an
17 employee or will be an employee, including work locations without a
18 single worksite;

19 (f) The name and address of any place where the person is a student
20 or will be a student;

21 (g) The license plate number and a description of any vehicle owned
22 or operated by the person and its regular storage location;

23 (h) The person's motor vehicle operator's license number, including
24 the person's valid motor vehicle operator's license or state
25 identification card submitted for photocopying;

26 (i) The person's original travel and immigration documents submitted
27 for photocopying;

28 (j) The person's original professional licenses or certificates
29 submitted for photocopying;

30 (k) The person's telephone numbers;

31 (l) A physical description of the person;

1 (m) A digital link to the text of the provision of law defining the
2 criminal offense or offenses for which the person is registered under the
3 act;

4 (n) Access to the criminal history of the person, including the date
5 of all arrests and convictions, the status of parole, probation, or
6 supervised release, registration status, and the existence of any
7 outstanding arrest warrants for the person;

8 (o) A current photograph of the person;

9 (p) A set of fingerprints and palm prints of the person; and

10 (q) A DNA sample of the person.

11 (2) Except as provided in section 29-4005, the registration
12 information shall be verified as provided in subsections (3), (4), and
13 (5) of this section for the duration of the registration period. The
14 person shall appear in person or as developed in subsection (12) of
15 section 29-4004 for such verification at the office of the sheriff of the
16 county in which he or she resides, has a temporary domicile, or is
17 habitually living for purposes of accepting verifications and shall have
18 his or her photograph and fingerprints taken upon request of verification
19 personnel.

20 (3) A person required to register under the act for fifteen years
21 shall report every twelve months in the month of his or her birth, in
22 person or as developed in subsection (12) of section 29-4004, to the
23 office of the sheriff of the county in which he or she resides for
24 purposes of accepting verifications, regardless of the original
25 registration month. The sheriff shall submit such verification
26 information to the sex offender registration and community notification
27 division of the Nebraska State Patrol on the day it is received and in a
28 manner prescribed by the Nebraska State Patrol for such purpose.

29 (4) A person required to register under the act for twenty-five
30 years shall report, in person or as developed in subsection (12) of
31 section 29-4004, every six months to the office of the sheriff of the

1 county in which he or she resides for purposes of accepting verification.
2 The person shall report, in person or as developed in subsection (12) of
3 section 29-4004, in the month of his or her birth and in the sixth month
4 following the month of his or her birth, regardless of the original
5 registration month. The sheriff shall submit such verification
6 information to the sex offender registration and community notification
7 division of the Nebraska State Patrol on the day it is received and in a
8 manner prescribed by the Nebraska State Patrol for such purpose.

9 (5) A person required to register under the act for life shall
10 report, in person or as developed in subsection (12) of section 29-4004,
11 every three months to the office of the sheriff of the county in which he
12 or she resides for purposes of accepting verification. The person shall
13 report, in person or as developed in subsection (12) of section 29-4004,
14 in the month of his or her birth and every three months following the
15 month of his or her birth, regardless of the original registration month.
16 The sheriff shall submit such verification information to the sex
17 offender registration and community notification division of the Nebraska
18 State Patrol on the day it is received and in a manner prescribed by the
19 Nebraska State Patrol for such purpose.

20 (6) The verification form shall be signed by the person required to
21 register under the act and state whether the address last reported to the
22 division is still correct.

23 (7) Upon receipt of registration and confirmation of the registry
24 requirement, the sex offender registration and community notification
25 division of the Nebraska State Patrol shall notify the person by
26 certified mail of his or her registry duration and verification schedule.

27 (8) If the person required to register under the act fails to report
28 in person or as developed in subsection (12) of section 29-4004 as
29 required in subsection (3), (4), or (5) of this section, the person shall
30 be in violation of this section.

31 (9) If the person required to register under the act falsifies the

1 registration or verification information or form or fails to provide or
2 timely update law enforcement of any of the information required to be
3 provided by the Sex Offender Registration Act, the person shall be in
4 violation of this section.

5 (10) The verification requirements of a person required to register
6 under the act shall not apply during periods of such person's
7 incarceration or inpatient civil commitment. Verification shall be
8 resumed as soon as such person is placed on any type of supervised
9 release, parole, or probation or outpatient civil commitment or is
10 released from incarceration or civil commitment. Prior to any type of
11 release from incarceration or inpatient civil commitment, the person
12 shall report a change of address, in writing, to the sheriff of the
13 county in which he or she is incarcerated and the sheriff of the county
14 in which he or she resides, has a temporary domicile, or has a habitual
15 living location. The sheriff shall submit the change of address to the
16 sex offender registration and community notification division of the
17 Nebraska State Patrol on the day it is received and in a manner
18 prescribed by the Nebraska State Patrol for such purpose.

