

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 172**

Introduced by Hardin, 48; at the request of the Governor; Bosn, 25;  
Kauth, 31; Sanders, 45; Storer, 43.

Read first time January 13, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections  
2 25-21,291, 27-1301, 28-116, 28-320.02, 28-813.02, 28-833,  
3 28-1463.01, 28-1463.02, 28-1463.06, 28-1601, 28-1602, 83-174.02,  
4 84-205, and 87-302, Reissue Revised Statutes of Nebraska, and  
5 sections 28-813.01, 28-1463.03, 28-1463.05, 28-1701, 29-110, 29-119,  
6 29-4003, 29-4309, and 29-4316, Revised Statutes Cumulative  
7 Supplement, 2024; to prohibit conduct involving computer-generated  
8 child pornography; to prohibit receipt of child pornography; to  
9 transfer provisions of the Nebraska Criminal Code and the Child  
10 Pornography Prevention Act; to provide for enhanced penalties; to  
11 define and redefine terms; to eliminate obsolete provisions; to  
12 harmonize provisions; to repeal the original sections; and to  
13 outright repeal section 28-1463.04, Reissue Revised Statutes of  
14 Nebraska.  
15 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 28-1463.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           ~~28-1463.01~~ Sections 1 to 6 of this act ~~28-1463.01 to 28-1463.06~~  
4 shall be known and may be cited as the Child Pornography Prevention Act.

5           **Sec. 2.** Section 28-1463.02, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           ~~28-1463.02~~ As used in the Child Pornography Prevention Act, unless  
8 the context otherwise requires:

9           (1) Child, in the case of a participant, means any person under the  
10 age of eighteen years and, in the case of a portrayed observer, means any  
11 person under the age of sixteen years;

12           (2) Child pornography means any:

13           (a) Visual depiction of sexually explicit conduct that has a child,  
14 other than the defendant, as one of its participants or portrayed  
15 observers; or

16           (b) Computer-generated child pornography;

17           (3) Computer-generated, with respect to a visual depiction, means  
18 that a visual depiction has been created, adapted, or modified by using a  
19 computer, digital program or process, artificial intelligence, or any  
20 similar device or means;

21           (4) Computer-generated child pornography means any computer-  
22 generated visual depiction of an individual indistinguishable from a real  
23 child, other than the defendant, that has been created, adapted, or  
24 modified to depict such individual as a participant in, or portrayed  
25 observer of, sexually explicit conduct;

26           (5)(a) Conviction or convicted includes a plea or verdict of guilty  
27 or a conviction following a plea of nolo contendere.

28           (b) Conviction or convicted includes a conviction that has been set  
29 aside under section 29-2264.

30           (c) Conviction or convicted does not include a conviction for which  
31 a pardon has been obtained;

1           (6) Covered offense means a violation of section 28-308, 28-309,  
2 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,  
3 28-833, or section 3, 4, or 5 of this act, or subsection (1) or (2) of  
4 section 28-320;

5           (7) Electronic communication device has the same meaning as in  
6 section 28-833;

7           (8) (2) Erotic fondling means touching a person's clothed or  
8 unclothed genitals or pubic area, breasts if the person is a female, or  
9 developing breast area if the person is a female child, for the purpose  
10 of real or simulated overt sexual gratification or sexual stimulation of  
11 one or more persons involved. Erotic fondling shall not be construed to  
12 include physical contact, even if affectionate, which is not for the  
13 purpose of real or simulated overt sexual gratification or sexual  
14 stimulation of one or more of the persons involved;

15           (9) (3) Erotic nudity means the display of the human male or female  
16 genitals or pubic area, the human female breasts, or the developing  
17 breast area of the human female child, for the purpose of real or  
18 simulated overt sexual gratification or sexual stimulation of one or more  
19 of the persons involved;

20           (10) Indistinguishable, when used with respect to a visual  
21 depiction, means that a visual depiction is virtually indistinguishable  
22 from a depiction of a real or actual event or occurrence, such that an  
23 ordinary person would reasonably conclude that the visual depiction is of  
24 a real child as a participant in, or portrayed observer of, sexually  
25 explicit conduct;

26           (11) (4) Sadomasochistic abuse means flagellation or torture by or  
27 upon a nude person or a person clad in undergarments, a mask, or bizarre  
28 costume, or the condition of being fettered, bound, or otherwise  
29 physically restrained when performed to predominantly appeal to the  
30 morbid interest;

31           (12) (5) Sexually explicit conduct means: (a) Real or simulated

1 intercourse, whether genital-genital, oral-genital, anal-genital, or  
2 oral-anal between persons of the same or opposite sex or between a human  
3 and an animal or with an artificial genital; (b) real or simulated  
4 masturbation; (c) real or simulated sadomasochistic abuse; (d) erotic  
5 fondling; (e) erotic nudity; or (f) real or simulated defecation or  
6 urination for the purpose of sexual gratification or sexual stimulation  
7 of one or more of the persons involved; and

8 (13) ~~(6)~~ Visual depiction means live performance or photographic  
9 representation and includes any undeveloped film or videotape or data  
10 stored on a computer disk or by other electronic means which is capable  
11 of conversion into a visual image and also includes any photograph, film,  
12 video, picture, digital image, or computer-displayed image, video, or  
13 picture, whether made or produced by electronic, mechanical, computer,  
14 digital, or other means.

15 **Sec. 3.** Section 28-813.01, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 ~~28-813.01~~ (1) It shall be unlawful for a person nineteen years of  
18 age or older to knowingly possess or receive any child pornography ~~visual~~  
19 ~~depiction of sexually explicit conduct which has a child as one of its~~  
20 ~~participants or portrayed observers.~~ Violation of this subsection is a  
21 Class IIA felony.

22 (2)(a) ~~(2)~~ It shall be unlawful for a person under nineteen years of  
23 age to knowingly and intentionally possess or receive any child  
24 pornography ~~visual depiction of sexually explicit conduct which has a~~  
25 ~~child other than the defendant as one of its participants or portrayed~~  
26 ~~observers.~~

27 (b) Violation of this subsection is a Class I misdemeanor. A second  
28 or subsequent conviction under this subsection is a Class IV felony.

29 (3) It shall be an affirmative defense to a charge made pursuant to  
30 subsection (2) of this section that:

31 (a) ~~(a)(i)~~ The defendant was less than nineteen years of age;

1           **(b) The child pornography:**

2           ~~(i) Portrays (ii) the visual depiction of sexually explicit conduct~~  
3 ~~portrays~~ a child who is fifteen years of age or older;

4           ~~(ii) Was (iii) the visual depiction was~~ knowingly and voluntarily  
5 generated by the child depicted therein;

6           ~~(iii) Was (iv) the visual depiction was~~ knowingly and voluntarily  
7 provided by such the child depicted in the visual depiction; and

8           ~~(iv) Portrays (v) the visual depiction contains~~ only one child other  
9 than the defendant;

10          ~~(c) The (vi) the~~ defendant has not provided or made available the  
11 child pornography visual depiction to another person except such the  
12 child depicted who originally sent the visual depiction to the defendant;  
13 and

14          ~~(d) The (vii) the~~ defendant did not coerce such the child in the  
15 ~~visual depiction~~ to either create or send the child pornography. visual  
16 ~~depiction; or~~

17          (4) It shall be an affirmative defense to a charge made pursuant to  
18 subsection (2) of this section that:

19           ~~(a) (b)(i)~~ The defendant was less than eighteen years of age;

20           ~~(b) The (ii) the~~ difference in age between the defendant and the  
21 child portrayed is less than four years;

22           **(c) The child pornography:**

23           ~~(i) Was (iii) the visual depiction was~~ knowingly and voluntarily  
24 generated by the child depicted therein;

25           ~~(ii) Was (iv) the visual depiction was~~ knowingly and voluntarily  
26 provided by such the child depicted in the visual depiction; and

27           ~~(iii) Portrays (v) the visual depiction contains~~ only one child  
28 other than the defendant;

29           ~~(d) The (vi) the~~ defendant has not provided or made available the  
30 child pornography visual depiction to another person except such the  
31 child depicted who originally sent the visual depiction to the defendant;

1 and

2 (e) ~~The (vii) the defendant did not coerce such the child in the~~  
3 ~~visual depiction to either create or send the child pornography visual~~  
4 ~~depiction.~~

5 (5) ~~Except as provided in subdivision (2)(b) of this section, any~~  
6 ~~(4) Any person who violates subsection (1) or (2) of this section and who~~  
7 ~~has previously been convicted of a covered offense violation of this~~  
8 ~~section or section 28-308, 28-309, 28-310, 28-311, 28-313, 28-314,~~  
9 ~~28-315, 28-319, 28-319.01, 28-320.01, 28-833, 28-1463.03, or 28-1463.05~~  
10 ~~or subsection (1) or (2) of section 28-320 shall be guilty of a Class IC~~  
11 ~~felony for each offense.~~

12 (5) ~~In addition to the penalties provided in this section, a~~  
13 ~~sentencing court may order that any money, securities, negotiable~~  
14 ~~instruments, firearms, conveyances, or electronic communication devices~~  
15 ~~as defined in section 28-833 or any equipment, components, peripherals,~~  
16 ~~software, hardware, or accessories related to electronic communication~~  
17 ~~devices be forfeited as a part of the sentence imposed if it finds by~~  
18 ~~clear and convincing evidence adduced at a separate hearing in the same~~  
19 ~~prosecution, conducted pursuant to section 28-1601, that any or all such~~  
20 ~~property was derived from, used, or intended to be used to facilitate a~~  
21 ~~violation of this section.~~

22 (6) ~~The definitions in section 28-1463.02 shall apply to this~~  
23 ~~section.~~

24 **Sec. 4.** Section 28-1463.05, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26 ~~28-1463.05~~ (1) It shall be unlawful for a person to knowingly  
27 possess with intent to rent, sell, deliver, distribute, trade, or provide  
28 to any person any child pornography visual depiction of sexually explicit  
29 ~~conduct which has a child other than the defendant as one of its~~  
30 ~~participants or portrayed observers.~~

31 (2)(a) Any person who is under nineteen years of age at the time he

1 or she violates this section shall be guilty of a Class IIIA felony for  
2 each offense.

