

LEGISLATIVE BILL 155

Approved by the Governor March 1, 2001

Introduced by Chambers, 11

AN ACT relating to crimes and offenses; to amend sections 28-322 and 28-322.01, Revised Statutes Supplement, 2000; to change provisions relating to sexual abuse of an inmate or parolee; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-322, Revised Statutes Supplement, 2000, is amended to read:

28-322. For purposes of sections 28-322 to 28-322.03, person means (1) an individual employed by the Department of Correctional Services or by the Office of Parole Administration, which includes, but is not limited to, individuals working in central administration of the department, any individual working under contract with the department, and any individual to whom the department has authorized or delegated control over inmates or inmates' activities and (2) an individual employed by a city or county correctional or jail facility, which includes, but is not limited to, individuals working in central administration of the city or county correctional or jail facility, any individual working under contract with the city or county correctional or jail facility, and any individual to whom the city or county correctional or jail facility has authorized or delegated control over inmates or inmates' activities.

Sec. 2. Section 28-322.01, Revised Statutes Supplement, 2000, is amended to read:

28-322.01. A person commits the offense of sexual abuse of an inmate or parolee if such person subjects an individual who is confined in a correctional institution or a city or county correctional or jail facility or under parole supervision to sexual penetration or sexual contact as those terms are defined in section 28-318. It is not a defense to a charge under this section that the inmate or parolee consented to such sexual penetration or sexual contact.

Sec. 3. Original sections 28-322 and 28-322.01, Revised Statutes Supplement, 2000, are repealed.