

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1156

Introduced by Holdcroft, 36; DeKay, 40; Ibach, 44; Lippincott, 34.

Read first time January 11, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 25-21,302, 29-4001, and 29-4001.01, Reissue Revised Statutes of
3 Nebraska, sections 28-830, 28-831, 29-110, 29-4003, 29-4007, and
4 76-1410, Revised Statutes Cumulative Supplement, 2022, and sections
5 28-101 and 28-1354, Revised Statutes Supplement, 2023; to transfer
6 provisions relating to labor trafficking; to define terms; to
7 require registration under the Sex Offender Registration Act for
8 solicitation of prostitution and certain inchoate and related
9 offenses; to require registration for certain trafficking offenses;
10 to change procedures and requirements relating to registration for
11 certain offenses; to state intent regarding appropriations; to
12 harmonize provisions; to provide an operative date; and to repeal
13 the original sections.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,302, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,302 (1)(a) In addition to any other civil or criminal
4 penalties provided by law, any property used in the commission of a
5 violation of the Child Pornography Prevention Act or section 28-813,
6 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or
7 section 5, 6, or 7 of this act may be forfeited through a proceeding as
8 provided in this section.

9 (b) The following property shall be subject to forfeiture if used or
10 intended for use as an instrumentality in or used in furtherance of a
11 violation of the Child Pornography Prevention Act or section 28-813,
12 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or
13 section 5, 6, or 7 of this act:

14 (i) Conveyances, including aircraft, vehicles, or vessels;

15 (ii) Books, records, telecommunication equipment, or computers;

16 (iii) Money or weapons;

17 (iv) Everything of value furnished, or intended to be furnished, in
18 exchange for an act in violation and all proceeds traceable to the
19 exchange;

20 (v) Negotiable instruments and securities;

21 (vi) Any property, real or personal, directly or indirectly acquired
22 or received in a violation or as an inducement to violate;

23 (vii) Any property traceable to proceeds from a violation; and

24 (viii) Any real property, including any right, title, and interest
25 in the whole of or any part of any lot or tract of land, used in
26 furtherance of a violation of the Child Pornography Prevention Act or
27 section 28-813, 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01,
28 or 28-1107 or section 5, 6, or 7 of this act.

29 (c)(i) No property used by any person as a common carrier in the
30 transaction of business as a common carrier is subject to forfeiture
31 under this section unless it appears that the owner or other person in

1 charge of the property is a consenting party or privy to a violation of
2 the Child Pornography Prevention Act or section 28-813, 28-831, 28-1102,
3 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or section 5, 6, or 7
4 of this act.

5 (ii) No property is subject to forfeiture under this section by
6 reason of any act or omission proved by the owner thereof to have been
7 committed or omitted without his or her actual knowledge or consent. If
8 the confiscating authority has reason to believe that the property is
9 leased or rented property, then the confiscating authority shall notify
10 the owner of the property within five days after the confiscation or
11 within five days after forming reason to believe that the property is
12 leased or rented property.

13 (iii) Forfeiture of property encumbered by a bona fide security
14 interest is subject to the interest of the secured party if such party
15 neither had actual knowledge of nor consented to the act or omission.

16 (2) No property shall be forfeited under this section, to the extent
17 of the interest of an owner, by reason of any act or omission established
18 by the owner to have been committed or omitted without his or her actual
19 knowledge or consent.

20 (3) Seizure without process may be made if the seizure is incident
21 to an arrest or a search under a search warrant.

22 (4)(a) When any property is seized under this section, proceedings
23 shall be instituted within a reasonable period of time from the date of
24 seizure or the subject property shall be immediately returned to the
25 party from whom seized.

26 (b) A petition for forfeiture shall be filed by the Attorney General
27 or a county attorney in the name of the State of Nebraska and may be
28 filed in the county in which the seizure is made, the county in which the
29 criminal prosecution is brought, or the county in which the owner of the
30 seized property is found. Forfeiture proceedings may be brought in the
31 district court or the county court. A copy of the petition shall be

1 served upon the following persons by service of process in the same
2 manner as in civil cases:

3 (i) The owner of the property if the owner's address is known;

4 (ii) Any secured party who has registered a lien or filed a
5 financing statement as provided by law if the identity of the secured
6 party can be ascertained by the entity filing the petition by making a
7 good faith effort to ascertain the identity of the secured party;

8 (iii) Any other bona fide lienholder or secured party or other
9 person holding an interest in the property in the nature of a security
10 interest of whom the seizing law enforcement agency has actual knowledge;
11 and

12 (iv) Any person in possession of property subject to forfeiture at
13 the time that it was seized.

14 (5) If the property is a motor vehicle subject to titling under the
15 Motor Vehicle Certificate of Title Act or a vessel subject to titling
16 under the State Boat Act, and if there is any reasonable cause to believe
17 that the motor vehicle or vessel has been titled, inquiry of the
18 Department of Motor Vehicles shall be made as to what the records of the
19 department show as to who is the record owner of the motor vehicle or
20 vessel and who, if anyone, holds any lien or security interest that
21 affects the motor vehicle or vessel.

22 (6) If the property is a motor vehicle or vessel and is not titled
23 in the State of Nebraska, then an attempt shall be made to ascertain the
24 name and address of the person in whose name the motor vehicle or vessel
25 is licensed, and if the motor vehicle or vessel is licensed in a state
26 which has in effect a certificate of title law, inquiry of the
27 appropriate agency of that state shall be made as to what the records of
28 the agency show as to who is the record owner of the motor vehicle or
29 vessel and who, if anyone, holds any lien, security interest, or other
30 instrument in the nature of a security device that affects the motor
31 vehicle or vessel.

1 (7) If the property is of a nature that a financing statement is
2 required by the laws of this state to be filed to perfect a security
3 interest affecting the property and if there is any reasonable cause to
4 believe that a financing statement covering the security interest has
5 been filed under the laws of this state, inquiry shall be made as to what
6 the records show as to who is the record owner of the property and who,
7 if anyone, has filed a financing statement affecting the property.

8 (8) If the property is an aircraft or part thereof and if there is
9 any reasonable cause to believe that an instrument in the nature of a
10 security device affects the property, inquiry shall be made as to what
11 the records of the Federal Aviation Administration show as to who is the
12 record owner of the property and who, if anyone, holds an instrument in
13 the nature of a security device which affects the property.

14 (9) If the answer to an inquiry states that the record owner of the
15 property is any person other than the person who was in possession of it
16 when it was seized or states that any person holds any lien, encumbrance,
17 security interest, other interest in the nature of a security interest,
18 mortgage, or deed of trust that affects the property, the record owner
19 and also any lienholder, secured party, other person who holds an
20 interest in the property in the nature of a security interest, or holder
21 of an encumbrance, mortgage, or deed of trust that affects the property
22 is to be named in the petition of forfeiture and is to be served with
23 process in the same manner as in civil cases.

24 (10) If the owner of the property cannot be found and served with a
25 copy of the petition of forfeiture or if no person was in possession of
26 the property subject to forfeiture at the time that it was seized and the
27 owner of the property is unknown, there shall be filed with the clerk of
28 the court in which the proceeding is pending an affidavit to such effect,
29 whereupon the clerk of the court shall publish notice of the hearing
30 addressed to "the Unknown Owner of, " filling in the blank
31 space with a reasonably detailed description of the property subject to

1 forfeiture. Service by publication shall be completed in the same manner
2 as is provided in the code of civil procedure for the service of process
3 in civil actions in the district courts of this state.