3 (b) Any person who is nineteen years of age or older at the time he  
4 or she violates this section shall be guilty of a Class IIA felony for  
5 each offense.

6 (c) Any person who violates this section and who has previously been  
7 convicted of a covered offense violation of this section or section  
8 ~~28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,~~  
9 ~~28-319.01, 28-320.01, 28-813, 28-833, or 28-1463.03~~ or subsection (1) or  
10 (2) of section 28-320 shall be guilty of a Class IC felony for each  
11 offense.

12 **Sec. 5.** Section 28-1463.03, Revised Statutes Cumulative Supplement,  
13 2024, is amended to read:

14 ~~28-1463.03~~ (1) It shall be unlawful for a person to knowingly make,  
15 publish, direct, create, provide, or in any manner generate any child  
16 pornography ~~visual depiction of sexually explicit conduct which has a~~  
17 ~~child other than the defendant as one of its participants or portrayed~~  
18 ~~observers.~~

19 (2) It shall be unlawful for a person knowingly to purchase, rent,  
20 sell, deliver, distribute, display for sale, advertise, trade, or provide  
21 to any person any child pornography ~~visual depiction of sexually explicit~~  
22 ~~conduct which has a child other than the defendant as one of its~~  
23 ~~participants or portrayed observers.~~

24 (3) It shall be unlawful for a person to knowingly employ, force,  
25 authorize, induce, or otherwise cause a child to appear or be depicted in  
26 any child pornography ~~engage in any visual depiction of sexually explicit~~  
27 ~~conduct which has a child as one of its participants or portrayed~~  
28 ~~observers.~~

29 (4) It shall be unlawful for a parent, stepparent, legal guardian,  
30 or any person with custody and control of a child, knowing the content  
31 thereof, to consent to such child appearing or being depicted in any

1 ~~child pornography engaging in any visual depiction of sexually explicit~~  
2 ~~conduct which has a child as one of its participants or portrayed~~  
3 ~~observers.~~

4 (5) Any person who is under nineteen years of age at the time he or  
5 she violates this section shall be guilty of a Class III felony for each  
6 offense.

7 (6) Any person who is nineteen years of age or older at the time he  
8 or she violates this section shall be guilty of a Class ID felony for  
9 each offense.

10 (7) Any person who violates this section and who has previously been  
11 convicted of a covered offense shall be guilty of a Class IC felony for  
12 each offense.

13 **Sec. 6.** Section 28-1463.06, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 ~~28-1463.06~~ In addition to the penalties provided in the Child  
16 Pornography Prevention Act, a sentencing court may order that any money,  
17 securities, negotiable instruments, firearms, conveyances, or electronic  
18 communication devices as defined in section 28-833 or any equipment,  
19 components, peripherals, software, hardware, or accessories related to  
20 electronic communication devices be forfeited as a part of the sentence  
21 imposed if it finds by clear and convincing evidence adduced at a  
22 separate hearing in the same prosecution, conducted pursuant to section  
23 28-1601, that any or all such property was derived from, used, or  
24 intended to be used to facilitate a violation of the Child Pornography  
25 Prevention Act.

26 **Sec. 7.** Section 25-21,291, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 25-21,291 For purposes of the Exploited Children's Civil Remedy Act:

29 (1) Access software provider means a provider of software, including  
30 client or server software, or enabling tools that do any one or more of  
31 the following: (a) Filter, screen, allow, or disallow content; (b) pick,



1 choose, analyze, or digest content; or (c) transmit, receive, display,  
2 forward, cache, search, subset, organize, reorganize, or translate  
3 content;

4 (2) Aid or assist another with the creation, distribution, or active  
5 acquisition of child pornography means help a principal in some  
6 appreciable manner with the creation, distribution, or active acquisition  
7 of a visual depiction of sexually explicit conduct which has a child as  
8 one of its participants or portrayed observers. The term also includes  
9 knowingly employing, forcing, authorizing, inducing, or otherwise causing  
10 a child to engage in any visual depiction of sexually explicit conduct  
11 which has a child as one of its participants or portrayed observers. No  
12 parent, stepparent, legal guardian, or person with custody and control of  
13 a child, knowing the content thereof, may consent to such child engaging  
14 in any visual depiction of sexually explicit conduct which has a child as  
15 one of its participants or portrayed observers;

16 (3) Cable operator means any person or group of persons (a) who  
17 provides cable service over a cable system and directly or through one or  
18 more affiliates owns a significant interest in such cable system or (b)  
19 who otherwise controls or is responsible for, through any arrangement,  
20 the management and operation of such a cable system;

21 (4) Child has the same meaning as in section 2 of this act  
22 ~~28-1463.02~~;

23 (5) Create means to knowingly create, make, manufacture, direct,  
24 publish, finance, or in any manner generate;

25 (6) Distribute means the actual, constructive, or attempted transfer  
26 from one person, source, or location to another person, source, or  
27 location. The term includes, but is not limited to, renting, selling,  
28 delivering, displaying, advertising, trading, mailing, procuring,  
29 circulating, lending, exhibiting, transmitting, transmuting,  
30 transferring, disseminating, presenting, or providing any visual  
31 depiction of sexually explicit conduct which has a child as one of its

1 participants or portrayed observers;

2 (7) Interactive computer service means any information service  
3 system or access software provider that provides or enables computer  
4 access by multiple users to a computer server, including specifically a  
5 service or system that provides access to the Internet and such systems  
6 operated or services offered by libraries or educational institutions;

7 (8) Participant means a child who appears in any visual depiction of  
8 sexually explicit conduct and is portrayed or actively engaged in acts of  
9 sexually explicit conduct appearing therein;

10 (9) Portrayed observer means a child who appears in any visual  
11 depiction where sexually explicit conduct is likewise portrayed or  
12 occurring within the child's presence or in the child's proximity;

13 (10) Sexually explicit conduct has the same meaning as in section 2  
14 of this act 28-1463.02;

15 (11) Telecommunications service means the offering of  
16 telecommunications for a fee directly to the public, or to such classes  
17 of users as to be effectively available directly to the public,  
18 regardless of the facilities used; and

19 (12) Visual depiction has the same meaning as in section 2 of this  
20 act 28-1463.02.

21 **Sec. 8.** Section 27-1301, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 27-1301 (1) In any judicial or administrative proceeding, any  
24 property or material that constitutes child pornography ~~a visual~~  
25 ~~depiction of sexually explicit conduct~~, as defined in section 2 of this  
26 act 28-1463.02, ~~and which has a child, as defined in such section, as one~~  
27 ~~of its participants or portrayed observers~~, shall remain constantly and  
28 continuously in the care, custody, and control of law enforcement, the  
29 prosecuting attorney, or the court having properly received it into  
30 evidence, except as provided in subsection (3) of this section.

31 (2) All courts and administrative agencies shall unequivocally deny

1 any request by the defendant, his or her attorney, or any other person,  
2 agency, or organization, regardless of whether such defendant, attorney,  
3 or other person, agency, or organization is a party in interest or not,  
4 to acquire possession of, copy, photograph, duplicate, or otherwise  
5 reproduce any property or material that constitutes child pornography a  
6 ~~visual depiction of sexually explicit conduct~~, as defined in section 2 of  
7 ~~this act 28-1463.02, and which has a child, as defined in such section,~~  
8 ~~as one of its participants or portrayed observers~~, so long as the state  
9 makes the property or material reasonably available to the defendant in a  
10 criminal proceeding. Nothing in this section shall be deemed to prohibit  
11 the review of the proscribed materials or property by a federal court  
12 when considering a habeas corpus claim.

13 (3)(a) For purposes of this section, property or material are deemed  
14 to be reasonably available to a defendant if the state provides ample  
15 opportunity for inspection, viewing, examination, and analysis of the  
16 property or material, at a law enforcement or state-operated facility, to  
17 the defendant, his or her attorney, and any individual the defendant  
18 seeks to use for the purpose of furnishing expert testimony.

19 (b) Notwithstanding the provisions of this subsection, a court may  
20 order a copy of the property or material to be delivered to a person  
21 identified as a defense expert for the purpose of evaluating the  
22 evidence, subject to the same restrictions placed upon law enforcement.  
23 The defense expert shall return all copies and materials to law  
24 enforcement upon completion of the evaluation.

25 (4) ~~The On or before July 1, 2009,~~ the Supreme Court shall adopt and  
26 promulgate rules and regulations regarding the proper control, care,  
27 custody, transfer, and disposition of property or material that  
28 constitutes child pornography a ~~visual depiction of sexually explicit~~  
29 ~~conduct~~, as defined in section 2 of this act 28-1463.02, and which has a  
30 ~~child, as defined in such section, as one of its participants or~~  
31 ~~portrayed observers,~~ that has been received into evidence at any judicial

1 or administrative proceeding. Among the issues addressed by these rules  
2 and regulations, the Supreme Court should devise procedures regarding the  
3 preparation and delivery of bills of exception containing evidence as  
4 described in this section, as well as procedures for storing, accessing,  
5 and disposing of such bills of exception after preparation and receipt.

