

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 292

FINAL READING

Introduced by Coash, 27.

Read first time January 15, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to public welfare and safety; to amend
2 sections 28-713.01, 28-720, 28-720.01, 28-721, 29-4001.01, 29-4006,
3 and 29-4007, Revised Statutes Cumulative Supplement, 2014; to change
4 provisions relating to the central registry of child protection
5 cases; to eliminate certain registration and notification
6 requirements under the Sex Offender Registration Act; to eliminate
7 the offense of unlawful use of the Internet by a prohibited sex
8 offender; to harmonize provisions; to repeal the original sections;
9 and to outright repeal section 28-322.05, Revised Statutes
10 Cumulative Supplement, 2014.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-713.01, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 28-713.01 (1) Upon completion of the investigation pursuant to
4 section 28-713:

5 (a) In situations of alleged out-of-home child abuse or neglect, the
6 person or persons having custody of the allegedly abused or neglected
7 child or children shall be given written notice of the results of the
8 investigation and any other information the law enforcement agency or
9 department deems necessary. Such notice and information shall be sent by
10 first-class mail; and

11 (b) The subject of the report of child abuse or neglect shall be
12 given written notice of the determination of the case and whether the
13 subject of the report of child abuse or neglect will be entered into the
14 central registry of child protection cases maintained pursuant to section
15 28-718 under the criteria provided in section 28-720.

16 (2) If the subject of the report will be entered into the central
17 registry, the notice to the subject shall be sent by certified mail with
18 return receipt requested or first-class mail to the last-known address of
19 the subject of the report of child abuse or neglect and shall include:

20 (a) The nature of the report;

21 (b) The classification of the report under section 28-720; ~~and~~

22 (c) Notification of the right of the subject of the report of child
23 abuse or neglect to request the department to amend or expunge
24 identifying information from the report or to remove the substantiated
25 report from the central registry in accordance with section 28-723; ~~and -~~

26 (d) If the subject of the report of child abuse or neglect is a
27 minor child who is twelve years of age or older but younger than nineteen
28 years of age:

29 (i) Notification of the mandatory expungement hearing to be held
30 according to section 28-721, a waiver form to waive the hearing, and an
31 explanation of the hearing process;

1 (ii) An explanation of the implications of being entered in the
2 central registry as a subject;

3 (iii) Notification of any other procedures determined appropriate in
4 rules and regulations adopted and promulgated by the department; and

5 (iv) Provision of a copy of all notice materials required to be
6 provided to the subject under this subsection to the minor child's
7 attorney of record, parent or guardian, and guardian ad litem, if
8 applicable.

9 (3) If the subject of the report will not be entered into the
10 central registry, the notice to the subject shall be sent by first-class
11 mail and shall include:

12 (a) The nature of the report; and

13 (b) The classification of the report under section 28-720.

14 Sec. 2. Section 28-720, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 28-720 (1) All cases entered into the central registry of child
17 protection cases maintained pursuant to section 28-718 shall be
18 classified as one of the following:

19 (a 1) Court substantiated, if a court of competent jurisdiction has
20 entered a judgment of guilty against the subject of the report of child
21 abuse or neglect upon a criminal complaint, indictment, or information or
22 there has been an adjudication of jurisdiction of a juvenile court over
23 the child under subdivision (3)(a) of section 43-247 which relates or
24 pertains to the report of child abuse or neglect;

25 (b 2) Court pending, if a criminal complaint, indictment, or
26 information or a juvenile petition under subdivision (3)(a) of section
27 43-247, which relates or pertains to the subject of the report of abuse
28 or neglect, has been filed and is pending in a court of competent
29 jurisdiction; or

30 (c 3) Agency substantiated, if the department's determination of
31 child abuse or neglect against the subject of the report of child abuse

1 or neglect was supported by a preponderance of the evidence and based
2 upon an investigation pursuant to section 28-712.01 or 28-713.