4 (11) No proceedings instituted pursuant to this section shall
5 proceed to hearing unless the judge conducting the hearing is satisfied
6 that this section has been complied with. Any answer received from an
7 inquiry required by this section shall be introduced into evidence at the
8 hearing.

9 (12)(a) An owner of property that has been seized shall file an
10 answer within thirty days after the completion of service of process. If
11 an answer is not filed, the court shall hear evidence that the property
12 is subject to forfeiture and forfeit the property to the seizing law
13 enforcement agency. If an answer is filed, a time for hearing on
14 forfeiture shall be set within thirty days after filing the answer or at
15 the succeeding term of court if court would not be in session within
16 thirty days after filing the answer. The court may postpone the
17 forfeiture hearing to a date past the time any criminal action is pending
18 against the owner upon request of any party.

19 (b) If the owner of the property has filed an answer denying that
20 the property is subject to forfeiture, then the burden is on the
21 petitioner to prove that the property is subject to forfeiture. However,
22 if an answer has not been filed by the owner of the property, the
23 petition for forfeiture may be introduced into evidence and is prima
24 facie evidence that the property is subject to forfeiture. The burden of
25 proof placed upon the petitioner in regard to property forfeited under
26 this section shall be by clear and convincing evidence.

27 (c) At the hearing any claimant of any right, title, or interest in
28 the property may prove his or her lien, encumbrance, security interest,
29 other interest in the nature of a security interest, mortgage, or deed of
30 trust to be bona fide and created without actual knowledge or consent
31 that the property was to be used so as to cause the property to be

1 subject to forfeiture.

2 (d) If it is found that the property is subject to forfeiture, then
3 the judge shall forfeit the property. However, if proof at the hearing
4 discloses that the interest of any bona fide lienholder, any secured
5 party, any other person holding an interest in the property in the nature
6 of a security interest, or any holder of a bona fide encumbrance,
7 mortgage, or deed of trust is greater than or equal to the present value
8 of the property, the court shall order the property released to him or
9 her. If the interest is less than the present value of the property and
10 if the proof shows that the property is subject to forfeiture, the court
11 shall order the property forfeited.

12 (13) Unless otherwise provided in this section, all personal
13 property which is forfeited under this section shall be liquidated and,
14 after deduction of court costs and the expense of liquidation, the
15 proceeds shall be remitted to the county treasurer of the county in which
16 the seizure was made. The county treasurer shall remit all such proceeds
17 from property forfeited pursuant to this section to the State Treasurer
18 for distribution in accordance with Article VII, section 5, of the
19 Constitution of Nebraska.

20 (14) All money forfeited under this section shall be remitted in the
21 same manner as provided in subsection (13) of this section.

22 (15) All real estate forfeited under this section shall be sold to
23 the highest bidder at a public auction for cash, the auction to be
24 conducted by the county sheriff or his or her designee at such place, on
25 such notice, and in accordance with the same procedure, as far as
26 practicable, as is required in the case of sales of land under execution
27 at law. The proceeds of the sale shall first be applied to the cost and
28 expense in administering and conducting the sale, then to the
29 satisfaction of all mortgages, deeds of trust, liens, and encumbrances of
30 record on the property. The remaining proceeds shall be remitted in the
31 same manner as provided in subsection (13) of this section.

1 (16) The forfeiture procedure set forth in this section is the sole
2 remedy of any claimant, and no court shall have jurisdiction to interfere
3 therewith by replevin, by injunction, by supersedeas, or by any other
4 manner.

5 Sec. 2. Section 28-101, Revised Statutes Supplement, 2023, is
6 amended to read:

7 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
8 and sections 5, 6, 7, and 8 of this act shall be known and may be cited
9 as the Nebraska Criminal Code.

10 Sec. 3. Section 28-830, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 28-830 For purposes of sections 28-830 and 28-831 and sections 5, 6,
13 7, and 8 of this act, the following definitions apply:

14 (1) Actor means a person who solicits, procures, or supervises the
15 services or labor of another person;

16 (2) Commercial sexual activity means any sex act on account of which
17 anything of value is given, promised to, or received by any person;

18 (3) Debt bondage means inducing another person to provide:

19 (a) Commercial sexual activity in payment toward or satisfaction of
20 a real or purported debt; or

21 (b) Labor or services in payment toward or satisfaction of a real or
22 purported debt if:

23 (i) The reasonable value of the labor or services is not applied
24 toward the liquidation of the debt; or

25 (ii) The length of the labor or services is not limited and the
26 nature of the labor or services is not defined;

27 (4) Financial harm means theft by extortion as described by section
28 28-513;

29 (5) Forced labor or services means labor or services that are
30 performed or provided by another person and are obtained or maintained
31 through:

1 (a) Inflicting or threatening to inflict serious personal injury, as
2 defined by section 28-318, on another person;

3 (b) Physically restraining or threatening to physically restrain the
4 other person;

5 (c) Abusing or threatening to abuse the legal process against
6 another person to cause arrest or deportation for violation of federal
7 immigration law;

8 (d) Controlling or threatening to control another person's access to
9 a controlled substance listed in Schedule I, II or III of section 28-405;

10 (e) Exploiting another person's substantial functional impairment as
11 defined in section 28-368 or substantial mental impairment as defined in
12 section 28-369;

13 (f) Knowingly destroying, concealing, removing, confiscating, or
14 possessing any actual or purported passport or other immigration document
15 or any other actual or purported government identification document of
16 the other person; or

17 (g) Causing or threatening to cause financial harm to another
18 person, including debt bondage;

19 (6) Labor or services means work or activity of economic or
20 financial value;

21 (7) Labor trafficking means knowingly recruiting, enticing,
22 harboring, transporting, providing, or obtaining by any means or
23 attempting to recruit, entice, harbor, transport, provide, or obtain by
24 any means a person eighteen years of age or older intending or knowing
25 that the person will be subjected to forced labor or services;

26 (8) Labor trafficking of a minor means knowingly recruiting,
27 enticing, harboring, transporting, providing, or obtaining by any means
28 or attempting to recruit, entice, harbor, transport, provide, or obtain
29 by any means a minor intending or knowing that the minor will be
30 subjected to forced labor or services;

31 (9) Maintain means, in relation to labor or services, to secure

1 continued performance thereof, regardless of any initial agreement by the
2 other person to perform such type of service;

3 (10) Minor means a person younger than eighteen years of age;

4 (11) Sex trafficking means knowingly recruiting, enticing,
5 harboring, transporting, providing, soliciting, or obtaining by any means
6 or knowingly attempting to recruit, entice, harbor, transport, provide,
7 solicit, or obtain by any means a person eighteen years of age or older
8 for the purpose of having such person engage without consent, as defined
9 in section 28-318, in commercial sexual activity, sexually explicit
10 performance, or the production of pornography or to cause or attempt to
11 cause a person eighteen years of age or older to engage without consent,
12 as defined in section 28-318, in commercial sexual activity, sexually
13 explicit performance, or the production of pornography;

14 (12) Sex trafficking of a minor means knowingly recruiting,
15 enticing, harboring, transporting, providing, soliciting, or obtaining by
16 any means or knowingly attempting to recruit, entice, harbor, transport,
17 provide, solicit, or obtain by any means a minor for the purpose of
18 having such minor engage in commercial sexual activity, sexually explicit
19 performance, or the production of pornography or to cause or attempt to
20 cause a minor to engage in commercial sexual activity, sexually explicit
21 performance, or the production of pornography;

22 (13) Sexually explicit performance means a live or public play,
23 dance, show, or other exhibition intended to arouse or gratify sexual
24 desire or to appeal to prurient interests; and

25 (14) Trafficking victim means a person subjected to any act or acts
26 prohibited by section 28-831 or section 5 of this act.