6 **Sec. 9.** Section 28-116, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 28-116 The changes made to the sections listed in this section by  
9 Laws 2015, LB605, shall not apply to any offense committed prior to  
10 August 30, 2015. Any such offense shall be construed and punished  
11 according to the provisions of law existing at the time the offense was  
12 committed. For purposes of this section, an offense shall be deemed to  
13 have been committed prior to August 30, 2015, if any element of the  
14 offense occurred prior to such date. The following sections are subject  
15 to this provision: Sections 9-262, 9-352, 9-434, 9-652, 23-135.01,  
16 28-105, 28-106, 28-201, 28-204, 28-305, 28-306, 28-309, 28-310.01,  
17 28-311, 28-311.01, 28-311.04, 28-311.08, 28-320, 28-322.02, 28-322.03,  
18 28-322.04, 28-323, 28-393, 28-394, 28-397, 28-416, 28-504, 28-507,  
19 28-514, 28-518, 28-519, 28-603, 28-604, 28-611, 28-611.01, 28-620,  
20 28-621, 28-622, 28-627, 28-631, 28-638, 28-639, 28-703, 28-707,  
21 ~~28-813.01~~, 28-912, 28-932, 28-1005, 28-1009, 28-1102, 28-1103, 28-1104,  
22 28-1212.03, 28-1222, 28-1224, 28-1344, 28-1345, ~~28-1463.05~~, 29-1816,  
23 29-2204, 29-2260, 29-2308, 29-4011, 60-6,197.03, 60-6,197.06, 68-1017,  
24 68-1017.01, 71-2228, and 71-2229 and sections 3 and 4 of this act.

25 **Sec. 10.** Section 28-320.02, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 28-320.02 (1) No person shall knowingly solicit, coax, entice, or  
28 lure (a) a child sixteen years of age or younger or (b) a peace officer  
29 who is believed by such person to be a child sixteen years of age or  
30 younger, by means of an electronic communication device as that term is  
31 defined in section 28-833, to engage in an act which would be in

1 violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or  
2 (2) of section 28-320. A person shall not be convicted of both a  
3 violation of this subsection and a violation of section 28-319,  
4 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320 if the  
5 violations arise out of the same set of facts or pattern of conduct and  
6 the individual solicited, coaxed, enticed, or lured under this subsection  
7 is also the victim of the sexual assault under section 28-319, 28-319.01,  
8 or 28-320.01 or subsection (1) or (2) of section 28-320.

9 (2) A person who violates this section is guilty of a Class ID  
10 felony. If a person who violates this section has previously been  
11 convicted of a covered offense ~~violation of this section or section~~  
12 ~~28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,~~  
13 ~~28-319.01, 28-320.01, 28-813.01, 28-833, 28-1463.03, or 28-1463.05 or~~  
14 ~~subsection (1) or (2) of section 28-320,~~ the person is guilty of a Class  
15 IC felony.

16 **Sec. 11.** Section 28-813.02, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 28-813.02 Any commercial film and photographic print processor who  
19 has knowledge of or observes, within the scope of his or her professional  
20 capacity or employment, and who participates in an investigation or the  
21 making of any report pertaining to any film, photograph, videotape,  
22 negative, or slide depicting child pornography ~~a child under the age of~~  
23 ~~eighteen years engaged in an act of sexually explicit conduct,~~ as defined  
24 in section 2 of this act ~~28-1463.02,~~ or participates in a judicial  
25 proceeding resulting from such participation shall be immune from any  
26 liability, civil or criminal, that might otherwise be incurred or  
27 imposed, except for maliciously false statements.

28 **Sec. 12.** Section 28-833, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 28-833 (1) A person commits the offense of enticement by electronic  
31 communication device if he or she is nineteen years of age or over and

1 knowingly and intentionally utilizes an electronic communication device  
2 to contact a child under sixteen years of age or a peace officer who is  
3 believed by such person to be a child under sixteen years of age and in  
4 so doing:

5 (a) Uses or transmits any indecent, lewd, lascivious, or obscene  
6 language, writing, or sound;

7 (b) Transmits or otherwise disseminates any visual depiction of  
8 sexually explicit conduct ~~as defined in section 28-1463.02~~; or

9 (c) Offers or solicits any indecent, lewd, or lascivious act.

10 (2) Enticement by electronic communication device is a Class IV  
11 felony.

12 (3) Enticement by electronic communication device is deemed to have  
13 been committed either at the place where the communication was initiated  
14 or where it was received.

15 (4) For purposes of this section: ~~τ~~

16 (a) Electronic ~~electronic~~ communication device means any device  
17 which, in its ordinary and intended use, transmits by electronic means  
18 writings, sounds, visual images, or data of any nature to another  
19 electronic communication device; ~~τ~~

20 (b) Sexually explicit conduct has the same meaning as in section 2  
21 of this act; and

22 (c) Visual depiction has the same meaning as in section 2 of this  
23 act.

24 **Sec. 13.** Section 28-1601, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 28-1601 (1) For purposes of sections 28-1601 to 28-1603:

27 (a) Covered offense means a violation of the Child Pornography  
28 Prevention Act, subsection (1) of section 28-416, or section 28-1102,  
29 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107;

30 (b) Electronic communication device has the same meaning as in  
31 section 28-833; and

1           (c) Gambling device has the same meaning as in section 28-1101.

2           (2) ~~(1)~~ In addition to existing penalties for a violation of a  
3 covered offense ~~the Child Pornography Prevention Act, subsection (1) of~~  
4 ~~section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105,~~  
5 ~~28-1105.01, or 28-1107,~~ a court may order forfeiture of any money,  
6 securities, negotiable instruments, firearms, conveyances, or electronic  
7 communication devices; ~~as defined in section 28-833,~~ any equipment,  
8 components, peripherals, software, hardware, or accessories related to  
9 electronic communication devices; ~~or any gambling devices as defined in~~  
10 ~~section 28-1101~~ if:

11           (a) The owner or possessor of the property has been convicted of a  
12 covered offense ~~violation of the Child Pornography Prevention Act,~~  
13 ~~subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,~~  
14 ~~28-1104, 28-1105, 28-1105.01, or 28-1107;~~

15           (b) The information charging such violation specifically requests  
16 the forfeiture of property upon conviction and is prepared pursuant to  
17 section 28-1602; and

18           (c) It ~~The~~ property is found by clear and convincing evidence that  
19 such property was to have been derived from, used, or intended to be used  
20 to facilitate a covered offense ~~violation of the Child Pornography~~  
21 ~~Prevention Act, subsection (1) of section 28-416, or section 28-813.01,~~  
22 ~~28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

23           (3) ~~(2)~~ Following the filing of an information charging a violation  
24 of a covered offense ~~the Child Pornography Prevention Act, subsection (1)~~  
25 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~  
26 ~~28-1105, 28-1105.01, or 28-1107~~ that specifically seeks forfeiture of any  
27 property listed in subsection ~~(2)~~ (1) of this section, the defendant may  
28 request a pretrial hearing to determine the existence of probable cause  
29 to believe that the property specifically sought to be forfeited was  
30 derived from, used, or intended to be used to facilitate a covered  
31 offense ~~violation of the Child Pornography Prevention Act, subsection (1)~~

1 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~  
2 ~~28-1105, 28-1105.01, or 28-1107.~~ The request for a hearing pursuant to  
3 this section must be filed with the district court in which the criminal  
4 proceeding is pending within thirty days after the filing of the  
5 information.

6 (4)(a) ~~(3)~~ At any time after the filing of the information in  
7 district court and prior to final disposition of the criminal case, any  
8 person ~~or entity~~, other than the defendant, with a claimed legal interest  
9 in the property may petition to intervene in the district court with  
10 jurisdiction over the criminal case for the specific and limited purpose  
11 of demonstrating such person's ~~his, her, or its~~ legal interest in the  
12 property and such person's ~~his, her, or its~~ lack of actual knowledge that  
13 such property was derived from, used, or intended to be used to  
14 facilitate a covered offense in violation of the Child Pornography  
15 Prevention Act, subsection (1) of section 28-416, or section 28-813.01,  
16 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.

17 (b) In the petition to intervene, the intervening person ~~or entity~~  
18 shall, at a minimum, state facts demonstrating such person's ~~his, her, or~~  
19 ~~its~~ legal interest in the property and such person's ~~his, her, or its~~  
20 lack of actual knowledge regarding the use or intended use of the  
21 property.

22 (5) Within thirty days after filing a motion to intervene, the  
23 district court shall conduct an evidentiary hearing on the matter. At the  
24 conclusion of such hearing, the court may order that any or all of the  
25 property be returned to the intervening claimant after it is no longer  
26 needed as evidence in the criminal case upon a showing by the claimant by  
27 a preponderance of the evidence:

28 (a) That the claimant ~~that he, she, or it~~ has a legally recognized  
29 interest in the property; and

30 (b) Either ~~either~~ (i) that such property was acquired by the  
31 claimant in good faith and the claimant ~~he, she, or it~~ did not have



1 actual knowledge that such property was derived from, used, or intended  
2 to be used to facilitate a covered offense violation of the Child  
3 Pornography Prevention Act, subsection (1) of section 28-416, or section  
4 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or  
5 (ii) that the property seized was not derived from, used, or intended to  
6 be used to facilitate a covered offense violation of the Child  
7 Pornography Prevention Act, subsection (1) of section 28-416, or section  
8 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.

