

E AND R AMENDMENTS TO LB 142

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 28-101, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 28-101 Sections 28-101 to 28-1350 and section 3 of this
6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. Section 28-1310, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 28-1310 (1) A person commits the offense of intimidation
10 by ~~telephone call~~ electronic communication device if, with the
11 intent to terrify, intimidate, threaten, or harass, annoy, or
12 offend, the person; he or she:

13 ~~(a) Telephones another anonymously, whether or not~~
14 ~~conversation ensues, and disturbs the peace, quiet, and right of~~
15 ~~privacy of any person at the place where the calls are received; or~~

16 (a) Contacts another person utilizing an electronic
17 communication device and disturbs the peace, quiet, and right
18 of privacy of any person at the place where the communications are
19 received;

20 ~~(b) Telephones~~ Contacts another person using an
21 electronic communication device and uses or transmits any indecent,
22 lewd, lascivious, or obscene language, writing, or sound, or
23 transmits any visual depiction of sexually explicit conduct as

1 defined in section 28-1463.02, or suggests any indecent, lewd, or
2 lascivious act; ~~or~~

3 (c) ~~Telephones~~ Contacts another person using an
4 electronic communication device and threatens to inflict injury to
5 any person or to the property of any person; ~~or~~

6 (d) Intentionally fails to disengage ~~the~~ an electronic
7 communication device connection; or

8 (e) ~~Telephones~~ Contacts another person using an
9 electronic communication device and attempts to extort money or
10 other thing of value from any person.

11 ~~(2) The use of indecent, lewd, or obscene language or~~
12 ~~the making of a threat or lewd suggestion shall be prima facie~~
13 ~~evidence of intent to terrify, intimidate, threaten, harass, annoy,~~
14 ~~or offend.~~

15 (2) Intimidation by electronic communication device is a
16 Class I misdemeanor.

17 (3) ~~The offense~~ Intimidation by electronic communication
18 device shall be deemed to have been committed either at the place
19 where the call communication was made initiated or where it was
20 received.

21 ~~(4) Intimidation by telephone call is a Class III~~
22 ~~misdemeanor.~~

23 (4) For purposes of this section, electronic
24 communication device means any device which, in its ordinary and
25 intended use, transmits signs, signals, writings, sounds, visual
26 images, data, or intelligence of any nature, in whole or in
27 part, by a wire, radio, or electromagnetic, photoelectric, or

1 photo-optical system to another electronic communication device.
2 Electronic communication device includes, but is not limited
3 to: Cellular, wireless, and wire-based telephones, including
4 text-messaging capabilities on such telephones; computers as
5 defined in section 28-1343; and personal data assistants that
6 operate in a manner consistent with this definition.

7 Sec. 3. (1) A person commits the offense of enticement by
8 electronic communication device if he or she is nineteen years of
9 age or over and knowingly uses an electronic communication device
10 to contact a child under sixteen years of age or a peace officer
11 who is believed by such person to be a child under sixteen years of
12 age and in so doing:

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

15 (b) Transmits or otherwise disseminates any visual
16 depiction of sexually explicit conduct as defined in section
17 28-1463.02; or

18 (c) Suggests any indecent, lewd, or lascivious act.

19 (2) Enticement by electronic communication device is a
20 Class IV felony.

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

24 (4) For purposes of this section, electronic
25 communication device means any device which, in its ordinary and
26 intended use, transmits signs, signals, writings, sounds, visual
27 images, data, or intelligence of any nature, in whole or in

1 part, by a wire, radio, or electromagnetic, photoelectric, or
2 photo-optical system to another electronic communication device.
3 Electronic communication device includes, but is not limited
4 to: Cellular, wireless, and wire-based telephones, including
5 text-messaging capabilities on such telephones; computers as
6 defined in section 28-1343; and personal data assistants that
7 operate in a manner consistent with this definition.

8 Sec. 4. Original sections 28-101 and 28-1310, Revised
9 Statutes Cumulative Supplement, 2006, are repealed.

10 2. On page 1, strike beginning with "section" in line 1
11 through line 5 and insert "sections 28-101 and 28-1310, Revised
12 Statutes Cumulative Supplement, 2006; to change penalty provisions
13 relating to intimidation by telephone call; to create the offense
14 of enticement by electronic communication device; to harmonize
15 provisions; and to repeal the original sections."