19 (11) Any person required to register under the act shall, in person
20 or as developed in subsection (12) of section 29-4004, inform the sheriff
21 of any legal change in name within three working days after such change
22 and provide a copy of the legal documentation supporting the change in
23 name. The sheriff shall submit the information to the sex offender
24 registration and community notification division of the Nebraska State
25 Patrol, in writing, immediately after receipt of the information and in a
26 manner prescribed by the Nebraska State Patrol for such purpose.

27 (12) At any time that a person required to register under the act
28 violates the registry requirements and cannot be located, the registry
29 information shall reflect that the person has absconded, a warrant shall
30 be sought for the person's arrest, and the United States Marshals Service
31 shall be notified.

1 Sec. 4. Section 29-4007, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 29-4007 (1) When sentencing a person convicted of a registrable
4 offense under section 29-4003, the court shall:

5 (a) Provide written notification of the duty to register under the
6 Sex Offender Registration Act at the time of sentencing to any defendant
7 who has pled guilty or has been found guilty of a registrable offense
8 under section 29-4003. The written notification shall:

9 (i) Inform the defendant of whether or not he or she is subject to
10 the act, the duration of time he or she will be subject to the act, and
11 that he or she shall report to a location designated by the Nebraska
12 State Patrol for purposes of accepting such registration within three
13 working days after the date of the written notification to register;

14 (ii) Inform the defendant that if he or she moves to another address
15 within the same county, he or she must report to the county sheriff of
16 the county in which he or she is residing within three working days
17 before his or her move;

18 (iii) Inform the defendant that if he or she no longer has a
19 residence, temporary domicile, or habitual living location, he or she
20 shall report such change in person or as developed in subsection (12) of
21 section 29-4004 to the sheriff of the county in which he or she is
22 located within three working days after such change in residence,
23 temporary domicile, or habitual living location;

24 (iv) Inform the defendant that if he or she moves to another county
25 in the State of Nebraska, he or she must notify, in person or as
26 developed in subsection (12) of section 29-4004, the county sheriff of
27 the county in which he or she had been last residing, had a temporary
28 domicile, or had a habitual living location and the county sheriff of the
29 county in which he or she is residing, has a temporary domicile, or is
30 habitually living of his or her current address. The notice must be given
31 within three working days before his or her move;

1 (v) Inform the defendant that if he or she moves to another state,
2 he or she must report, in person or as developed in subsection (12) of
3 section 29-4004, the change of address to the county sheriff of the
4 county in which he or she has been residing, has had a temporary
5 domicile, or has had a habitual living location and must comply with the
6 registration requirements of the state to which he or she is moving. The
7 notice must be given within three working days before his or her move;

8 (vi) Inform the defendant that he or she shall (A) inform the
9 sheriff of the county in which he or she resides, has a temporary
10 domicile, or is habitually living, in person or as developed in
11 subsection (12) of section 29-4004, of each educational institution at
12 which he or she is employed, carries on a vocation, or attends school,
13 within three working days after such employment or attendance, and (B)
14 notify the sheriff of any change in such employment or attendance status
15 of such person at such educational institution, within three working
16 days;

17 (vii) Inform the defendant that he or she shall (A) inform the
18 sheriff of the county in which the employment site is located, in person
19 or as developed in subsection (12) of section 29-4004, of the name and
20 address of any place where he or she is or will be an employee, within
21 three working days after such employment, and (B) inform the sheriff of
22 the county in which the employment site is located, in person or as
23 developed in subsection (12) of section 29-4004, of any change in his or
24 her employment;

25 (viii) Inform the defendant that if he or she goes to another state
26 to work or goes to another state as a student and still resides, has a
27 temporary domicile, or has a habitual living location in this state, he
28 or she must comply with the registration requirements of both states;

29 (ix) Inform the defendant that fingerprints, palm prints, a DNA
30 sample if not previously collected, and a photograph will be obtained by
31 any registering entity in order to comply with the registration

1 requirements;

2 (x) Inform the defendant of registry and verification locations; and

3 (xi) Inform the defendant of the reduction request requirements, if
4 eligible, under section 29-4005;

5 (b) Require the defendant to read and sign the registration form
6 stating that the duty of the defendant to register under the Sex Offender
7 Registration Act has been explained;

8 (c) Retain the original notification signed by the defendant; and

9 (d) Provide a copy of the filed notification, the information or
10 amended information, and the sentencing order of the court to the county
11 attorney, the defendant, the sex offender registration and community
12 notification division of the Nebraska State Patrol, and the county
13 sheriff of the county in which the defendant resides, has a temporary
14 domicile, or has a habitual living location.