9 (6) The court, on its own motion or upon application of the  
10 ~~intervening~~ claimant, may permit the claimant ~~such person~~ to proceed in  
11 forma pauperis under sections 25-2301 to 25-2310. The court, on its own  
12 motion or upon application of the intervening claimant, may appoint  
13 counsel to represent the claimant ~~such person~~ if the claimant ~~such person~~  
14 is indigent. If the claimant ~~he or she~~ asserts indigency, the court shall  
15 make a reasonable inquiry to determine the claimant's ~~such person's~~  
16 financial condition and may require the claimant ~~him or her~~ to execute an  
17 affidavit of indigency for filing with the clerk of the court.

18 (7) (4) After conviction but prior to sentencing for a covered  
19 offense violation of the Child Pornography Prevention Act, subsection (1)  
20 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,  
21 28-1105, 28-1105.01, or 28-1107 in cases in which the prosecuting  
22 authority has specifically requested forfeiture of property, the district  
23 court shall conduct an evidentiary hearing at which the prosecuting  
24 authority must prove by clear and convincing evidence what specific  
25 amount or portion of the property specifically enumerated in the criminal  
26 information was derived from, used, or intended for use in furtherance of  
27 a covered offense violation of the Child Pornography Prevention Act,  
28 subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,  
29 28-1104, 28-1105, 28-1105.01, or 28-1107. At the conclusion of such  
30 hearing, the court shall make specific findings of fact indicating what  
31 amount or portion of the property sought to be forfeited by the state was

1 derived from, used, or intended to be used to facilitate a covered  
2 offense violation of the Child Pornography Prevention Act, subsection (1)  
3 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,  
4 28-1105, 28-1105.01, or 28-1107. The court shall order any amount or  
5 portion of the property not proven by the state to be derived from, used,  
6 or intended to be used to facilitate a covered offense violation of the  
7 Child Pornography Prevention Act, subsection (1) of section 28-416, or  
8 section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or  
9 28-1107 or the fair market value of the legally recognized interest in  
10 such property be returned to its rightful and legal owner or interest  
11 holder.

12 (8)(a) ~~(5)(a)~~ The court shall order that any amount or portion of  
13 property proven by the state by clear and convincing evidence to be  
14 derived from, used, or intended to be used to facilitate a covered  
15 offense violation of the Child Pornography Prevention Act, subsection (1)  
16 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,  
17 28-1105, 28-1105.01, or 28-1107 be forfeited to the state and disposition  
18 of such property be conducted in accordance with this subsection and  
19 section 28-1439.02 at such time as the property is no longer required as  
20 evidence in any criminal proceeding.

21 (b) As part of any disposition of property, the court may order  
22 that: (i) Any money, securities, or negotiable instruments be distributed  
23 as provided in Article VII, section 5, of the Constitution of Nebraska;  
24 (ii) any conveyances be sold or put to official use by the seizing agency  
25 for a period of not more than one year and when such property is no  
26 longer necessary for official use or at the end of two years, whichever  
27 comes first, such property shall be sold. Proceeds from the sale of any  
28 conveyance shall be distributed as provided in Article VII, section 5, of  
29 the Constitution of Nebraska; (iii) any electronic communication devices  
30 ~~as defined in section 28-833,~~ any equipment, components, peripherals,  
31 software, hardware, or accessories related to electronic communication

1 devices, or any gambling devices ~~as defined in section 28-1101~~ be  
2 destroyed by a law enforcement agency; and (iv) the disposition of  
3 firearms shall be effectuated pursuant to section 29-820.

4 (c) As used in this subsection, official use means use directly in  
5 connection with enforcement of the Child Pornography Prevention Act, the  
6 Uniform Controlled Substances Act, or section ~~28-813.01,~~ 28-1102,  
7 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.

8 (9) ~~(6)~~ Any money, securities, negotiable instruments, firearms,  
9 conveyances, or electronic communication devices; ~~as defined in section~~  
10 ~~28-833,~~ any equipment, components, peripherals, software, hardware, or  
11 accessories related to electronic communication devices; ~~or any~~  
12 ~~gambling devices as defined in section 28-1101~~ may be forfeited pursuant  
13 to a plea agreement between the state and the defendant subject to notice  
14 to or approval of the court.

15 (10) ~~(7)~~ Subdivision (2)(a) ~~(1)(a)~~ of this section does not apply if  
16 the owner or possessor of the property dies or is removed from the United  
17 States before charges are filed or a conviction obtained.

18 (11) ~~(8)~~ Subdivision (2)(b) ~~(1)(b)~~ of this section does not apply if  
19 the owner or possessor of the property dies or is removed from the United  
20 States before charges are filed so long as the statute of limitations for  
21 a covered offense violation of the Child Pornography Prevention Act,  
22 ~~subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,~~  
23 ~~28-1104, 28-1105, 28-1105.01, or 28-1107~~ has not expired.

24 (12) ~~(9)~~ Subdivision (2)(a) ~~(1)(a)~~ of this section does not apply if  
25 the owner or possessor of the property is unknown or incapable of being  
26 determined for some legitimate reason or fails to appear in court as  
27 ordered after prosecution for a covered offense violation of the Child  
28 ~~Pornography Prevention Act, subsection (1) of section 28-416, or section~~  
29 ~~28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107~~ is  
30 commenced and is not apprehended within twelve months after the failure  
31 to appear order was issued by the court.

1           (13) ~~(10)~~ If the owner or possessor of the property fails to appear  
2 in court as ordered after prosecution for a covered offense ~~violation of~~  
3 ~~the Child Pornography Prevention Act, subsection (1) of section 28-416,~~  
4 ~~or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or~~  
5 ~~28-1107~~ is commenced but appears or is apprehended within twelve months  
6 after the failure to appear order was issued by the court, the court may  
7 order the owner or possessor of the property, as a part of any sentence  
8 imposed for either the failure to appear or the conviction for a covered  
9 offense ~~of the Child Pornography Prevention Act, subsection (1) of~~  
10 ~~section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105,~~  
11 ~~28-1105.01, or 28-1107,~~ to pay a storage fee of one hundred dollars per  
12 month for each month the property was held following the issuance of the  
13 failure to appear order.

14           **Sec. 14.** Section 28-1602, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           28-1602 (1) The prosecuting authority must specifically plead its  
17 intent to seek forfeiture of any property upon a conviction for a covered  
18 offense ~~violation of the Child Pornography Prevention Act, subsection (1)~~  
19 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~  
20 ~~28-1105, 28-1105.01, or 28-1107~~ in the same criminal information charging  
21 the underlying covered offense ~~violation of the Child Pornography~~  
22 ~~Prevention Act, subsection (1) of section 28-416, or section 28-813.01,~~  
23 ~~28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

24           (2) In pleading its intent to seek forfeiture, the information shall  
25 specifically (a) state the date the property was seized, (b) state the  
26 place the property was seized from, (c) describe the property sought to  
27 be forfeited, and (d) if known, state the name of the owner of the  
28 property, the name of the person or persons in possession of the property  
29 or in physical proximity to the property when it was seized, and the name  
30 of any other person or entity that may have a claim or interest in the  
31 property.

1           **Sec. 15.** Section 28-1701, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           28-1701 (1) A person shall not be arrested or prosecuted for an  
4 eligible alcohol or drug offense if such person witnessed or was the  
5 victim of a sexual assault and such person:

6           (a) Either:

7           (i) In good faith, reported such sexual assault to law enforcement;  
8 or

9           (ii) Requested emergency medical assistance for the victim of the  
10 sexual assault; and

11           (b) Evidence supporting the arrest or prosecution of the eligible  
12 alcohol or drug offense was obtained or discovered as a result of such  
13 person reporting such sexual assault to law enforcement or requesting  
14 emergency medical assistance.

15           (2) A person shall not be arrested or prosecuted for an eligible  
16 alcohol or drug offense if:

17           (a) Evidence supporting the arrest or prosecution of the person for  
18 the offense was obtained or discovered as a result of the investigation  
19 or prosecution of a sexual assault; and

20           (b) Such person cooperates with law enforcement in the investigation  
21 or prosecution of the sexual assault.

22           (3) For purposes of this section:

23           (a) Eligible alcohol or drug offense means:

24           (i) A violation of subsection (3) or (13) of section 28-416 or of  
25 section 28-441;

26           (ii) A violation of section 53-180.02 committed by a person older  
27 than eighteen years of age and under the age of twenty-one years, as  
28 described in subdivision (4)(a) of section 53-180.05;

29           (iii) A violation of a city or village ordinance similar to  
30 subdivision (3)(a)(i) or (ii) of this section; or

31           (iv) Attempt, conspiracy, solicitation, being an accessory to,

1 aiding and abetting, aiding the consummation of, or compounding a felony  
2 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this  
3 section as the underlying offense; and

4 (b) Sexual assault means:

5 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,  
6 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
7 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~, sex  
8 trafficking or sex trafficking of a minor under section 28-831, or  
9 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),  
10 or (f) of section 28-707; or

11 (ii) Attempt, conspiracy, solicitation, being an accessory to,  
12 aiding and abetting, aiding the consummation of, or compounding a felony  
13 with any of the offenses listed in subdivision (3)(b)(i) of this section  
14 as the underlying offense.

15 **Sec. 16.** Section 29-110, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 29-110 (1) Except as otherwise provided by law, no person shall be  
18 prosecuted for any felony unless the indictment is found by a grand jury  
19 within three years next after the offense has been done or committed or  
20 unless a complaint for the same is filed before the magistrate within  
21 three years next after the offense has been done or committed and a  
22 warrant for the arrest of the defendant has been issued.

