

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 875**

Introduced by Mossey, 3; Combs, 32; Cunningham, 40; Erdman, 47

Read first time January 7, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section  
2 29-4003, Revised Statutes Supplement, 2002; to change  
3 provisions relating to the Sex Offender Registration Act;  
4 to repeal the original section; and to declare an  
5 emergency.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 29-4003, Revised Statutes Supplement,  
2 2002, is amended to read:

3                   29-4003. (1) Except as provided in subsection (2) of  
4 this section, the Sex Offender Registration Act shall apply to any  
5 person who on or after January 1, 1997:

6                   (a) Pleads guilty to or is found guilty of:

7                   (i) Kidnapping of a minor pursuant to section 28-313,  
8 except when the person is the parent of the minor and was not  
9 convicted of any other offense in this section;

10                  (ii) False imprisonment of a minor pursuant to section  
11 28-314 or 28-315;

12                  (iii) Sexual assault pursuant to section 28-319 or  
13 28-320;

14                  (iv) Sexual assault of a child pursuant to section  
15 28-320.01;

16                  (v) Sexual assault of a vulnerable adult pursuant to  
17 subdivision (1)(c) of section 28-386;

18                  (vi) Incest of a minor pursuant to section 28-703;

19                  (vii) Pandering of a minor pursuant to section 28-802;

20                  (viii) Visual depiction of sexually explicit conduct of a  
21 child pursuant to section 28-1463.03 or 28-1463.05;

22                  (ix) Knowingly possessing any visual depiction of  
23 sexually explicit conduct which has a child as one of its  
24 participants or portrayed observers pursuant to section 28-813.01;

25                  (x) Criminal child enticement pursuant to section 28-311;

26 or

27                  ~~(\*)~~ (xi) Attempt, solicitation, or conspiracy to commit  
28 an offense listed in subdivisions (1)(a)(i) through ~~(1)(a)(ix)~~

1 (1) (a) (x) of this section;

2 (b) Enters the state and has pleaded guilty to or has  
3 been found guilty of any offense that is substantially equivalent  
4 to a registrable offense under subdivision (1) (a) of this section  
5 by any state, territory, commonwealth, or other jurisdiction of the  
6 United States, by the United States Government, or by court martial  
7 or other military tribunal; or

8 (c) Is incarcerated in a jail, a penal or correctional  
9 facility, or any other public or private institution or is under  
10 probation or parole as a result of pleading guilty to or being  
11 found guilty of a registrable offense under subdivision (1) (a) or  
12 (b) of this section prior to January 1, 1997.

13 (2) In the case of a person convicted of a violation of  
14 section 28-311, 28-313, 28-314, or 28-315, the convicted person  
15 shall be subject to the Sex Offender Registration Act, unless the  
16 sentencing court determines at the time of sentencing, in light of  
17 all the facts, that the convicted person is not subject to the act.  
18 The sentencing court shall make such determination part of the  
19 sentencing order.

20 (3) A person appealing a conviction of a registrable  
21 offense under this section shall be required to comply with the act  
22 during the appeals process.

23 Sec. 2. Original section 29-4003, Revised Statutes  
24 Supplement, 2002, is repealed.

25 Sec. 3. Since an emergency exists, this act takes effect  
26 when passed and approved according to law.