3 (2) If a case described in subdivision (1)(b) of this section is
4 dismissed by the court or a juvenile petition under subdivision (3)(a) of
5 section 43-247 is redesignated to indicate there is no fault on the part
6 of the parent, guardian, or custodian, the case shall be immediately
7 expunged from the central registry of child protection cases.

8 (3)(a) If the subject of the report of child abuse or neglect is a
9 minor child who is younger than twelve years of age, the case shall not
10 be entered into the central registry of child protection cases.

11 (b) If a juvenile petition is filed under subdivision (3)(a) of
12 section 43-247 indicating that the juvenile is without proper support
13 through no fault of his or her parent, guardian, or custodian, the case
14 shall not be entered into the central registry of child protection cases.

15 (4) If the subject of the report of child abuse or neglect is a
16 minor child who is twelve years of age or older but younger than nineteen
17 years of age, the case shall not be classified as court pending in the
18 central registry of child protection cases.

19 (5) The department shall report annually, on or before September 15,
20 to the Governor and electronically to the chairpersons of the Health and
21 Human Services Committee of the Legislature and the Judiciary Committee
22 of the Legislature the number of cases entered into the central registry
23 of child protection cases in which the subject is a minor child, the ages
24 of such subjects who are children, and the number of such cases
25 classified as court substantiated or agency substantiated.

26 Sec. 3. Section 28-720.01, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 28-720.01 All reports of child abuse or neglect which are not under
29 subdivision (1)(a), (b 2), or (c 3) of section 28-720 shall be considered
30 unfounded and shall be maintained only in the tracking system of child
31 protection cases pursuant to section 28-715 and not in the central

1 registry of child protection cases maintained pursuant to section 28-718.

2 Sec. 4. Section 28-721, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 28-721 (1) At any time, the department may amend, expunge, or
5 remove from the central registry of child protection cases maintained
6 pursuant to section 28-718 any record upon good cause shown and upon
7 notice to the subject of the report of child abuse or neglect.

8 (2)(a) If the subject of the report of child abuse or neglect is a
9 minor child who is twelve years of age or older but younger than nineteen
10 years of age, the subject is entered into the central registry of child
11 protection cases maintained under section 28-718, and the case involving
12 that minor child is classified as court substantiated or agency
13 substantiated as provided in section 28-720, the department shall conduct
14 a mandatory expungement hearing within sixty days after the subject
15 receives the notification required under section 28-713.01 unless the
16 subject and the subject's attorney of record, parent, guardian, or
17 guardian ad litem sign and return a waiver form as provided under section
18 28-713.01 within thirty days after receipt. The department shall not, as
19 guardian, sign a waiver form for any subject in its custody. If such
20 subject remains on the central registry of child protection cases, the
21 department shall conduct a second mandatory expungement hearing within
22 sixty days after the subject's nineteenth birthday unless the subject
23 signs and returns a waiver form as provided under section 28-713.01
24 within thirty days after receipt.

25 (b) The department may conduct the mandatory expungement hearing by
26 any means, including by telephone.

27 (c) If a mandatory expungement hearing is held regarding the subject
28 of a report of child abuse or neglect who is a minor child and the
29 subject is entered into the central registry of child protection cases
30 maintained under section 28-718, the subject may make a subsequent
31 request under subsection (1) of this section or section 28-723.

1 Sec. 5. Section 29-4001.01, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-4001.01 For purposes of the Sex Offender Registration Act:

4 (1) Aggravated offense means any registrable offense under section
5 29-4003 which involves the penetration of, direct genital touching of,
6 oral to anal contact with, or oral to genital contact with (a) a victim
7 age thirteen years or older without the consent of the victim, (b) a
8 victim under the age of thirteen years, or (c) a victim who the sex
9 offender knew or should have known was mentally or physically incapable
10 of resisting or appraising the nature of his or her conduct;

11 ~~(2) Blog means a web site contained on the Internet that is created,~~
12 ~~maintained, and updated in a log, journal, diary, or newsletter format by~~
13 ~~an individual, group of individuals, or corporate entity for the purpose~~
14 ~~of conveying information or opinions to Internet users who visit their~~
15 ~~web site;~~