23 (2) Except as otherwise provided by law, no person shall be  
24 prosecuted, tried, or punished for any misdemeanor or other indictable  
25 offense below the grade of felony or for any fine or forfeiture under any  
26 penal statute unless the suit, information, or indictment for such  
27 offense is instituted or found within one year and six months from the  
28 time of committing the offense or incurring the fine or forfeiture or  
29 within one year for any offense the punishment of which is restricted by  
30 a fine not exceeding one hundred dollars and to imprisonment not  
31 exceeding three months.

1           (3) Except as otherwise provided by law, no person shall be  
2 prosecuted for kidnapping under section 28-313, false imprisonment under  
3 section 28-314 or 28-315, child abuse under section 28-707, pandering  
4 under section 28-802, debauching a minor under section 28-805, or an  
5 offense under section 28-813 when the victim is under sixteen years of  
6 age at the time of the offense (a) unless the indictment for such offense  
7 is found by a grand jury within seven years next after the offense has  
8 been committed or within seven years next after the victim's sixteenth  
9 birthday, whichever is later, or (b) unless a complaint for such offense  
10 is filed before the magistrate within seven years next after the offense  
11 has been committed or within seven years next after the victim's  
12 sixteenth birthday, whichever is later, and a warrant for the arrest of  
13 the defendant has been issued.

14           (4) Except as otherwise provided by law, no person shall be  
15 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)  
16 unless the indictment for such offense is found by a grand jury within  
17 seven years next after the offense has been committed or within seven  
18 years next after the victim's eighteenth birthday, whichever is later, or  
19 (b) unless a complaint for such offense is filed before the magistrate  
20 within seven years next after the offense has been committed or within  
21 seven years next after the victim's eighteenth birthday, whichever is  
22 later, and a warrant for the arrest of the defendant has been issued.

23           (5) Except as otherwise provided by law, no person shall be  
24 prosecuted for an offense under section 3 or 4 of this act ~~28-813.01 or~~  
25 ~~28-1463.05~~ (a) unless the indictment for such offense is found by a grand  
26 jury within seven years next after the offense has been committed or  
27 within seven years next after the victim's eighteenth birthday, whichever  
28 is later, or (b) unless a complaint for such offense is filed before the  
29 magistrate within seven years next after the offense has been committed  
30 or within seven years next after the victim's eighteenth birthday,  
31 whichever is later, and a warrant for the arrest of the defendant has

1    been issued.

2           (6) No person shall be prosecuted for a violation of the Securities  
3 Act of Nebraska under section 8-1117 unless the indictment for such  
4 offense is found by a grand jury within five years next after the offense  
5 has been done or committed or unless a complaint for such offense is  
6 filed before the magistrate within five years next after the offense has  
7 been done or committed and a warrant for the arrest of the defendant has  
8 been issued.

9           (7) No person shall be prosecuted for criminal impersonation under  
10 section 28-638, identity theft under section 28-639, or identity fraud  
11 under section 28-640 unless the indictment for such offense is found by a  
12 grand jury within five years next after the offense has been done or  
13 committed or unless a complaint for such offense is filed before the  
14 magistrate within five years next after the offense has been done or  
15 committed and a warrant for the arrest of the defendant has been issued.

16           (8) No person shall be prosecuted for a violation of section 68-1017  
17 if the aggregate value of all funds and other benefits obtained or  
18 attempted to be obtained is five hundred dollars or more unless the  
19 indictment for such offense is found by a grand jury within five years  
20 next after the offense has been done or committed or unless a complaint  
21 for such offense is filed before the magistrate within five years next  
22 after the offense has been done or committed and a warrant for the arrest  
23 of the defendant has been issued.

24           (9) No person shall be prosecuted for knowing and intentional abuse,  
25 neglect, or exploitation of a vulnerable adult or senior adult under  
26 section 28-386 unless the indictment for such offense is found by a grand  
27 jury within six years next after the offense has been done or committed  
28 or unless a complaint for such offense is filed before the magistrate  
29 within six years next after the offense has been done or committed and a  
30 warrant for the arrest of the defendant has been issued.

31           (10) Except as otherwise provided by law, no person shall be



1 prosecuted for an offense under section 28-717 (a) unless the indictment  
2 for such offense is found by a grand jury within one year and six months  
3 next after the offense has been committed or within one year and six  
4 months next after the child reaches the age of majority, whichever is  
5 later, or (b) unless a complaint for such offense is filed before the  
6 magistrate within one year and six months next after the offense has been  
7 committed or within one year and six months next after the child reaches  
8 the age of majority, whichever is later, and a warrant for the arrest of  
9 the defendant has been issued.

10 (11) There shall not be any time limitations for prosecution or  
11 punishment for treason, murder, arson, forgery, sexual assault in the  
12 first or second degree under section 28-319 or 28-320, sexual assault of  
13 a child in the second or third degree under section 28-320.01, incest  
14 under section 28-703, sexual assault of a child in the first degree under  
15 section 28-319.01, labor trafficking of a minor or sex trafficking of a  
16 minor under subsection (1) of section 28-831, or an offense under section  
17 5 of this act ~~28-1463.03~~; nor shall there be any time limitations for  
18 prosecution or punishment for sexual assault in the third degree under  
19 section 28-320 when the victim is under sixteen years of age at the time  
20 of the offense.

21 (12) The time limitations prescribed in this section shall include  
22 all inchoate offenses pursuant to the Nebraska Criminal Code and  
23 compounding a felony pursuant to section 28-301.

24 (13) The time limitations prescribed in this section shall not  
25 extend to any person fleeing from justice.

26 (14) When any suit, information, or indictment for any crime or  
27 misdemeanor is limited by any statute to be brought or exhibited within  
28 any other time than is limited by this section, then the suit,  
29 information, or indictment shall be brought or exhibited within the time  
30 limited by such statute.

31 (15) If any suit, information, or indictment is quashed or the

1 proceedings set aside or reversed on writ of error, the time during the  
2 pendency of such suit, information, or indictment so quashed, set aside,  
3 or reversed shall not be reckoned within this statute so as to bar any  
4 new suit, information, or indictment for the same offense.

5 (16) The changes made to this section by Laws 2004, LB 943, shall  
6 apply to offenses committed prior to April 16, 2004, for which the  
7 statute of limitations has not expired as of such date and to offenses  
8 committed on or after such date.

9 (17) The changes made to this section by Laws 2005, LB 713, shall  
10 apply to offenses committed prior to September 4, 2005, for which the  
11 statute of limitations has not expired as of such date and to offenses  
12 committed on or after such date.

13 (18) The changes made to this section by Laws 2009, LB 97, and Laws  
14 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,  
15 for which the statute of limitations has not expired as of such date and  
16 to offenses committed on or after such date.

17 (19) The changes made to this section by Laws 2010, LB809, shall  
18 apply to offenses committed prior to July 15, 2010, for which the statute  
19 of limitations has not expired as of such date and to offenses committed  
20 on or after such date.

21 (20) The changes made to this section by Laws 2016, LB934, shall  
22 apply to offenses committed prior to April 19, 2016, for which the  
23 statute of limitations has not expired as of such date and to offenses  
24 committed on or after such date.

25 (21) The changes made to this section by Laws 2019, LB519, shall  
26 apply to offenses committed prior to September 1, 2019, for which the  
27 statute of limitations has not expired as of such date and to offenses  
28 committed on or after such date.

29 **Sec. 17.** Section 29-119, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 29-119 For purposes of this section and sections 23-1201, 29-120,

1 and 29-2261, unless the context otherwise requires:

2 (1) A plea agreement means that as a result of a discussion between  
3 the defense counsel and the prosecuting attorney:

4 (a) A charge is to be dismissed or reduced; or

5 (b) A defendant, if he or she pleads guilty to a charge, may receive  
6 less than the maximum penalty permitted by law; and

7 (2)(a) Victim means a person who has had a personal confrontation  
8 with an offender as a result of a homicide under sections 28-302 to  
9 28-306, a first degree assault under section 28-308, a second degree  
10 assault under section 28-309, a third degree assault under section 28-310  
11 when the victim is an intimate partner as defined in section 28-323, a  
12 first degree false imprisonment under section 28-314, a first degree  
13 sexual assault under section 28-319, a sexual assault of a child in the  
14 first degree under section 28-319.01, a second or third degree sexual  
15 assault under section 28-320, a sexual assault of a child in the second  
16 or third degree under section 28-320.01, domestic assault in the first,  
17 second, or third degree under section 28-323, or a robbery under section  
18 28-324. Victim also includes a person who has suffered serious bodily  
19 injury as defined in section 28-109 as a result of a motor vehicle  
20 accident when the driver was charged with a violation of section 60-6,196  
21 or 60-6,197 or with a violation of a city or village ordinance enacted in  
22 conformance with either section.

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

26 (c) In the case of a violation of the Child Pornography Prevention  
27 Act ~~section 28-813.01, 28-1463.03, 28-1463.04, or 28-1463.05~~, victim  
28 means a person who was a child as defined in section 2 of this act  
29 ~~28-1463.02~~ and a participant or portrayed observer in the child  
30 pornography that visual depiction of sexually explicit conduct which is  
31 the subject of the violation and who has been identified and can be

1 reasonably notified.

