

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 508

Introduced by Bloomfield, 17; Brasch, 16; Carlson, 38; Fulton, 29;
Harms, 48; Krist, 10; Larson, 40; Pirsch, 4; Schilz,
47; Schumacher, 22; Smith, 14.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Sexual Predator Residency Restriction Act;
2 to amend section 29-4017, Reissue Revised Statutes of
3 Nebraska, and section 29-4016, Revised Statutes
4 Cumulative Supplement, 2010; to authorize certain
5 residency restrictions near parks; to provide an
6 operative date; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4016, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 29-4016 For purposes of the Sexual Predator Residency
4 Restriction Act:

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

7 (2) Park means a parcel of ground or a facility
8 established by a political subdivision for recreational use by the
9 public. The park shall cover at least twenty-five hundred square feet
10 of ground or floor space;

11 ~~(2)~~(3) Political subdivision means a village, a city, a
12 county, a school district, a public power district, or any other unit
13 of local government;

14 ~~(3)~~(4) School means a public, private, denominational,
15 or parochial school which meets the requirements for accreditation or
16 approval prescribed in Chapter 79;

17 ~~(4)~~(5) Sex offender means an individual who has been
18 convicted of a crime listed in section 29-4003 and who is required to
19 register as a sex offender pursuant to the Sex Offender Registration
20 Act; and

21 ~~(5)~~(6) Sexual predator means an individual who is
22 required to register under the Sex Offender Registration Act, who has
23 committed an aggravated offense as defined in section 29-4001.01, and
24 who has victimized a person eighteen years of age or younger.

25 Sec. 2. Section 29-4017, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

8 ~~(2)~~(b) An ordinance, resolution, or other legal
9 restriction enacted ~~by a political subdivision under this subsection~~
10 shall not apply to a sexual predator who:

11 ~~(a) Resides within a prison or a correctional or~~
12 ~~treatment facility operated by the state or a political subdivision;~~

13 ~~(b)~~(i) Established a residence before July 1, 2006, and
14 has not moved from that residence; or

15 ~~(c)~~(ii) Established a residence after July 1, 2006, and
16 the school or child care facility triggering the restriction was
17 established after the initial date of the sexual predator's residence
18 at that location.

19 ~~(3)~~(c) Any ordinance, resolution, or other legal
20 restriction prescribing where sex offenders may reside which does not
21 meet the requirements of this ~~section~~subsection is void, regardless
22 of whether such ordinance, resolution, or legal restriction was
23 adopted prior to, on, or after July 14, 2006.

24 (2)(a) A political subdivision may enact an ordinance,
25 resolution, or other legal restriction prescribing where sex

1 offenders may reside only if the restrictions are limited to sexual
2 predators, extend no more than five hundred feet from a park, and
3 meet the requirements of subdivision (b) of this subsection.

4 (b) An ordinance, resolution, or other legal restriction
5 enacted under this subsection shall not apply to a sexual predator
6 who:

7 (i) Established a residence before the effective date of
8 this act and has not moved from that residence; or

9 (ii) Established a residence after the effective date of
10 this act and the park triggering the restriction was established
11 after the initial date of the sexual predator's residence at that
12 location.

13 (c) Any ordinance, resolution, or other legal restriction
14 prescribing where sex offenders may reside which does not meet the
15 requirements of this subsection is void, regardless of whether such
16 ordinance, resolution, or legal restriction was adopted prior to, on,
17 or after the effective date of this act.

18 (3) An ordinance, resolution, or other legal restriction
19 enacted under this section shall not apply to a sexual predator who
20 resides within a prison or a correctional or treatment facility
21 operated by the state or a political subdivision.

22 Sec. 3. This act becomes operative on October 1, 2011.

23 Sec. 4. Original section 29-4017, Reissue Revised
24 Statutes of Nebraska, and section 29-4016, Revised Statutes
25 Cumulative Supplement, 2010, are repealed.