16 ~~(3) Chat room means a web site or server space on the Internet or~~
17 ~~communication network primarily designated for the virtually~~
18 ~~instantaneous exchange of text or voice transmissions or computer file~~
19 ~~attachments amongst two or more computers or electronic communication~~
20 ~~device users;~~

21 ~~(4) Chat room identifiers means the username, password, symbol,~~
22 ~~image, or series of symbols, letters, numbers, or text characters used by~~
23 ~~a chat room participant to identify himself or herself in a chat room or~~
24 ~~to identify the source of any content transmitted from a computer or~~
25 ~~electronic communication device to the web site or server space upon~~
26 ~~which the chat room is dedicated;~~

27 (2 5) DNA sample has the same meaning as in section 29-4103;

28 ~~(6) Domain name means a series of text-based symbols, letters,~~
29 ~~numbers, or text characters used to provide recognizable names to~~
30 ~~numerically addressed Internet resources that are registered by the~~
31 ~~Internet Corporation for Assigned Names and Numbers;~~

1 ~~(7) Email means the exchange of electronic text messages and~~
2 ~~computer file attachments between computers or other electronic~~
3 ~~communication devices over a communications network, such as a local area~~
4 ~~computer network or the Internet;~~

5 ~~(8) Email address means the string of letters, numbers, and symbols~~
6 ~~used to specify the source or destination of an email message that is~~
7 ~~transmitted over a communication network;~~

8 ~~(3 9) Habitual living location means any place that an offender may~~
9 ~~stay for a period of more than three days even though the sex offender~~
10 ~~maintains a separate permanent address or temporary domicile;~~

11 ~~(10) Instant messaging means a direct, dedicated, and private~~
12 ~~communication service, accessed with a computer or electronic~~
13 ~~communication device, that enables a user of the service to send and~~
14 ~~receive virtually instantaneous text transmissions or computer file~~
15 ~~attachments to other selected users of the service through the Internet~~
16 ~~or a computer communications network;~~

17 ~~(11) Instant messaging identifiers means the username, password,~~
18 ~~symbol, image, or series of symbols, letters, numbers, images, or text~~
19 ~~characters used by an instant messaging user to identify their presence~~
20 ~~to other instant messaging users or the source of any content sent from~~
21 ~~their computer or electronic communication device to another instant~~
22 ~~messaging user;~~

23 ~~(4 12) Minor means a person under eighteen years of age;~~

24 ~~(13) Social networking web site means a web page or collection of~~
25 ~~web sites contained on the Internet (a) that enables users or subscribers~~
26 ~~to create, display, and maintain a profile or Internet domain containing~~
27 ~~biographical data, personal information, photos, or other types of media,~~
28 ~~(b) that can be searched, viewed, or accessed by other users or visitors~~
29 ~~to the web site, with or without the creator's permission, consent,~~
30 ~~invitation, or authorization, and (c) that may permit some form of~~
31 ~~communication, such as direct comment on the profile page, instant~~

1 ~~messaging, or email, between the creator of the profile and users who~~
2 ~~have viewed or accessed the creator's profile;~~

3 (5 14) State DNA Data Base means the data base established pursuant
4 to section 29-4104; and

5 (6 15) Temporary domicile means any place at which the person
6 actually lives or stays for a period of at least three working days.

7 Sec. 6. Section 29-4006, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 29-4006 (1) Registration information required by the Sex Offender
10 Registration Act shall be entered into a data base in a format approved
11 by the sex offender registration and community notification division of
12 the Nebraska State Patrol and shall include, but not be limited to, the
13 following information:

14 (a) The legal name and all aliases which the person has used or
15 under which the person has been known;

16 (b) The person's date of birth and any alias dates of birth;

17 (c) The person's social security number;

18 (d) The address of each residence at which the person resides, has a
19 temporary domicile, has a habitual living location, or will reside;

20 (e) The name and address of any place where the person is an
21 employee or will be an employee, including work locations without a
22 single worksite;

23 (f) The name and address of any place where the person is a student
24 or will be a student;