15 (2) When a person is convicted of a registrable offense under
16 section 29-4003 and is not subject to immediate incarceration upon
17 sentencing, prior to being released by the court, the sentencing court
18 shall ensure that the defendant is registered by a Nebraska State Patrol
19 office or other location designated by the patrol for purposes of
20 accepting registrations.

21 (3)(a) The Department of Correctional Services or a city or county
22 correctional or jail facility shall provide written notification of the
23 duty to register pursuant to the Sex Offender Registration Act to any
24 person committed to its custody for a registrable offense under section
25 29-4003 prior to the person's release from incarceration. The written
26 notification shall:

27 (i) Inform the person of whether or not he or she is subject to the
28 act, the duration of time he or she will be subject to the act, and that
29 he or she shall report, in person or as developed in subsection (12) of
30 section 29-4004, to a location designated by the Nebraska State Patrol
31 for purposes of accepting such registration within three working days

1 after the date of the written notification to register;

2 (ii) Inform the person that if he or she moves to another address
3 within the same county, he or she must report all address changes, in
4 person, to the county sheriff of the county in which he or she has been
5 residing within three working days before his or her move;

6 (iii) Inform the defendant that if he or she no longer has a
7 residence, temporary domicile, or habitual living location, he or she
8 shall report such change in person to the sheriff of the county in which
9 he or she is located within three working days after such change in
10 residence, temporary domicile, or habitual living location;

11 (iv) Inform the person that if he or she moves to another county in
12 the State of Nebraska, he or she must notify, in person, the county
13 sheriff of the county in which he or she had been last residing, had a
14 temporary domicile, or had a habitual living location and the county
15 sheriff of the county in which he or she is residing, has a temporary
16 domicile, or is habitually living of his or her current address. The
17 notice must be given within three working days before his or her move;

18 (v) Inform the person that if he or she moves to another state, he
19 or she must report, in person, the change of address to the county
20 sheriff of the county in which he or she has been residing, has had a
21 temporary domicile, or has been habitually living and must comply with
22 the registration requirements of the state to which he or she is moving.
23 The report must be given within three working days before his or her
24 move;

25 (vi) Inform the person that he or she shall (A) inform the sheriff
26 of the county in which he or she resides, has a temporary domicile, or is
27 habitually living, in person, of each educational institution at which he
28 or she is employed, carries on a vocation, or attends school, within
29 three working days after such employment or attendance, and (B) notify
30 the sheriff of any change in such employment or attendance status of such
31 person at such educational institution, within three working days after

1 such change;

2 (vii) Inform the person that he or she shall (A) inform the sheriff
3 of the county in which the employment site is located, in person, of the
4 name and address of any place where he or she is or will be an employee,
5 within three working days after such employment, and (B) inform the
6 sheriff of the county in which the employment site is located, in person,
7 of any change in his or her employment;

8 (viii) Inform the person that if he or she goes to another state to
9 work or goes to another state as a student and still resides, has a
10 temporary domicile, or has a habitual living location in this state, he
11 or she must comply with the registration requirements of both states;

12 (ix) Inform the defendant that fingerprints, palm prints, a DNA
13 sample if not previously collected, and a photograph will be obtained by
14 any registering entity in order to comply with the registration
15 requirements;

16 (x) Inform the defendant of registry and verification locations; and

17 (xi) Inform the defendant of the reduction request requirements, if
18 eligible, under section 29-4005.

19 (b) The Department of Correctional Services or a city or county
20 correctional or jail facility shall:

21 (i) Require the person to read and sign the notification form
22 stating that the duty to register under the Sex Offender Registration Act
23 has been explained;

24 (ii) Retain a signed copy of the written notification to register;
25 and

26 (iii) Provide a copy of the signed, written notification to register
27 to the person and to the sex offender registration and community
28 notification division of the Nebraska State Patrol.

29 (4) If a person is convicted of a registrable offense under section
30 29-4003 and is immediately incarcerated, he or she shall be registered as
31 required under the act prior to discharge, parole, or work release.

1 (5) The Department of Motor Vehicles shall cause written
2 notification of the duty to register to be provided on the applications
3 for a motor vehicle operator's license and for a commercial driver's
4 license.

5 (6) All written notification as provided in this section shall be on
6 a form approved by the Attorney General.

7 Sec. 5. Original sections 29-4004, 29-4005, and 29-4006, Reissue
8 Revised Statutes of Nebraska, and section 29-4007, Revised Statutes
9 Cumulative Supplement, 2020, are repealed.