27 Sec. 4. Section 28-831, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 28-831 (1) Any person who engages in ~~labor trafficking of a minor or~~
30 sex trafficking of a minor is guilty of a Class IB felony.

31 (2) Any person who engages in ~~labor trafficking or~~ sex trafficking

1 is guilty of a Class II felony.

2 ~~(3) Any person, other than a trafficking victim, who knowingly~~
3 ~~benefits from or participates in a venture which has, as part of the~~
4 ~~venture, an act that is in violation of this section is guilty of a Class~~
5 ~~IIA felony.~~

6 ~~(4) It is not a defense in a prosecution under this section (a) that~~
7 ~~consent was given by the minor victim, (b) that the defendant believed~~
8 ~~that the minor victim gave consent, or (c) that the defendant believed~~
9 ~~that the minor victim was an adult.~~

10 Sec. 5. (1) Any person who engages in labor trafficking of a minor
11 is guilty of a Class IB felony.

12 (2) Any person who engages in labor trafficking is guilty of a Class
13 II felony.

14 Sec. 6. Any person, other than a trafficking victim, who knowingly
15 benefits from or participates in a venture which has, as part of the
16 venture, an act that is in violation of section 28-831 is guilty of a
17 Class IIA felony.

18 Sec. 7. Any person, other than a trafficking victim, who knowingly
19 benefits from or participates in a venture which has, as part of the
20 venture, an act that is in violation of section 5 of this act is guilty
21 of a Class IIA felony.

22 Sec. 8. It is not a defense in a prosecution under section 28-831
23 or section 5, 6, or 7 of this act that:

24 (1) Consent was given by the minor victim;

25 (2) The defendant believed that the minor victim gave consent; or

26 (3) The defendant believed that the minor victim was an adult.

27 Sec. 9. Section 28-1354, Revised Statutes Supplement, 2023, is
28 amended to read:

29 28-1354 For purposes of the Public Protection Act:

30 (1) Enterprise means any individual, sole proprietorship,
31 partnership, corporation, trust, association, or any legal entity, union,

1 or group of individuals associated in fact although not a legal entity,
2 and shall include illicit as well as licit enterprises as well as other
3 entities;

4 (2) Pattern of racketeering activity means a cumulative loss for one
5 or more victims or gains for the enterprise of not less than one thousand
6 five hundred dollars resulting from at least two acts of racketeering
7 activity, one of which occurred after August 30, 2009, and the last of
8 which occurred within ten years, excluding any period of imprisonment,
9 after the commission of a prior act of racketeering activity;

10 (3) ~~Person~~ ~~Until January 1, 2017, person means any individual or~~
11 ~~entity, as defined in section 21-2014, holding or capable of holding a~~
12 ~~legal, equitable, or beneficial interest in property. Beginning January~~
13 ~~1, 2017, person~~ means any individual or entity, as defined in section
14 21-214, holding or capable of holding a legal, equitable, or beneficial
15 interest in property;

16 (4) Prosecutor includes the Attorney General of the State of
17 Nebraska, the deputy attorney general, assistant attorneys general, a
18 county attorney, a deputy county attorney, or any person so designated by
19 the Attorney General, a county attorney, or a court of the state to carry
20 out the powers conferred by the act;

21 (5) Racketeering activity includes the commission of, criminal
22 attempt to commit, conspiracy to commit, aiding and abetting in the
23 commission of, aiding in the consummation of, acting as an accessory to
24 the commission of, or the solicitation, coercion, or intimidation of
25 another to commit or aid in the commission of any of the following:

26 (a) Offenses against the person which include: Murder in the first
27 degree under section 28-303; murder in the second degree under section
28 28-304; manslaughter under section 28-305; assault in the first degree
29 under section 28-308; assault in the second degree under section 28-309;
30 assault in the third degree under section 28-310; terroristic threats
31 under section 28-311.01; kidnapping under section 28-313; false

1 imprisonment in the first degree under section 28-314; false imprisonment
2 in the second degree under section 28-315; sexual assault in the first
3 degree under section 28-319; and robbery under section 28-324;

4 (b) Offenses relating to controlled substances which include: To
5 unlawfully manufacture, distribute, deliver, dispense, or possess with
6 intent to manufacture, distribute, deliver, or dispense a controlled
7 substance under subsection (1) of section 28-416; possession of marijuana
8 weighing more than one pound under subsection (12) of section 28-416;
9 possession of money used or intended to be used to facilitate a violation
10 of subsection (1) of section 28-416 prohibited under subsection (17) of
11 section 28-416; any violation of section 28-418; to unlawfully
12 manufacture, distribute, deliver, or possess with intent to distribute or
13 deliver an imitation controlled substance under section 28-445;
14 possession of anhydrous ammonia with the intent to manufacture
15 methamphetamine under section 28-451; and possession of ephedrine,
16 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
17 methamphetamine under section 28-452;

18 (c) Offenses against property which include: Arson in the first
19 degree under section 28-502; arson in the second degree under section
20 28-503; arson in the third degree under section 28-504; burglary under
21 section 28-507; theft by unlawful taking or disposition under section
22 28-511; theft by shoplifting under section 28-511.01; theft by deception
23 under section 28-512; theft by extortion under section 28-513; theft of
24 services under section 28-515; theft by receiving stolen property under
25 section 28-517; criminal mischief under section 28-519; and unlawfully
26 depriving or obtaining property or services using a computer under
27 section 28-1344;

28 (d) Offenses involving fraud which include: Burning to defraud an
29 insurer under section 28-505; forgery in the first degree under section
30 28-602; forgery in the second degree under section 28-603; criminal
31 possession of a forged instrument under section 28-604; criminal