25 (g) The license plate number and a description of any vehicle owned
26 or operated by the person and its regular storage location;

27 (h) The person's motor vehicle operator's license number, including
28 the person's valid motor vehicle operator's license or state
29 identification card submitted for photocopying;

30 (i) The person's original travel and immigration documents submitted
31 for photocopying;

1 (j) The person's original professional licenses or certificates
2 submitted for photocopying;

3 ~~(k) The person's remote communication device identifiers and~~
4 ~~addresses, including, but not limited to, all global unique identifiers,~~
5 ~~serial numbers, Internet protocol addresses, telephone numbers, and~~
6 ~~account numbers specific to the device;~~

7 (k ~~l~~) The person's telephone numbers;

8 (l ~~m~~) A physical description of the person;

9 (m ~~n~~) A digital link to the text of the provision of law defining
10 the criminal offense or offenses for which the person is registered under
11 the act;

12 (n ~~o~~) Access to the criminal history of the person, including the
13 date of all arrests and convictions, the status of parole, probation, or
14 supervised release, registration status, and the existence of any
15 outstanding arrest warrants for the person;

16 (o ~~p~~) A current photograph of the person;

17 (p ~~q~~) A set of fingerprints and palm prints of the person; and

18 (q ~~r~~) A DNA sample of the person. ; ~~and~~

19 ~~(s) All email addresses, instant messaging identifiers, chat room~~
20 ~~identifiers, global unique identifiers, and other Internet communication~~
21 ~~identifiers that the person uses or plans to use, all domain names~~
22 ~~registered by the registrant, and all blogs and Internet sites maintained~~
23 ~~by the person or to which the person has uploaded any content or posted~~
24 ~~any messages or information.~~

25 ~~(2) When the person provides any information under subdivision (1)~~
26 ~~(k) or (s) of this section, the registrant shall sign a consent form,~~
27 ~~provided by the law enforcement agency receiving this information,~~
28 ~~authorizing the:~~

29 ~~(a) Search of all the computers or electronic communication devices~~
30 ~~possessed by the person; and~~

31 ~~(b) Installation of hardware or software to monitor the person's~~

1 ~~Internet usage on all the computers or electronic communication devices~~
2 ~~possessed by the person.~~

3 (2 ~~3~~) Except as provided in section 29-4005, the registration
4 information shall be verified as provided in subsections (3), (4), and
5 (5), ~~and (6)~~ of this section for the duration of the registration period.
6 The person shall appear in person for such verification at the office of
7 the sheriff of the county in which he or she resides, has a temporary
8 domicile, or is habitually living for purposes of accepting verifications
9 and shall have his or her photograph and fingerprints taken upon request
10 of verification personnel.

11 (3 ~~4~~) A person required to register under the act for fifteen years
12 shall report every twelve months in the month of his or her birth, in
13 person, to the office of the sheriff of the county in which he or she
14 resides for purposes of accepting verifications, regardless of the
15 original registration month. The sheriff shall submit such verification
16 information to the sex offender registration and community notification
17 division of the Nebraska State Patrol on the day it is received and in a
18 manner prescribed by the Nebraska State Patrol for such purpose.

19 (4 ~~5~~) A person required to register under the act for twenty-five
20 years shall report, in person, every six months to the office of the
21 sheriff of the county in which he or she resides for purposes of
22 accepting verification. The person shall report, in person, in the month
23 of his or her birth and in the sixth month following the month of his or
24 her birth, regardless of the original registration month. The sheriff
25 shall submit such verification information to the sex offender
26 registration and community notification division of the Nebraska State
27 Patrol on the day it is received and in a manner prescribed by the
28 Nebraska State Patrol for such purpose.

29 (5 ~~6~~) A person required to register under the act for life shall
30 report, in person, every three months to the office of the sheriff of the
31 county in which he or she resides for purposes of accepting verification.

1 The person shall report, in person, in the month of his or her birth and
2 every three months following the month of his or her birth, regardless of
3 the original registration month. The sheriff shall submit such
4 verification information to the sex offender registration and community
5 notification division of the Nebraska State Patrol on the day it is
6 received and in a manner prescribed by the Nebraska State Patrol for such
7 purpose.