2 (d) In the case of a sexual assault of a child or a violation of the  
3 Child Pornography Prevention Act , ~~a possession offense of a visual~~  
4 ~~depiction of sexually explicit conduct, or a distribution offense of a~~  
5 ~~visual depiction of sexually explicit conduct~~, victim means the child  
6 victim and the parents, guardians, or duly appointed legal representative  
7 of the child victim but does not include the alleged perpetrator of the  
8 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 (f) Victim also includes a sexual assault victim as defined in  
14 section 29-4309.

15 **Sec. 18.** Section 29-4003, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 29-4003 (1)(a) The Sex Offender Registration Act applies to any  
18 person who on or after January 1, 1997:

19 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
20 guilty of any of the following:

21 (A) Kidnapping of a minor pursuant to section 28-313, except when  
22 the person is the parent of the minor and was not convicted of any other  
23 offense in this section;

24 (B) False imprisonment of a minor pursuant to section 28-314 or  
25 28-315;

26 (C) Sexual assault pursuant to section 28-319 or 28-320;

27 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

28 (E) Sexual assault of a child in the second or third degree pursuant  
29 to section 28-320.01;

30 (F) Sexual assault of a child in the first degree pursuant to  
31 section 28-319.01;

1 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to  
2 subdivision (1)(c) of section 28-386;

3 (H) Incest of a minor pursuant to section 28-703;

4 (I) Pandering of a minor pursuant to section 28-802;

5 (J) Conduct relating to child pornography under section 5 of this  
6 act ~~Visual depiction of sexually explicit conduct of a child pursuant to~~  
7 ~~section 28-1463.03~~ or subdivision (2)(b) or (c) of section 4 of this act  
8 ~~28-1463.05~~;

9 (K) Knowingly possessing or receiving any child pornography visual  
10 depiction of sexually explicit conduct which has a child as one of its  
11 participants or portrayed observers pursuant to subsection (1) or (5) (4)  
12 of section 3 of this act ~~28-813.01~~;

13 (L) Criminal child enticement pursuant to section 28-311;

14 (M) Child enticement by means of an electronic communication device  
15 pursuant to section 28-320.02;

16 (N) Debauching a minor pursuant to section 28-805; or

17 (O) Attempt, solicitation, aiding or abetting, being an accessory,  
18 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)  
19 through (1)(a)(i)(N) of this section;

20 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
21 guilty of any offense that is substantially equivalent to a registrable  
22 offense under subdivision (1)(a)(i) of this section by any village, town,  
23 city, state, territory, commonwealth, or other jurisdiction of the United  
24 States, by the United States Government, by court-martial or other  
25 military tribunal, or by a foreign jurisdiction, notwithstanding a  
26 procedure comparable in effect to that described under section 29-2264 or  
27 any other procedure to nullify a conviction other than by pardon;

28 (iii) Is incarcerated in a jail, a penal or correctional facility,  
29 or any other public or private institution or is under probation or  
30 parole as a result of pleading guilty to or being found guilty of a  
31 registrable offense under subdivision (1)(a)(i) or (ii) of this section

1 prior to January 1, 1997; or

2 (iv) Enters the state and is required to register as a sex offender  
3 under the laws of another village, town, city, state, territory,  
4 commonwealth, or other jurisdiction of the United States.

5 (b) In addition to the registrable offenses under subdivision (1)(a)  
6 of this section, the Sex Offender Registration Act applies to any person  
7 who on or after January 1, 2010:

8 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this  
9 section, has ever pled guilty to, pled nolo contendere to, or been found  
10 guilty of any of the following:

11 (I) Murder in the first degree pursuant to section 28-303;

12 (II) Murder in the second degree pursuant to section 28-304;

13 (III) Manslaughter pursuant to section 28-305;

14 (IV) Assault in the first degree pursuant to section 28-308;

15 (V) Assault in the second degree pursuant to section 28-309;

16 (VI) Assault in the third degree pursuant to section 28-310;

17 (VII) Stalking pursuant to section 28-311.03;

18 (VIII) Violation of section 28-311.08 requiring registration under  
19 the act pursuant to subsection (6) of section 28-311.08;

20 (IX) Kidnapping pursuant to section 28-313;

21 (X) False imprisonment pursuant to section 28-314 or 28-315;

22 (XI) Sexual abuse of an inmate or parolee in the first degree  
23 pursuant to section 28-322.02;

24 (XII) Sexual abuse of an inmate or parolee in the second degree  
25 pursuant to section 28-322.03;

26 (XIII) Sexual abuse of a protected individual pursuant to section  
27 28-322.04;

28 (XIV) Incest pursuant to section 28-703;

29 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
30 28-707;

31 (XVI) Enticement by electronic communication device pursuant to

1 section 28-833; or

2 (XVII) Attempt, solicitation, aiding or abetting, being an  
3 accessory, or conspiracy to commit an offense listed in subdivisions (1)  
4 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

5 (B) In order for the Sex Offender Registration Act to apply to the  
6 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),  
7 (VI), (VII), (IX), and (X) of this section, a court shall have found that  
8 evidence of sexual penetration or sexual contact, as those terms are  
9 defined in section 28-318, was present in the record, which shall include  
10 consideration of the factual basis for a plea-based conviction and  
11 information contained in the presentence report;

12 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
13 guilty of any offense that is substantially equivalent to a registrable  
14 offense under subdivision (1)(b)(i) of this section by any village, town,  
15 city, state, territory, commonwealth, or other jurisdiction of the United  
16 States, by the United States Government, by court-martial or other  
17 military tribunal, or by a foreign jurisdiction, notwithstanding a  
18 procedure comparable in effect to that described under section 29-2264 or  
19 any other procedure to nullify a conviction other than by pardon; or

20 (iii) Enters the state and is required to register as a sex offender  
21 under the laws of another village, town, city, state, territory,  
22 commonwealth, or other jurisdiction of the United States.

23 (c) In addition to the registrable offenses under subdivisions (1)  
24 (a) and (b) of this section, the Sex Offender Registration Act applies to  
25 any person who on or after January 1, 2020:

26 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
27 guilty of sexual abuse of a detainee under section 28-322.05; or

28 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
29 guilty of any offense that is substantially equivalent to a registrable  
30 offense under subdivision (1)(c)(i) of this section by any village, town,  
31 city, state, territory, commonwealth, or other jurisdiction of the United

1 States, by the United States Government, by court-martial or other  
2 military tribunal, or by a foreign jurisdiction, notwithstanding a  
3 procedure comparable in effect to that described under section 29-2264 or  
4 any other procedure to nullify a conviction other than by pardon.

5 (d) In addition to the registrable offenses under subdivisions (1)  
6 (a), (b), and (c) of this section, the Sex Offender Registration Act  
7 applies to any person who on or after January 1, 2023:

8 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
9 guilty of human trafficking under subsection (1) or (2) of section  
10 28-831, and the court determines either by notification of sex offender  
11 registration responsibilities or notation in the sentencing order that  
12 the human trafficking was sex trafficking or sex trafficking of a minor  
13 and not solely labor trafficking or labor trafficking of a minor; or

14 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
15 guilty of any offense that is substantially equivalent to a registrable  
16 offense under subdivision (1)(d)(i) of this section by any village, town,  
17 city, state, territory, commonwealth, or other jurisdiction of the United  
18 States, by the United States Government, by court-martial or other  
19 military tribunal, or by a foreign jurisdiction, notwithstanding a  
20 procedure comparable in effect to that described under section 29-2264 or  
21 any other procedure to nullify a conviction other than by pardon.

22 (2) A person appealing a conviction of a registrable offense under  
23 this section shall be required to comply with the act during the appeals  
24 process.

25 **Sec. 19.** Section 29-4309, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27 29-4309 For the purposes of the Sexual Assault Victims' Bill of  
28 Rights Act:

29 (1)(a) Advocate means:

30 (i) Any employee or supervised volunteer of a domestic violence and  
31 sexual assault victim assistance program or of any other agency,



1 business, or organization that is not affiliated with a law enforcement  
2 or prosecutor's office, whose primary purpose is assisting domestic  
3 violence and sexual assault victims. This includes employees or  
4 supervised volunteers of an Indian tribe or a postsecondary educational  
5 institution;

6 (ii) A representative from a victim and witness assistance center as  
7 established in sections 81-1845 to 81-1847 or a similar entity affiliated  
8 with a law enforcement agency or prosecutor's office; or

9 (iii) An advocate who is employed by a child advocacy center that  
10 meets the requirements of subsection (2) of section 28-728.

11 (b) If reasonably possible, an advocate shall speak the victim's  
12 preferred language or use the services of a qualified interpreter;

13 (2) Health care provider means any individual who is licensed,  
14 certified, or registered to perform specified health services consistent  
15 with state law;

16 (3) Sexual assault means a violation of section 28-319, 28-319.01,  
17 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
18 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~, sex  
19 trafficking or sex trafficking of a minor under section 28-831, or  
20 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),  
21 or (f) of section 28-707;

22 (4) Sexual assault forensic evidence means evidence collected by a  
23 health care provider contained within any sexual assault forensic  
24 evidence collection kit, including a toxicology kit, or any forensic  
25 evidence collected by law enforcement through the course of an  
26 investigation; and

27 (5)(a) Sexual assault victim or victim means any person who is a  
28 victim of sexual assault who reports such sexual assault:

29 (i) To a health care provider, law enforcement, or an advocate,  
30 including anonymous reporting as provided in section 28-902; and

31 (ii) In the case of a victim who is under eighteen years of age, to

1 the Department of Health and Human Services.