1 possession of written instrument forgery devices under section 28-605;
2 criminal impersonation under section 28-638; identity theft under section
3 28-639; identity fraud under section 28-640; false statement or book
4 entry under section 28-612; tampering with a publicly exhibited contest
5 under section 28-614; issuing a false financial statement for purposes of
6 obtaining a financial transaction device under section 28-619;
7 unauthorized use of a financial transaction device under section 28-620;
8 criminal possession of a financial transaction device under section
9 28-621; unlawful circulation of a financial transaction device in the
10 first degree under section 28-622; unlawful circulation of a financial
11 transaction device in the second degree under section 28-623; criminal
12 possession of a blank financial transaction device under section 28-624;
13 criminal sale of a blank financial transaction device under section
14 28-625; criminal possession of a financial transaction forgery device
15 under section 28-626; unlawful manufacture of a financial transaction
16 device under section 28-627; laundering of sales forms under section
17 28-628; unlawful acquisition of sales form processing services under
18 section 28-629; unlawful factoring of a financial transaction device
19 under section 28-630; and fraudulent insurance acts under section 28-631;
20 (e) Offenses involving governmental operations which include: Abuse
21 of public records under section 28-911; perjury or subornation of perjury
22 under section 28-915; bribery under section 28-917; bribery of a witness
23 under section 28-918; tampering with a witness or informant or jury
24 tampering under section 28-919; bribery of a juror under section 28-920;
25 assault on an officer, an emergency responder, a state correctional
26 employee, a Department of Health and Human Services employee, or a health
27 care professional in the first degree under section 28-929; assault on an
28 officer, an emergency responder, a state correctional employee, a
29 Department of Health and Human Services employee, or a health care
30 professional in the second degree under section 28-930; assault on an
31 officer, an emergency responder, a state correctional employee, a

1 Department of Health and Human Services employee, or a health care
2 professional in the third degree under section 28-931; and assault on an
3 officer, an emergency responder, a state correctional employee, a
4 Department of Health and Human Services employee, or a health care
5 professional using a motor vehicle under section 28-931.01;

6 (f) Offenses involving gambling which include: Promoting gambling in
7 the first degree under section 28-1102; possession of gambling records
8 under section 28-1105; gambling debt collection under section 28-1105.01;
9 and possession of a gambling device under section 28-1107;

10 (g) Offenses relating to firearms, weapons, and explosives which
11 include: Carrying a concealed weapon under section 28-1202;
12 transportation or possession of machine guns, short rifles, or short
13 shotguns under section 28-1203; unlawful possession of a handgun under
14 section 28-1204; unlawful transfer of a firearm to a juvenile under
15 section 28-1204.01; possession of a firearm by a prohibited juvenile
16 offender under section 28-1204.05; using a deadly weapon to commit a
17 felony, possession of a deadly weapon during the commission of a felony,
18 or carrying a firearm or destructive device during the commission of a
19 dangerous misdemeanor under section 28-1205; possession of a deadly
20 weapon by a prohibited person under section 28-1206; possession of a
21 defaced firearm under section 28-1207; defacing a firearm under section
22 28-1208; unlawful discharge of a firearm under section 28-1212.02;
23 possession, receipt, retention, or disposition of a stolen firearm under
24 section 28-1212.03; unlawful possession of explosive materials in the
25 first degree under section 28-1215; unlawful possession of explosive
26 materials in the second degree under section 28-1216; unlawful sale of
27 explosives under section 28-1217; use of explosives without a permit
28 under section 28-1218; obtaining an explosives permit through false
29 representations under section 28-1219; possession of a destructive device
30 under section 28-1220; threatening the use of explosives or placing a
31 false bomb under section 28-1221; using explosives to commit a felony

1 under section 28-1222; using explosives to damage or destroy property
2 under section 28-1223; and using explosives to kill or injure any person
3 under section 28-1224;

4 (h) Any violation of the Securities Act of Nebraska pursuant to
5 section 8-1117;

6 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
7 section 77-2713;

8 (j) Offenses relating to public health and morals which include:
9 Prostitution under section 28-801; pandering under section 28-802;
10 keeping a place of prostitution under section 28-804; ~~labor trafficking,~~
11 ~~sex trafficking, labor trafficking of a minor,~~ or sex trafficking of a
12 minor under section 28-831; labor trafficking or labor trafficking of a
13 minor under section 5 of this act; benefiting from or participation in a
14 sex trafficking venture under section 6 of this act; benefiting from or
15 participation in a labor trafficking venture under section 7 of this act;
16 a violation of section 28-1005; and any act relating to the visual
17 depiction of sexually explicit conduct prohibited in the Child
18 Pornography Prevention Act; and

19 (k) A violation of the Computer Crimes Act;

20 (6) State means the State of Nebraska or any political subdivision
21 or any department, agency, or instrumentality thereof; and

22 (7) Unlawful debt means a debt of at least one thousand five hundred
23 dollars:

24 (a) Incurred or contracted in gambling activity which was in
25 violation of federal law or the law of the state or which is
26 unenforceable under state or federal law in whole or in part as to
27 principal or interest because of the laws relating to usury; or

28 (b) Which was incurred in connection with the business of gambling
29 in violation of federal law or the law of the state or the business of
30 lending money or a thing of value at a rate usurious under state law if
31 the usurious rate is at least twice the enforceable rate.

1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be
4 prosecuted for any felony unless the indictment is found by a grand jury
5 within three years next after the offense has been done or committed or
6 unless a complaint for the same is filed before the magistrate within
7 three years next after the offense has been done or committed and a
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be
10 prosecuted, tried, or punished for any misdemeanor or other indictable
11 offense below the grade of felony or for any fine or forfeiture under any
12 penal statute unless the suit, information, or indictment for such
13 offense is instituted or found within one year and six months from the
14 time of committing the offense or incurring the fine or forfeiture or
15 within one year for any offense the punishment of which is restricted by
16 a fine not exceeding one hundred dollars and to imprisonment not
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be
19 prosecuted for kidnapping under section 28-313, false imprisonment under
20 section 28-314 or 28-315, child abuse under section 28-707, pandering
21 under section 28-802, debauching a minor under section 28-805, or an
22 offense under section 28-813 when the victim is under sixteen years of
23 age at the time of the offense (a) unless the indictment for such offense
24 is found by a grand jury within seven years next after the offense has
25 been committed or within seven years next after the victim's sixteenth
26 birthday, whichever is later, or (b) unless a complaint for such offense
27 is filed before the magistrate within seven years next after the offense
28 has been committed or within seven years next after the victim's
29 sixteenth birthday, whichever is later, and a warrant for the arrest of
30 the defendant has been issued.

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

1 prosecuted for a violation of subsection (2) ~~or (3)~~ of section 28-831,
2 subsection (2) of section 5 of this act, or section 6 or 7 of this act
3 (a) unless the indictment for such offense is found by a grand jury
4 within seven years next after the offense has been committed or within
5 seven years next after the victim's eighteenth birthday, whichever is
6 later, or (b) unless a complaint for such offense is filed before the
7 magistrate within seven years next after the offense has been committed
8 or within seven years next after the victim's eighteenth birthday,
9 whichever is later, and a warrant for the arrest of the defendant has
10 been issued.

11 (5) Except as otherwise provided by law, no person shall be
12 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)
13 unless the indictment for such offense is found by a grand jury within
14 seven years next after the offense has been committed or within seven
15 years next after the victim's eighteenth birthday, whichever is later, or
16 (b) unless a complaint for such offense is filed before the magistrate
17 within seven years next after the offense has been committed or within
18 seven years next after the victim's eighteenth birthday, whichever is
19 later, and a warrant for the arrest of the defendant has been issued.

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

27 (7) No person shall be prosecuted for criminal impersonation under
28 section 28-638, identity theft under section 28-639, or identity fraud
29 under section 28-640 unless the indictment for such offense is found by a
30 grand jury within five years next after the offense has been done or
31 committed or unless a complaint for such offense is filed before the

1 magistrate within five years next after the offense has been done or
2 committed and a warrant for the arrest of the defendant has been issued.