8 (6 ~~7~~) The verification form shall be signed by the person required
9 to register under the act and state whether the address last reported to
10 the division is still correct.

11 (7 ~~8~~) Upon receipt of registration and confirmation of the registry
12 requirement, the sex offender registration and community notification
13 division of the Nebraska State Patrol shall notify the person by
14 certified mail of his or her registry duration and verification schedule.

15 (8 ~~9~~) If the person required to register under the act fails to
16 report in person as required in subsection (3), (4), or (5), ~~or (6)~~ of
17 this section, the person shall be in violation of this section.

18 (9 ~~10~~) If the person required to register under the act falsifies
19 the registration or verification information or form or fails to provide
20 or timely update law enforcement of any of the information required to be
21 provided by the Sex Offender Registration Act, the person shall be in
22 violation of this section.

23 (10 ~~11~~) The verification requirements of a person required to
24 register under the act shall not apply during periods of such person's
25 incarceration or inpatient civil commitment. Verification shall be
26 resumed as soon as such person is placed on any type of supervised
27 release, parole, or probation or outpatient civil commitment or is
28 released from incarceration or civil commitment. Prior to any type of
29 release from incarceration or inpatient civil commitment, the person
30 shall report a change of address, in writing, to the sheriff of the
31 county in which he or she is incarcerated and the sheriff of the county

1 in which he or she resides, has a temporary domicile, or has a habitual
2 living location. The sheriff shall submit the change of address to the
3 sex offender registration and community notification division of the
4 Nebraska State Patrol on the day it is received and in a manner
5 prescribed by the Nebraska State Patrol for such purpose.

6 (11 12) Any person required to register under the act shall, in
7 person, inform the sheriff of any legal change in name within three
8 working days after such change and provide a copy of the legal
9 documentation supporting the change in name. The sheriff shall submit the
10 information to the sex offender registration and community notification
11 division of the Nebraska State Patrol, in writing, immediately after
12 receipt of the information and in a manner prescribed by the Nebraska
13 State Patrol for such purpose.

14 ~~(13) Any person required to register under the Sex Offender~~
15 ~~Registration Act shall inform the sheriff with whom he or she is required~~
16 ~~to register of any changes in or additions to such person's list of email~~
17 ~~addresses, instant messaging identifiers, chat room identifiers, global~~
18 ~~unique identifiers, and other Internet communication identifiers that the~~
19 ~~registrant uses or plans to use, all domain names registered by the~~
20 ~~person, and all blogs and Internet web sites maintained by the person or~~
21 ~~to which the person has uploaded any content or posted any messages or~~
22 ~~information, in writing, by the next working day. The sheriff receiving~~
23 ~~this updated information shall submit the information to the sex offender~~
24 ~~registration and community notification division of the Nebraska State~~
25 ~~Patrol, in writing, by the next working day after receipt of the~~
26 ~~information.~~

27 (12 14) At any time that a person required to register under the act
28 violates the registry requirements and cannot be located, the registry
29 information shall reflect that the person has absconded, a warrant shall
30 be sought for the person's arrest, and the United States Marshals Service
31 shall be notified.

1 Sec. 7. Section 29-4007, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-4007 (1) When sentencing a person convicted of a registrable
4 offense under section 29-4003, the court shall:

5 (a) Provide written notification of the duty to register under the
6 Sex Offender Registration Act at the time of sentencing to any defendant
7 who has pled guilty or has been found guilty of a registrable offense
8 under section 29-4003. The written notification shall:

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

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

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

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

30 (v) Inform the defendant that if he or she moves to another state,
31 he or she must report, in person, the change of address to the county

1 sheriff of the county in which he or she has been residing, has had a
2 temporary domicile, or has had a habitual living location and must comply
3 with the registration requirements of the state to which he or she is
4 moving. The notice must be given within three working days before his or
5 her move;