2 (b) Sexual assault victim or victim also includes, if the victim  
3 described in subdivision (5)(a) of this section is incompetent, deceased,  
4 or a minor who is unable to consent to counseling services, such victim's  
5 parent, guardian, or spouse, unless such person is the reported  
6 assailant.

7 **Sec. 20.** Section 29-4316, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9 29-4316 (1) For purposes of this section:

10 (a) Criminal justice agency has the same meaning as in section  
11 29-3509;

12 (b) Sex trafficking means sex trafficking or sex trafficking of a  
13 minor in violation of section 28-831; and

14 (c) Sexual assault means a violation of section 28-319, 28-319.01,  
15 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,  
16 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~ or subdivision  
17 (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of  
18 section 28-707.

19 (2) Except as provided in subsection (3) of this section, and unless  
20 otherwise required by statute, a criminal justice agency and any attorney  
21 involved in the investigation or prosecution of an alleged sexual assault  
22 or sex trafficking violation shall maintain the confidentiality of the  
23 identity and personal identifying information of the alleged victim. Such  
24 information may be shared by such criminal justice agencies and between  
25 such criminal justice agencies and attorneys as necessary to carry out  
26 their duties.

27 (3) The confidentiality required by subsection (2) of this section  
28 does not apply:

29 (a) To the extent waived by the alleged victim;

30 (b) If criminal charges involving the alleged sexual assault or sex  
31 trafficking are filed;

1 (c) If the victim has died as a result of, or in connection with,  
2 the alleged sexual assault or sex trafficking;

3 (d) In cases where personal identifying information or the identity  
4 of the victim are released as part of a child abduction alert system used  
5 by law enforcement agencies, such as the AMBER Alert system;

6 (e) To a person making a report of suspected child abuse or neglect  
7 as required in section 28-711;

8 (f) To the sharing of reports and information regarding child abuse  
9 and neglect with a child abuse and neglect investigation team or child  
10 abuse and neglect treatment team provided for in section 28-728;

11 (g) To the Department of Health and Human Services and other  
12 assisting agencies as necessary to carry out their duties in  
13 investigations of child abuse or neglect;

14 (h) To communication with an individual that an educational entity,  
15 as defined in section 79-1201.01, has designated:

16 (i) As a Title IX coordinator; or

17 (ii) To receive reports related to sexual assault or sex trafficking  
18 or to provide supportive measures related to such reports; or

19 (i) To communication with advocates and health care providers as  
20 defined in section 29-4309.

21 **Sec. 21.** Section 83-174.02, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 83-174.02 (1) The Department of Correctional Services shall order an  
24 evaluation of the following individuals by a mental health professional  
25 to determine whether or not the individual is a dangerous sex offender:

26 (a) Individuals who have been convicted of (i) sexual assault of a  
27 child in the first degree pursuant to section 28-319.01 or (ii) sexual  
28 assault in the first degree pursuant to section 28-319;

29 (b) Individuals who have been convicted of two or more offenses  
30 requiring registration as a sex offender under section 29-4003 if one of  
31 the convictions was for any of the following offenses: (i) Kidnapping of

1 a minor pursuant to section 28-313, except when the person is the parent  
2 of the minor and was not convicted of any other offense; (ii) sexual  
3 assault in the first degree pursuant to section 28-319 or sexual assault  
4 in the second degree pursuant to section 28-320; (iii) sexual assault of  
5 a child pursuant to section 28-320.01; (iv) sexual assault of a child in  
6 the first degree pursuant to section 28-319.01; (v) sexual assault of a  
7 child in the second or third degree pursuant to section 28-320.01; (vi)  
8 sexual assault of a vulnerable adult or senior adult pursuant to  
9 subdivision (1)(c) of section 28-386; (vii) incest of a minor pursuant to  
10 section 28-703; (viii) conduct relating to child pornography under  
11 section 5 of this act ~~visual depiction of sexually explicit conduct of a~~  
12 ~~child pursuant to section 28-1463.03~~; or (ix) any offense that is  
13 substantially equivalent to an offense listed in this section by any  
14 state, territory, commonwealth, or other jurisdiction of the United  
15 States, by the United States Government, or by court-martial or other  
16 military tribunal, notwithstanding a procedure comparable in effect to  
17 that described in section 29-2264 or any other procedure to nullify a  
18 conviction other than by pardon;

19 (c) Individuals convicted of a sex offense against a minor who have  
20 refused to participate in or failed to successfully complete the sex  
21 offender treatment program offered by the Department of Correctional  
22 Services or the Department of Health and Human Services during the term  
23 of incarceration. The failure to successfully complete a treatment  
24 program due to time constraints or the unavailability of treatment  
25 programming shall not constitute a refusal to participate in treatment;  
26 and

27 (d) Individuals convicted of failure to comply with the registration  
28 requirements of the Sex Offender Registration Act who have previously  
29 been convicted for failure to comply with the registration requirements  
30 of the act or a similar registration requirement in another state.

31 (2) The evaluation required by this section shall be ordered at

1 least one hundred eighty days before the scheduled release of the  
2 individual. Upon completion of the evaluation, and not later than one  
3 hundred fifty days prior to the scheduled release of the individual, the  
4 department shall send written notice to the Attorney General, the county  
5 attorney of the county where the offender is incarcerated, and the  
6 prosecuting county attorney. The notice shall contain an affidavit of the  
7 mental health professional describing his or her findings with respect to  
8 whether or not the individual is a dangerous sex offender.

9       **Sec. 22.** Section 84-205, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       84-205 The duties of the Attorney General shall be:

12       (1) To appear and defend actions and claims against the state;

13       (2) To investigate, commence, and prosecute any and all actions  
14 resulting from violations of sections 32-1401 to 32-1417;

15       (3) To consult with and advise the county attorneys, when requested  
16 by them, in all criminal matters and in matters relating to the public  
17 revenue. He or she shall have authority to require aid and assistance of  
18 the county attorney in all matters pertaining to the duties of the  
19 Attorney General in the county of such county attorney and may, in any  
20 case brought to the Court of Appeals or Supreme Court from any county,  
21 demand and receive the assistance of the county attorney from whose  
22 county such case is brought;

23       (4) To give, when required, without fee, his or her opinion in  
24 writing upon all questions of law submitted to him or her by the  
25 Governor, head of any executive department, Secretary of State, State  
26 Treasurer, Auditor of Public Accounts, Board of Educational Lands and  
27 Funds, State Department of Education, Public Service Commission, or  
28 Legislature;

29       (5) At the request of the Governor, head of any executive  
30 department, Secretary of State, State Treasurer, Auditor of Public  
31 Accounts, Board of Educational Lands and Funds, State Department of

1 Education, or Public Service Commission, to prosecute any official bond  
2 or any contract in which the state is interested which is deposited with  
3 any of them and to prosecute or defend for the state all civil or  
4 criminal actions and proceedings relating to any matter connected with  
5 any of such officers' departments if, after investigation, he or she is  
6 convinced there is sufficient legal merit to justify the proceeding. Such  
7 officers shall not pay or contract to pay from the funds of the state any  
8 money for special attorneys or counselors-at-law unless the employment of  
9 such special counsel is made upon the written authorization of the  
10 Governor or the Attorney General;

11 (6) To enforce the proper application of money appropriated by the  
12 Legislature to the various funds of the state and prosecute breaches of  
13 trust in the administration of such funds;

14 (7) To prepare, when requested by the Governor, Secretary of State,  
15 State Treasurer, or Auditor of Public Accounts or any other executive  
16 department, proper drafts for contracts, forms, or other writings which  
17 may be wanted for the use of the state and report to the Legislature,  
18 whenever requested, upon any business pertaining to the duties of his or  
19 her office. The report submitted to the Legislature shall be submitted  
20 electronically;

21 (8) To pay all money received, belonging to the people of the state,  
22 immediately upon receipt thereof, into the state treasury;

23 (9) To keep a record in proper books provided for that purpose at  
24 the expense of the state, a register of all actions and demands  
25 prosecuted or defended by him or her in behalf of the state and all  
26 proceedings had in relation thereto, and deliver the same to his or her  
27 successor in office;

28 (10) To appear for the state and prosecute and defend all civil or  
29 criminal actions and proceedings in the Court of Appeals or Supreme Court  
30 in which the state is interested or a party. When requested by the  
31 Governor or the Legislature, the Attorney General shall appear for the

1 state and prosecute or defend any action or conduct any investigation in  
2 which the state is interested or a party before any court, officer,  
3 board, tribunal, or commission;

4 (11) To prepare and promulgate model rules of procedure appropriate  
5 for use by as many agencies as possible. The Attorney General shall add  
6 to, amend, or revise the model rules as necessary for the proper guidance  
7 of agencies;

8 (12) To include within the budget of the office sufficient funding  
9 to assure oversight and representation of the State of Nebraska for  
10 district court appeals of administrative license revocation proceedings  
11 under section 60-498.04;

12 (13)(a) To create a Child Protection Division to be staffed by at  
13 least three assistant attorneys general who each have five or more years  
14 of experience in the prosecution or defense of felonies or misdemeanors,  
15 including two years in the prosecution or defense of crimes against  
16 children. Upon the written request of a county attorney, the division  
17 shall provide consultation and advise and assist in the preparation of  
18 the trial of any case involving a crime against a child, including, but  
19 not limited to, the following offenses:

20 (i) Murder as defined in sections 28-303 and 28-304;

21 (ii) Manslaughter as defined in section 28-305;

22 (iii) Kidnapping as defined in section 28-313;

23 (iv) False imprisonment as defined in sections 28-314 and 28-315;

24 (v) Child abuse as defined in section 28-707;

25 (vi) Pandering as defined in section 28-802;

26 (vii) Debauching a minor as defined in section 28-805; and

27 (viii) Offenses listed in the Child Pornography Prevention Act or  
28 section sections 28-813 , ~~28-813.01,~~ and ~~28-1463.03.~~

29 (b) Any offense listed in subdivisions (13)(a)(i) through (viii) of  
30 this section shall include all inchoate offenses pursuant to the Nebraska  
31 Criminal Code and compounding a felony pursuant to section 28-301. Such

1 crimes shall not include matters involving dependent and neglected  
2 children, infraction violations, custody, parenting time, visitation, or  
3 other access matters, or child support. If the county attorney declines  
4 in writing to prosecute a case involving a crime against a child because  
5 of an ethical consideration, including the presence or appearance of a  
6 conflict of interest, or for any other reason, the division shall, upon  
7 the receipt of a written request of the county attorney, the Department  
8 of Health and Human Services, the minor child, the parents of the minor  
9 child, or any other interested party, investigate the matter and either  
10 decline to prosecute the matter or initiate the appropriate criminal  
11 proceedings in a court of proper jurisdiction.