3 (8) No person shall be prosecuted for a violation of section 68-1017
4 if the aggregate value of all funds and other benefits obtained or
5 attempted to be obtained is five hundred dollars or more unless the
6 indictment for such offense is found by a grand jury within five years
7 next after the offense has been done or committed or unless a complaint
8 for such offense is filed before the magistrate within five years next
9 after the offense has been done or committed and a warrant for the arrest
10 of the defendant has been issued.

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

18 (10) Except as otherwise provided by law, no person shall be
19 prosecuted for an offense under section 28-717 (a) unless the indictment
20 for such offense is found by a grand jury within one year and six months
21 next after the offense has been committed or within one year and six
22 months next after the child reaches the age of majority, whichever is
23 later, or (b) unless a complaint for such offense is filed before the
24 magistrate within one year and six months next after the offense has been
25 committed or within one year and six months next after the child reaches
26 the age of majority, whichever is later, and a warrant for the arrest of
27 the defendant has been issued.

28 (11) There shall not be any time limitations for prosecution or
29 punishment for treason, murder, arson, forgery, sexual assault in the
30 first or second degree under section 28-319 or 28-320, sexual assault of
31 a child in the second or third degree under section 28-320.01, incest

1 under section 28-703, sexual assault of a child in the first degree under
2 section 28-319.01, ~~labor trafficking of a minor or sex trafficking of a~~
3 minor under subsection (1) of section 28-831, labor trafficking of a
4 minor under subsection (1) of section 5 of this act, or an offense under
5 section 28-1463.03; nor shall there be any time limitations for
6 prosecution or punishment for sexual assault in the third degree under
7 section 28-320 when the victim is under sixteen years of age at the time
8 of the offense.

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

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

14 (14) When any suit, information, or indictment for any crime or
15 misdemeanor is limited by any statute to be brought or exhibited within
16 any other time than is limited by this section, then the suit,
17 information, or indictment shall be brought or exhibited within the time
18 limited by such statute.

19 (15) If any suit, information, or indictment is quashed or the
20 proceedings set aside or reversed on writ of error, the time during the
21 pendency of such suit, information, or indictment so quashed, set aside,
22 or reversed shall not be reckoned within this statute so as to bar any
23 new suit, information, or indictment for the same offense.

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

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

1 (18) The changes made to this section by Laws 2009, LB 97, and Laws
2 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,
3 for which the statute of limitations has not expired as of such date and
4 to offenses committed on or after such date.

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

9 (20) The changes made to this section by Laws 2016, LB934, shall
10 apply to offenses committed prior to April 19, 2016, 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 (21) The changes made to this section by Laws 2019, LB519, shall
14 apply to offenses committed prior to September 1, 2019, for which the
15 statute of limitations has not expired as of such date and to offenses
16 committed on or after such date.

17 Sec. 11. Section 29-4001, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-4001 Sections 29-4001 to 29-4014 and section 14 of this act shall
20 be known and may be cited as the Sex Offender Registration Act.

21 Sec. 12. Section 29-4001.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 29-4001.01 For purposes of the Sex Offender Registration Act:

24 (1) Aggravated offense means any registrable offense under section
25 29-4003 which involves the penetration of, direct genital touching of,
26 oral to anal contact with, or oral to genital contact with (a) a victim
27 age thirteen years or older without the consent of the victim, (b) a
28 victim under the age of thirteen years, or (c) a victim who the sex
29 offender knew or should have known was mentally or physically incapable
30 of resisting or appraising the nature of his or her conduct;

31 (2)(a) Conviction or convicted includes a plea or verdict of guilty

1 or a conviction following a plea of nolo contendere.

2 (b) Conviction or convicted includes a conviction which has been set
3 aside under section 29-2264 or, as relates to a conviction from any other
4 jurisdiction, a conviction which has been set aside, expunged, or
5 otherwise nullified by any procedure other than by a pardon.

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

8 (3) (2) DNA sample has the same meaning as in section 29-4103;

9 (4) (3) Habitual living location means any place that an offender
10 may stay for a period of more than three days even though the sex
11 offender maintains a separate permanent address or temporary domicile;

12 (5) (4) Minor means a person under eighteen years of age;

13 (6) Other jurisdiction includes any village, town, city, state,
14 territory, commonwealth, or other jurisdiction of the United States; the
15 United States Government; any court-martial or other military tribunal;
16 or a foreign jurisdiction;

17 (7) (5) State DNA Database means the database established pursuant
18 to section 29-4104; and

19 (8) (6) Temporary domicile means any place at which the person
20 actually lives or stays for a period of at least three working days.

21 Sec. 13. Section 29-4003, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 29-4003 (1) (1)(a) The Sex Offender Registration Act applies to any
24 person who, on or after January 1, 1997:

25 (a) Is convicted (i) Has ever pled guilty to, pled nolo contendere
26 to, or been found guilty of any of the following:

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

30 (ii) (B) False imprisonment of a minor pursuant to section 28-314 or
31 28-315;

1 ~~(iii) (C)~~ Sexual assault pursuant to section 28-319 or 28-320;

2 ~~(iv) (D)~~ Sexual abuse by a school employee pursuant to section

3 28-316.01;

4 ~~(v) (E)~~ Sexual assault of a child in the second or third degree

5 pursuant to section 28-320.01;

6 ~~(vi) (F)~~ Sexual assault of a child in the first degree pursuant to

7 section 28-319.01;

8 ~~(vii) (G)~~ Sexual abuse of a vulnerable adult or senior adult

9 pursuant to subdivision (1)(c) of section 28-386;

10 ~~(viii) (H)~~ Incest of a minor pursuant to section 28-703;

11 ~~(ix) (I)~~ Pandering of a minor pursuant to section 28-802;

12 ~~(x) (J)~~ Visual depiction of sexually explicit conduct of a child

13 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section

14 28-1463.05;

15 ~~(xi) (K)~~ Knowingly possessing any visual depiction of sexually

16 explicit conduct which has a child as one of its participants or

17 portrayed observers pursuant to subsection (1) or (4) of section

18 28-813.01;

19 ~~(xii) (L)~~ Criminal child enticement pursuant to section 28-311;

20 ~~(xiii) (M)~~ Child enticement by means of an electronic communication

21 device pursuant to section 28-320.02;

22 ~~(xiv) (N)~~ Debauching a minor pursuant to section 28-805; or

23 ~~(xv) Attempting, soliciting, (O) Attempt, solicitation,~~ aiding or

24 abetting, being an accessory to, or conspiring conspiracy to commit an

25 offense listed in subdivisions ~~(1)(a)(i) (1)(a)(i)(A)~~ through ~~(xiv) (1)~~

26 ~~(a)(i)(N)~~ of this section;

27 ~~(b) Is convicted (ii) Has ever pled guilty to, pled nolo contendere~~

28 ~~to, or been found guilty~~ of any offense that is substantially equivalent

29 to a registrable offense under subdivision ~~(1)(a) (1)(a)(i)~~ of this

30 section by any other jurisdiction ~~village, town, city, state, territory,~~

31 ~~commonwealth, or other jurisdiction of the United States, by the United~~

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

5 ~~(c) (iii) Is incarcerated in a jail, a penal or correctional~~
6 ~~facility, or any other public or private institution or is under~~
7 ~~probation or parole as a result of pleading guilty to or being found~~
8 ~~guilty of a conviction for a registrable offense under subdivision (1)(a)~~
9 ~~(1)(a)(i) or (b) (ii) of this section prior to January 1, 1997; or~~