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

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

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

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

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

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

31 ~~(xii) Inform the defendant that he or she must provide a list to all~~

1 ~~sheriffs with whom he or she must register of all email addresses,~~
2 ~~instant messaging identifiers, chat room identifiers, global unique~~
3 ~~identifiers, and other Internet communication identifiers that the~~
4 ~~defendant uses or plans to use, all domain names registered by the~~
5 ~~defendant, and all blogs and Internet web sites maintained by the~~
6 ~~defendant or to which the defendant has uploaded any content or posted~~
7 ~~any messages or information;~~

8 ~~(xiii) Inform the defendant that he or she is required to inform the~~
9 ~~sheriff with whom he or she is required to register of any changes in or~~
10 ~~additions to his or her list of email addresses, instant messaging~~
11 ~~identifiers, chat room identifiers, global unique identifiers, and other~~
12 ~~Internet communication identifiers that the defendant uses or plans to~~
13 ~~use, all domain names registered by the defendant, and all blogs and~~
14 ~~Internet web sites maintained by the defendant or to which the defendant~~
15 ~~has uploaded any content or posted any messages or information, in~~
16 ~~writing, by the next working day after such change or addition; and~~

17 ~~(xiv) Inform the defendant that throughout the applicable~~
18 ~~registration period, if applicable, he or she is prohibited from~~
19 ~~accessing or using any Internet social networking web site or any instant~~
20 ~~messaging or chat room service that has the likelihood of allowing the~~
21 ~~defendant to have contact with any child who is under the age of eighteen~~
22 ~~years if the defendant has been convicted and is currently being~~
23 ~~sentenced for:~~

24 ~~(A) Kidnapping of a minor pursuant to section 28-313;~~

25 ~~(B) False imprisonment of a minor pursuant to section 28-314 or~~
26 ~~28-315;~~

27 ~~(C) Sexual assault in the first degree pursuant to subdivision (1)~~
28 ~~(c) of section 28-319 or sexual assault of a child in the first degree~~
29 ~~pursuant to section 28-319.01;~~

30 ~~(D) Sexual assault of a child in the second or third degree pursuant~~
31 ~~to section 28-320.01;~~

1 ~~(E) Incest of a minor pursuant to section 28-703;~~

2 ~~(F) Visual depiction of sexually explicit conduct of a child~~
3 ~~pursuant to section 28-1463.03 or 28-1463.05;~~

4 ~~(G) Knowingly possessing any visual depiction of sexually explicit~~
5 ~~conduct pursuant to section 28-813.01;~~

6 ~~(H) Criminal child enticement pursuant to section 28-311;~~

7 ~~(I) Child enticement by means of an electronic communication device~~
8 ~~pursuant to section 28-320.02;~~

9 ~~(J) Enticement by electronic communication device pursuant to~~
10 ~~section 28-833; or~~

11 ~~(K) Any attempt or conspiracy to commit an offense listed in~~
12 ~~subdivisions (1)(a)(xiv)(A) through (1)(a)(xiv)(J) of this section;~~

13 (b) Require the defendant to read and sign a form stating that the
14 duty of the defendant to register under the Sex Offender Registration Act
15 has been explained;

16 (c) Retain a copy of the written notification signed by the
17 defendant; and

18 (d) Provide a copy of the signed, written notification, the judgment
19 and sentence, the information or amended information, and the journal
20 entry of the court to the county attorney, the defendant, the sex
21 offender registration and community notification division of the Nebraska
22 State Patrol, and the county sheriff of the county in which the defendant
23 resides, has a temporary domicile, or has a habitual living location.