12 (c) For purposes of this subdivision (13), child or children shall  
13 mean an individual or individuals sixteen years of age or younger; and

14 (14) To enforce the Foreign-owned Real Estate National Security Act.

15 **Sec. 23.** Section 87-302, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 87-302 (a) A person engages in a deceptive trade practice when, in  
18 the course of his or her business, vocation, or occupation, he or she:

19 (1) Passes off goods or services as those of another;

20 (2) Causes likelihood of confusion or of misunderstanding as to the  
21 source, sponsorship, approval, or certification of goods or services;

22 (3) Causes likelihood of confusion or of misunderstanding as to  
23 affiliation, connection, or association with, or certification by,  
24 another;

25 (4) Uses deceptive representations or designations of geographic  
26 origin in connection with goods or services;

27 (5) Represents that goods or services have sponsorship, approval,  
28 characteristics, ingredients, uses, benefits, or quantities that they do  
29 not have or that a person has a sponsorship, approval, status,  
30 affiliation, or connection that he or she does not have;

31 (6) Represents that goods or services do not have sponsorship,



1 approval, characteristics, ingredients, uses, benefits, or quantities  
2 that they have or that a person does not have a sponsorship, approval,  
3 status, affiliation, or connection that he or she has;

4 (7) Represents that goods are original or new if they are  
5 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,  
6 except that sellers may repair damage to and make adjustments on or  
7 replace parts of otherwise new goods in an effort to place such goods in  
8 compliance with factory specifications;

9 (8) Represents that goods or services are of a particular standard,  
10 quality, or grade, or that goods are of a particular style or model, if  
11 they are of another;

12 (9) Disparages the goods, services, or business of another by false  
13 or misleading representation of fact;

14 (10) Advertises goods or services with intent not to sell them as  
15 advertised or advertises the price in any manner calculated or tending to  
16 mislead or in any way deceive a person;

17 (11) Advertises goods or services with intent not to supply  
18 reasonably expectable public demand, unless the advertisement discloses a  
19 limitation of quantity;

20 (12) Makes false or misleading statements of fact concerning the  
21 reasons for, existence of, or amounts of price reductions;

22 (13) Uses or promotes the use of or establishes, operates, or  
23 participates in a pyramid promotional scheme in connection with the  
24 solicitation of such scheme to members of the public. This subdivision  
25 shall not be construed to prohibit a plan or operation, or to define a  
26 plan or operation as a pyramid promotional scheme, based on the fact that  
27 participants in the plan or operation give consideration in return for  
28 the right to receive compensation based upon purchases of goods,  
29 services, or intangible property by participants for personal use,  
30 consumption, or resale so long as the plan or operation does not promote  
31 or induce inventory loading and the plan or operation implements an

1 appropriate inventory repurchase program;

2 (14) With respect to a sale or lease to a natural person of goods or  
3 services purchased or leased primarily for personal, family, household,  
4 or agricultural purposes, uses or employs any referral or chain referral  
5 sales technique, plan, arrangement, or agreement;

6 (15) Knowingly makes a false or misleading statement in a privacy  
7 policy, published on the Internet or otherwise distributed or published,  
8 regarding the use of personal information submitted by members of the  
9 public;

10 (16) Uses any scheme or device to defraud by means of:

11 (i) Obtaining money or property by knowingly false or fraudulent  
12 pretenses, representations, or promises; or

13 (ii) Selling, distributing, supplying, furnishing, or procuring any  
14 property for the purpose of furthering such scheme;

15 (17) Offers an unsolicited check, through the mail or by other  
16 means, to promote goods or services if the cashing or depositing of the  
17 check obligates the endorser or payee identified on the check to pay for  
18 goods or services. This subdivision does not apply to an extension of  
19 credit or an offer to lend money;

20 (18) Mails or causes to be sent an unsolicited billing statement,  
21 invoice, or other document that appears to obligate the consumer to make  
22 a payment for services or merchandise he or she did not order;

23 (19)(i) Installs, offers to install, or makes available for  
24 installation or download a covered file-sharing program on a computer not  
25 owned by such person without providing clear and conspicuous notice to  
26 the owner or authorized user of the computer that files on that computer  
27 will be made available to the public and without requiring intentional  
28 and affirmative activation of the file-sharing function of such covered  
29 file-sharing program by the owner or authorized user of the computer; or

30 (ii) Prevents reasonable efforts to block the installation,  
31 execution, or disabling of a covered file-sharing program;

1 (20) Violates any provision of the Nebraska Foreclosure Protection  
2 Act;

3 (21) In connection with the solicitation of funds or other assets  
4 for any charitable purpose, or in connection with any solicitation which  
5 represents that funds or assets will be used for any charitable purpose,  
6 uses or employs any deception, fraud, false pretense, false promise,  
7 misrepresentation, unfair practice, or concealment, suppression, or  
8 omission of any material fact;

9 (22)(i) In the manufacture, production, importation, distribution,  
10 promotion, display for sale, offer for sale, attempt to sell, or sale of  
11 a substance:

12 (A) Makes a deceptive or misleading representation or designation,  
13 or omits material information, about a substance or fails to identify the  
14 contents of the package or the nature of the substance contained inside  
15 the package; or

16 (B) Causes confusion or misunderstanding as to the effects a  
17 substance causes when ingested, injected, inhaled, or otherwise  
18 introduced into the human body.

19 (ii) A person shall be deemed to have committed a violation of the  
20 Uniform Deceptive Trade Practices Act for each individually packaged  
21 product that is either manufactured, produced, imported, distributed,  
22 promoted, displayed for sale, offered for sale, attempted to sell, or  
23 sold in violation of this section. A violation under this subdivision (a)  
24 (22) shall be treated as a separate and distinct violation from any other  
25 offense arising out of acts alleged to have been committed while the  
26 person was in violation of this section;

27 (23)(i) Manufactures, produces, publishes, distributes, monetizes,  
28 promotes, or otherwise makes publicly available any visual depiction of  
29 sexually explicit conduct, any obscene material, or any material that is  
30 harmful to minors in which any person depicted as a participant or  
31 observer:

1 (A) Is under eighteen years of age;

2 (B) Is a trafficking victim;

3 (C) Has not expressly and voluntarily consented to such person's  
4 depiction; or

5 (D) Participated in any act depicted without consent.

6 (ii) This subdivision (a)(23) does not apply to any  
7 telecommunications service.

8 (iii) For purposes of this subdivision (a)(23):

9 (A) Harmful to minors has the same meaning as in 47 U.S.C. 254, as  
10 such section existed on January 1, 2024;

11 (B) Obscene material has the same meaning as in section 28-807;

12 (C) Promote means to use any mechanism or publication, or take any  
13 action, that suggests, highlights, advertises, markets, curates,  
14 backlinks, hashtags, or otherwise directs, attempts to direct, or  
15 encourages traffic toward specific materials, including acts carried out  
16 affirmatively, through automation, algorithmically, and via other  
17 technical means both known and unknown at this time;

18 (D) Publish means to communicate or make information available to  
19 another person via an Internet website, regardless of whether the person  
20 consuming, viewing, or receiving the material gives any consideration for  
21 the published material;

22 (E) Trafficking victim has the same meaning as in section 28-830;

23 (F) Visual depiction of sexually explicit conduct has the same  
24 meaning as in section 2 of this act ~~28-1463.02~~; and

25 (G) Without consent has the same meaning as in section 28-318; or

26 (24) Offers or enters into a right-to-list home sale agreement as  
27 defined in section 81-885.01.

28 (b) In order to prevail in an action under the Uniform Deceptive  
29 Trade Practices Act, a complainant need not prove competition between the  
30 parties.

31 (c) This section does not affect unfair trade practices otherwise

1 actionable at common law or under other statutes of this state.

2       **Sec. 24.** Original sections 25-21,291, 27-1301, 28-116, 28-320.02,  
3 28-813.02, 28-833, 28-1463.01, 28-1463.02, 28-1463.06, 28-1601, 28-1602,  
4 83-174.02, 84-205, and 87-302, Reissue Revised Statutes of Nebraska, and  
5 sections 28-813.01, 28-1463.03, 28-1463.05, 28-1701, 29-110, 29-119,  
6 29-4003, 29-4309, and 29-4316, Revised Statutes Cumulative Supplement,  
7 2024, are repealed.

8       **Sec. 25.** The following section is outright repealed: Section  
9 28-1463.04, Reissue Revised Statutes of Nebraska.