10 ~~(d) (iv) Enters the state and is required to register as a sex~~
11 ~~offender under the laws of another village, town, city, state, territory,~~
12 ~~commonwealth, or other jurisdiction of the United States.~~

13 ~~(2) The (b) In addition to the registrable offenses under~~
14 ~~subdivision (1)(a) of this section, the Sex Offender Registration Act~~
15 ~~applies to any person who, on or after January 1, 2010:~~

16 ~~(a) Is convicted of any of the following:~~

17 ~~(i) Violation of section 28-311.08 requiring registration under the~~
18 ~~act pursuant to subsection (6) of section 28-311.08;~~

19 ~~(ii) Sexual abuse of an inmate or parolee in the first degree~~
20 ~~pursuant to section 28-322.02;~~

21 ~~(iii) Sexual abuse of an inmate or parolee in the second degree~~
22 ~~pursuant to section 28-322.03;~~

23 ~~(iv) Sexual abuse of a protected individual pursuant to section~~
24 ~~28-322.04;~~

25 ~~(v) Incest pursuant to section 28-703;~~

26 ~~(vi) Child abuse pursuant to subdivision (1)(d) or (e) of section~~
27 ~~28-707;~~

28 ~~(vii) Enticement by electronic communication device pursuant to~~
29 ~~section 28-833; or~~

30 ~~(viii) Attempting, soliciting, aiding or abetting, being an~~
31 ~~accessory to, or conspiring to commit an offense listed in subdivisions~~

1 (2)(a)(i) through (vii) of this section;

2 (b)(i) Subject to (i)(A) Except as provided in subdivision (2)(b)
3 (ii) (1)(b)(i)(B) of this section, is convicted has ever pled guilty to,
4 pled nolo contendere to, or been found guilty of any of the following:

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

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

7 (C) (III) Manslaughter pursuant to section 28-305;

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

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

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

11 (G) (VII) Stalking pursuant to section 28-311.03;

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

14 (H) (IX) Kidnapping pursuant to section 28-313;

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

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

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

20 (XIII) Sexual abuse of a protected individual pursuant to section
21 28-322.04;

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

23 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
24 28-707;

25 (XVI) Enticement by electronic communication device pursuant to
26 section 28-833; or

27 (J) Attempting, soliciting, (XVII) Attempt, solicitation, aiding or
28 abetting, being an accessory to, or conspiring conspiracy to commit an
29 offense listed in subdivisions (2)(b)(i)(A) through (I) (1)(b)(i)(A)(I)
30 through (1)(b)(i)(A)(XVI) of this section.

31 (ii) (B) In order for the Sex Offender Registration Act to apply to

1 the offenses listed in subdivisions ~~(2)(b)(i)(A) through (I) (1)(b)(i)(A)~~
2 ~~(I), (II), (III), (IV), (V), (VI), (VII), (IX), and (X)~~ of this section,
3 a court shall have found, by clear and convincing evidence, after
4 providing the defendant with notice and a hearing, that evidence of
5 sexual penetration or sexual contact, as those terms are defined in
6 section 28-318, occurred in connection with the incident that gave rise
7 to the conviction. When making the findings required by this subdivision,
8 the court shall consider any evidence adduced at the hearing as well as
9 any evidence was present in the record, including ~~which shall include~~
10 ~~consideration of~~ the factual basis for a plea-based conviction and
11 information contained in the presentence report; or

12 (c) Is convicted ~~(ii) Has ever pled guilty to, pled nolo contendere~~
13 ~~to, or been found guilty of any offense that is substantially equivalent~~
14 ~~to a registrable offense under subdivision (2)(a) or (b) (1)(b)(i) of~~
15 ~~this section by any other jurisdiction. village, town, city, state,~~
16 ~~territory, commonwealth, or other jurisdiction of the United States, by~~
17 ~~the United States Government, by court-martial or other military~~
18 ~~tribunal, or by a foreign jurisdiction, notwithstanding a procedure~~
19 ~~comparable in effect to that described under section 29-2264 or any other~~
20 ~~procedure to nullify a conviction other than by pardon; or~~

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

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

27 (a) Is convicted ~~(i) Has ever pled guilty to, pled nolo contendere~~
28 ~~to, or been found guilty of:~~

29 (i) Sexual ~~sexual~~ abuse of a detainee under section 28-322.05; or

30 (ii) Attempting, soliciting, aiding or abetting, being an accessory
31 to, or conspiring to commit an offense listed in subdivision (3)(a)(i) of

1 this section; or

2 ~~(b) Is convicted (ii) Has ever pled guilty to, pled nolo contendere~~
3 ~~to, or been found guilty of any offense that is substantially equivalent~~
4 ~~to a registrable offense under subdivision (3)(a) (1)(c)(i) of this~~
5 ~~section by any other jurisdiction. village, town, city, state, territory,~~
6 ~~commonwealth, or other jurisdiction of the United States, by the United~~
7 ~~States Government, by court-martial or other military tribunal, or by a~~
8 ~~foreign jurisdiction, notwithstanding a procedure comparable in effect to~~
9 ~~that described under section 29-2264 or any other procedure to nullify a~~
10 ~~conviction other than by pardon.~~

11 ~~(4) The (d) In addition to the registrable offenses under~~
12 ~~subdivisions (1)(a), (b), and (c) of this section, the Sex Offender~~
13 ~~Registration Act applies to any person who, on or after January 1, 2025~~
14 ~~2023:~~

15 (a) Is convicted of:

16 (i) Sex trafficking of a minor or sex trafficking ~~(i) Has ever pled~~
17 ~~guilty to, pled nolo contendere to, or been found guilty of human~~
18 ~~trafficking under subsection (1) or (2) of section 28-831; or~~

19 (ii) Attempting, soliciting, aiding or abetting, being an accessory
20 to, or conspiring to commit an offense described in subdivision (4)(a)(i)
21 of this section; or , and the court determines either by notification of
22 ~~sex offender registration responsibilities or notation in the sentencing~~
23 ~~order that the human trafficking was sex trafficking or sex trafficking~~
24 ~~of a minor and not solely labor trafficking or labor trafficking of a~~
25 ~~minor; or~~

26 ~~(b) Is convicted (ii) Has ever pled guilty to, pled nolo contendere~~
27 ~~to, or been found guilty of any offense that is substantially equivalent~~
28 ~~to a registrable offense under subdivision (4)(a) (1)(d)(i) of this~~
29 ~~section by any other jurisdiction. village, town, city, state, territory,~~
30 ~~commonwealth, or other jurisdiction of the United States, by the United~~
31 ~~States Government, by court-martial or other military tribunal, or by a~~

1 ~~foreign jurisdiction, notwithstanding a procedure comparable in effect to~~
2 ~~that described under section 29-2264 or any other procedure to nullify a~~
3 ~~conviction other than by pardon.~~

4 (5)(a) The Sex Offender Registration Act applies to any person who,
5 on or after July 14, 2006:

6 (i) Is convicted of:

7 (A) A violation of section 28-831 which is substantially equivalent
8 to a registrable offense described in subdivision (4)(a)(i) of this
9 section; or

10 (B) Attempting, soliciting, aiding or abetting, being an accessory
11 to, or conspiring to commit an offense described in subdivision (5)(a)(i)
12 (A) of this section; or

13 (ii) Is convicted of any offense that is substantially equivalent to
14 a registrable offense under subdivision (5)(a)(i) of this section by any
15 other jurisdiction.