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

30 (3)(a) The Department of Correctional Services or a city or county
31 correctional or jail facility shall provide written notification of the

1 duty to register pursuant to the Sex Offender Registration Act to any
2 person committed to its custody for a registrable offense under section
3 29-4003 prior to the person's release from incarceration. The written
4 notification shall:

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

10 (ii) Inform the person that if he or she moves to another address
11 within the same county, he or she must report all address changes, in
12 person, to the county sheriff of the county in which he or she has been
13 residing within three working days before his or her move;

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

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

26 (v) Inform the person that if he or she moves to another state, he
27 or she must report, in person, the change of address to the county
28 sheriff of the county in which he or she has been residing, has had a
29 temporary domicile, or has been habitually living and must comply with
30 the registration requirements of the state to which he or she is moving.
31 The report must be given within three working days before his or her

1 move;

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

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

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

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

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

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

27 ~~(xii) Inform the defendant that he or she must provide a list to all~~
28 ~~sheriffs with whom he or she must register of all email addresses,~~
29 ~~instant messaging identifiers, chat room identifiers, global unique~~
30 ~~identifiers, and other Internet communication identifiers that the~~
31 ~~defendant uses or plans to use, all domain names registered by the~~

1 ~~defendant, and all blogs and Internet web sites maintained by the~~
2 ~~defendant or to which the defendant has uploaded any content or posted~~
3 ~~any messages or information;~~

4 ~~(xiii) Inform the defendant that he or she is required to inform the~~
5 ~~sheriff with whom he or she is required to register of any changes in or~~
6 ~~additions to his or her list of email addresses, instant messaging~~
7 ~~identifiers, chat room identifiers, global unique identifiers, and other~~
8 ~~Internet communication identifiers that the defendant uses or plans to~~
9 ~~use, all domain names registered by the defendant, and all blogs and~~
10 ~~Internet web sites maintained by the defendant or to which the defendant~~
11 ~~has uploaded any content or posted any messages or information, in~~
12 ~~writing, by the next working day after such change or addition; and~~

13 ~~(xiv) Inform the defendant that throughout the applicable~~
14 ~~registration period, if applicable, he or she is prohibited from~~
15 ~~accessing or using any Internet social networking web site or any instant~~
16 ~~messaging or chat room service that has the likelihood of allowing the~~
17 ~~defendant to have contact with any child who is under the age of eighteen~~
18 ~~years if the defendant has been convicted and is currently being~~
19 ~~sentenced for:~~

20 ~~(A) Kidnapping of a minor pursuant to section 28-313;~~

21 ~~(B) False imprisonment of a minor pursuant to section 28-314 or~~
22 ~~28-315;~~

23 ~~(C) Sexual assault in the first degree pursuant to subdivision (1)~~
24 ~~(c) of section 28-319 or sexual assault of a child in the first degree~~
25 ~~pursuant to section 28-319.01;~~

26 ~~(D) Sexual assault of a child in the second or third degree pursuant~~
27 ~~to section 28-320.01;~~

28 ~~(E) Incest of a minor pursuant to section 28-703;~~

29 ~~(F) Visual depiction of sexually explicit conduct of a child~~
30 ~~pursuant to section 28-1463.03 or 28-1463.05;~~

31 ~~(G) Knowingly possessing any visual depiction of sexually explicit~~

1 ~~conduct pursuant to section 28-813.01;~~

2 ~~(H) Criminal child enticement pursuant to section 28-311;~~

3 ~~(I) Child enticement by means of an electronic communication device~~
4 ~~pursuant to section 28-320.02;~~

5 ~~(J) Enticement by electronic communication device pursuant to~~
6 ~~section 28-833; or~~

7 ~~(K) Any attempt or conspiracy to commit an offense listed in~~
8 ~~subdivisions (3)(a)(xiv)(A) through (3)(a)(xiv)(J) of this section.~~

9 (b) The Department of Correctional Services or a city or county
10 correctional or jail facility shall:

11 (i) Require the person to read and sign the notification form
12 stating that the duty to register under the Sex Offender Registration Act
13 has been explained;

14 (ii) Retain a signed copy of the written notification to register;
15 and

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

19 (4) If a person is convicted of a registrable offense under section
20 29-4003 and is immediately incarcerated, he or she shall be registered as
21 required under the act prior to discharge, parole, or work release.

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

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

28 Sec. 8. Original sections 28-713.01, 28-720, 28-720.01, 28-721,
29 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement,
30 2014, are repealed.

31 Sec. 9. The following section is outright repealed: Section

1 28-322.05, Revised Statutes Cumulative Supplement, 2014.