

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 735**

Introduced by Fulton, 29.

Read first time January 09, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Sexual Predator Residency Restriction  
2 Act; to amend sections 29-4015, 29-4016, and 29-4017,  
3 Revised Statutes Cumulative Supplement, 2006; to rename  
4 the act; to authorize certain employment restrictions;  
5 and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 29-4015, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           29-4015 Sections 29-4015 to 29-4017 shall be known and  
4 may be cited as the Sexual Predator Residency and Employment  
5 Restriction Act.

6           Sec. 2. Section 29-4016, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           29-4016 For purposes of the Sexual Predator Residency and  
9 Employment Restriction Act:

10           (1) Child care facility means a facility licensed  
11 pursuant to the Child Care Licensing Act;

12           (2) Political subdivision means a village, a city, a  
13 county, a school district, a public power district, or any other  
14 unit of local government;

15           (3) School means a public, private, denominational, or  
16 parochial school which meets the requirements for accreditation or  
17 approval prescribed in Chapter 79;

18           (4) Sex offender means an individual who has been  
19 convicted of a crime listed in section 29-4003 and who is required  
20 to register as a sex offender pursuant to the Sex Offender  
21 Registration Act; and

22           (5) Sexual predator means an individual who is required  
23 to register under the Sex Offender Registration Act, who has a high  
24 risk of recidivism as determined by the Nebraska State Patrol under  
25 section 29-4013, and who has victimized a person eighteen years of

1 age or younger.

2 Sec. 3. Section 29-4017, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4 29-4017 (1) A political subdivision may enact an  
5 ordinance, resolution, or other legal restriction prescribing where  
6 sex offenders may reside or be employed only if the restrictions  
7 are limited to sexual predators, extend no more than five  
8 hundred feet from a school or child care facility, and meet the  
9 requirements of subsection (2) of this section.

10 (2) An ordinance, resolution, or other legal restriction  
11 enacted by a political subdivision shall not apply to a sexual  
12 predator who:

13 (a) Resides within a prison or a correctional or  
14 treatment facility operated by the state or a political  
15 subdivision;

16 (b) Established a residence or began employment before  
17 July 1, 2006, and has not moved from that residence or location of  
18 employment; or

19 (c) Established a residence or began employment after  
20 July 1, 2006, and the school or child care facility triggering the  
21 restriction was established after the initial date of the sexual  
22 predator's residence or employment at that location.

23 (3) Any ordinance, resolution, or other legal restriction  
24 prescribing where sex offenders may reside or be employed which  
25 does not meet the requirements of this section is void, regardless

1 of whether such ordinance, resolution, or legal restriction was  
2 adopted prior to, on, or after July 14, 2006.

3           Sec. 4. Original sections 29-4015, 29-4016, and 29-4017,  
4 Revised Statutes Cumulative Supplement, 2006, are repealed.