16 (b) Registration under this subsection is subject to section 14 of
17 this act.

18 (6) The Sex Offender Registration Act applies to any person who, on
19 or after January 1, 2025:

20 (a) Is convicted of any of the following:

21 (i) Benefiting from or participating in a venture involving sex
22 trafficking or sex trafficking of a minor under section 6 of this act; or

23 (ii) Attempting, soliciting, aiding or abetting, being an accessory
24 to, or conspiring to commit an offense listed in subdivision (6)(a)(i) of
25 this section; or

26 (b) Is convicted of any offense that is substantially equivalent to
27 a registrable offense under subdivision (6)(a) of this section by any
28 other jurisdiction.

29 (7) The Sex Offender Registration Act applies to any person who, on
30 or after January 1, 2025:

31 (a) Is convicted of any of the following:

1 (i) Solicitation of prostitution under section 28-801.01; or
2 (ii) Attempting, soliciting, aiding or abetting, being an accessory
3 to, or conspiring to commit an offense listed in subdivision (7)(a)(i) of
4 this section; or

5 (b) Is convicted of any offense that is substantially equivalent to
6 a registrable offense under subdivision (7)(a) of this section by any
7 other jurisdiction.

8 ~~(8) (2)~~ A person appealing a conviction of a registrable offense
9 under this section shall be required to comply with the act during the
10 appeals process.

11 (9) The changes made to this section by this legislative bill do not
12 apply to any person if, prior to the operative date of this act, a court
13 or the sex offender registration and community notification division of
14 the Nebraska State Patrol determined such person was required to register
15 under the Sex Offender Registration Act for a conviction for a violation
16 of section 28-831 or a substantially equivalent offense of another
17 jurisdiction. Such person shall continue to be required to register in
18 accordance with such prior determination.

19 Sec. 14. (1)(a) When determining whether an offense requires
20 registration under subdivision (5)(a) of section 29-4003, an offense
21 shall not be considered substantially equivalent to sex trafficking of a
22 minor or sex trafficking under section 28-831 if:

23 (i) It is based solely upon the defendant benefiting, financially or
24 by receiving anything of value, from participation in a venture involving
25 any form of trafficking; or

26 (ii) It is based solely upon labor trafficking or labor trafficking
27 of a minor, unless the offense included forced labor or services
28 involving commercial sexual activity, sexually explicit performances, or
29 the production of pornography.

30 (b) For purposes of this subsection, the terms labor trafficking,
31 labor trafficking of a minor, forced labor or services, commercial sexual

1 activity, and sexually explicit performance have the same meanings as in
2 section 28-830.

3 (2) The determination of whether a person is required to register
4 under subdivision (5)(a) of section 29-4003 shall be made:

5 (a) If the conviction is for a violation of Nebraska law and the
6 conviction occurs on or after the operative date of this act, by the
7 court as provided in subsection (3) of this section; and

8 (b) For any other conviction, by the sex offender registration and
9 community notification division of the Nebraska State Patrol.

10 (3)(a) When determining whether a defendant is required to register
11 under subdivision (5)(a) of section 29-4003, the court shall only find
12 that a defendant is required to register if the court finds, by clear and
13 convincing evidence, after providing the defendant with notice and a
14 hearing, that the offense is registrable under subdivision (5)(a) of
15 section 29-4003. When making the findings required by this subdivision,
16 the court shall consider any evidence adduced at the hearing as well as
17 any evidence present in the record, including the factual basis for a
18 plea-based conviction and information contained in the presentence
19 report.

20 (b) A person appealing a conviction of a registrable offense under
21 this subsection shall be required to comply with the Sex Offender
22 Registration Act during the appeals process.

23 (4) It is the intent of the Legislature to appropriate twenty-five
24 thousand dollars from the General Fund for fiscal year 2024-25 to the
25 Nebraska State Patrol to implement registration of persons described in
26 subsection (5) of section 29-4003 and to implement any other changes to
27 the Sex Offender Registration Act made by this legislative bill.

28 Sec. 15. Section 29-4007, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 29-4007 (1) When sentencing a person convicted of a registrable
31 offense under section 29-4003, the court shall:

1 (a) Provide written notification of the duty to register under the
2 Sex Offender Registration Act as provided in subsection (4) of this
3 section; ~~at the time of sentencing to any defendant who has pled guilty~~
4 ~~or has been found guilty of a registrable offense under section 29-4003.~~
5 ~~The written notification shall:~~

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

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

15 (iii) ~~Inform the defendant that if he or she no longer has a~~
16 ~~residence, temporary domicile, or habitual living location, he or she~~
17 ~~shall report such change in person to the sheriff of the county in which~~
18 ~~he or she is located within three working days after such change in~~
19 ~~residence, temporary domicile, or habitual living location;~~

20 (iv) ~~Inform the defendant that if he or she moves to another county~~
21 ~~in the State of Nebraska, he or she must notify, in person, the county~~
22 ~~sheriff of the county in which he or she had been last residing, had a~~
23 ~~temporary domicile, or had a habitual living location and the county~~
24 ~~sheriff of the county in which he or she is residing, has a temporary~~
25 ~~domicile, or is habitually living of his or her current address. The~~
26 ~~notice must be given within three working days before his or her move;~~

27 (v) ~~Inform the defendant that if he or she moves to another state,~~
28 ~~he or she must report, in person, the change of address to the county~~
29 ~~sheriff of the county in which he or she has been residing, has had a~~
30 ~~temporary domicile, or has had a habitual living location and must comply~~
31 ~~with the registration requirements of the state to which he or she is~~

1 ~~moving. The notice must be given within three working days before his or~~
2 ~~her move;~~

3 ~~(vi) Inform the defendant that he or she shall (A) inform the~~
4 ~~sheriff of the county in which he or she resides, has a temporary~~
5 ~~domicile, or is habitually living, in person, of each educational~~
6 ~~institution at which he or she is employed, carries on a vocation, or~~
7 ~~attends school, within three working days after such employment or~~
8 ~~attendance, and (B) notify the sheriff of any change in such employment~~
9 ~~or attendance status of such person at such educational institution,~~
10 ~~within three working days;~~

11 ~~(vii) Inform the defendant that he or she shall (A) inform the~~
12 ~~sheriff of the county in which the employment site is located, in person,~~
13 ~~of the name and address of any place where he or she is or will be an~~
14 ~~employee, within three working days after such employment, and (B) inform~~
15 ~~the sheriff of the county in which the employment site is located, in~~
16 ~~person, of any change in his or her employment;~~

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

21 ~~(ix) Inform the defendant that fingerprints, palm prints, a DNA~~
22 ~~sample if not previously collected, and a photograph will be obtained by~~
23 ~~any registering entity in order to comply with the registration~~
24 ~~requirements;~~

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

26 ~~(xi) Inform the defendant of the reduction request requirements, if~~
27 ~~eligible, under section 29-4005;~~

28 (b) Require the defendant to read and sign the registration form
29 stating that the duty of the defendant to register under the act Sex
30 Offender Registration Act has been explained;

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

1 (d) Provide a copy of the filed notification, the information or
2 amended information, and the sentencing order of the court to the county
3 attorney, the defendant, the sex offender registration and community
4 notification division of the Nebraska State Patrol, and the county
5 sheriff of the county in which the defendant resides, has a temporary
6 domicile, or has a habitual living location.

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

13 (3)(a) The Department of Correctional Services or a city or county
14 correctional or jail facility shall provide written notification of the
15 duty to register pursuant to the Sex Offender Registration Act as
16 provided in subsection (4) of this section to any person committed to its
17 custody for a registrable offense under section 29-4003 prior to the
18 person's release from incarceration.

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 act has been explained;

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

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

28 (4) The written notification required by subsections (1) and (3) of
29 this section shall:

30 (a) ~~(i)~~ Inform the person of whether or not he or she is subject to
31 the act, the duration of time he or she will be subject to the act, and

1 that he or she shall report to a location designated by the Nebraska
2 State Patrol for purposes of accepting such registration within three
3 working days after the date of the written notification to register;

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

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

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

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

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

1 attendance, and (ii) ~~(B)~~ notify the sheriff of any change in such
2 employment or attendance status of such person at such educational
3 institution, within three working days after such change;

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

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

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

18 (j) ~~(x)~~ Inform the defendant of registry and verification locations;
19 and

20 (k) ~~(xi)~~ Inform the defendant of the reduction request requirements,
21 if eligible, under section 29-4005.

22 ~~(b) The Department of Correctional Services or a city or county~~
23 ~~correctional or jail facility shall:~~

24 ~~(i) Require the person to read and sign the notification form~~
25 ~~stating that the duty to register under the Sex Offender Registration Act~~
26 ~~has been explained;~~

27 ~~(ii) Retain a signed copy of the written notification to register;~~
28 and

29 ~~(iii) Provide a copy of the signed, written notification to register~~
30 ~~to the person and to the sex offender registration and community~~
31 ~~notification division of the Nebraska State Patrol.~~

1 (6) (4) If a person is convicted of a registrable offense under
2 section 29-4003 and is immediately incarcerated, he or she shall be
3 registered as required under the act prior to discharge, parole, or work
4 release.

5 (7) (5) The Department of Motor Vehicles shall cause written
6 notification of the duty to register to be provided on the applications
7 for a motor vehicle operator's license and for a commercial driver's
8 license.

9 (8) (6) All written notification as provided in this section shall
10 be on a form approved by the Attorney General.

11 Sec. 16. Section 76-1410, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 76-1410 Subject to additional definitions contained in the Uniform
14 Residential Landlord and Tenant Act and unless the context otherwise
15 requires:

16 (1) Act of domestic violence means abuse as defined in section
17 42-903, sexual assault under sections 28-319 to 28-320.01, domestic
18 assault under section 28-323, stalking under section 28-311.03, ~~labor or~~
19 sex trafficking under section 28-831, labor trafficking under section 5
20 of this act, and knowing and intentional abuse, neglect, or exploitation
21 of a vulnerable adult or senior adult under section 28-386.

22 (2) Action includes recoupment, counterclaim, setoff, suit in
23 equity, and any other proceeding in which rights are determined,
24 including an action for possession.

25 (3) Building and housing codes include any law, ordinance, or
26 governmental regulation concerning fitness for habitation, or the
27 construction, maintenance, operation, occupancy, use, or appearance of
28 any premises, or dwelling unit. Minimum housing code shall be limited to
29 those laws, resolutions, or ordinances or regulations, or portions
30 thereof, dealing specifically with health and minimum standards of
31 fitness for habitation.

1 (4) Dwelling unit means a structure or the part of a structure that
2 is used as a home, residence, or sleeping place by one person who
3 maintains a household or by two or more persons who maintain a common
4 household.

5 (5) Good faith means honesty in fact in the conduct of the
6 transaction concerned.

7 (6) Household member means a child or adult, other than the
8 perpetrator of an act of domestic violence, who resides with a tenant.

9 (7) Landlord means the owner, lessor, or sublessor of the dwelling
10 unit or the building of which it is a part, and it also means a manager
11 of the premises who fails to disclose as required by section 76-1417.

12 (8) Organization includes a corporation, government, governmental
13 subdivision or agency, business trust, estate, trust, partnership,
14 limited liability company, or association, two or more persons having a
15 joint or common interest, and any other legal or commercial entity.

16 (9) Owner means one or more persons, jointly or severally, in whom
17 is vested (a) all or part of the legal title to property, or (b) all or
18 part of the beneficial ownership and a right to present use and enjoyment
19 of the premises; and the term includes a mortgagee in possession.

20 (10) Person includes an individual, limited liability company, or
21 organization.

22 (11) Qualified third party means an organization that (a) is a
23 nonprofit organization organized under section 501(c)(3) of the Internal
24 Revenue Code or a federally recognized Indian tribe whose governmental
25 body is within the borders of Nebraska and (b) has an affiliation
26 agreement with the Department of Health and Human Services to provide
27 services to victims of domestic violence and sexual assault under the
28 Protection from Domestic Abuse Act.

29 (12) Premises means a dwelling unit and the structure of which it is
30 a part and facilities and appurtenances therein and grounds, areas, and
31 facilities held out for the use of tenants generally or whose use is

1 promised to the tenant.

2 (13) Rent means all payments to be made to the landlord under the
3 rental agreement.

4 (14) Rental agreement means all agreements, written or oral, between
5 a landlord and tenant, and valid rules and regulations adopted under
6 section 76-1422 embodying the terms and conditions concerning the use and
7 occupancy of a dwelling unit and premises.

8 (15) Roomer means a person occupying a dwelling unit that lacks a
9 major bathroom or kitchen facility, in a structure where one or more
10 major facilities are used in common by occupants of the dwelling units.
11 Major facility in the case of a bathroom means toilet, or either a bath
12 or shower, and in the case of a kitchen means refrigerator, stove, or
13 sink.

14 (16) Single-family residence means a structure maintained and used
15 as a single dwelling unit. Notwithstanding that a dwelling unit shares
16 one or more walls with another dwelling unit, it is a single-family
17 residence if it has direct access to a street or thoroughfare and shares
18 neither heating facilities, hot water equipment, nor any other essential
19 facility or service with any other dwelling unit.

20 (17) Tenant means a person entitled under a rental agreement to
21 occupy a dwelling unit to the exclusion of others.

22 Sec. 17. This act becomes operative on January 1, 2025.

23 Sec. 18. Original sections 25-21,302, 29-4001, and 29-4001.01,
24 Reissue Revised Statutes of Nebraska, sections 28-830, 28-831, 29-110,
25 29-4003, 29-4007, and 76-1410, Revised Statutes Cumulative Supplement,
26 2022, and sections 28-101 and 28-1354, Revised Statutes Supplement, 2023,
27 are repealed.