

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 957

Introduced by Ashford, 20; Aguilar, 35; Flood, 19; Friend, 10;
Fulton, 29; Gay, 14; Pirsch, 4.

Read first time January 14, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend sections
2 29-2264, 29-4001, 29-4003, 29-4004, 29-4005, 29-4006,
3 29-4007, 29-4009, 29-4011, 29-4016, and 83-174.03,
4 Revised Statutes Cumulative Supplement, 2006, and section
5 29-4013, Revised Statutes Supplement, 2007; to change
6 and eliminate provisions relating to the Sex Offender
7 Registration Act; to harmonize provisions; to provide
8 an operative date; to repeal the original sections; and
9 to outright repeal section 29-4010, Revised Statutes
10 Cumulative Supplement, 2006.

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

1 Section 1. Section 29-2264, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 29-2264 (1) Whenever any person is placed on probation
4 by a court and satisfactorily completes the conditions of his or
5 her probation for the entire period or is discharged from probation
6 prior to the termination of the period of probation, the sentencing
7 court shall issue an order releasing the offender from probation.
8 Such order in all felony cases shall provide notice that the
9 person's voting rights are restored two years after completion of
10 probation. The order shall include information on restoring other
11 civil rights through the pardon process, including application to
12 and hearing by the Board of Pardons.

13 (2) Whenever any person is convicted of a misdemeanor or
14 felony and is placed on probation by the court or is sentenced to
15 a fine only, he or she may, after satisfactory fulfillment of the
16 conditions of probation for the entire period or after discharge
17 from probation prior to the termination of the period of probation
18 ~~and~~ or after payment of any fine, petition the sentencing court to
19 set aside the conviction.

20 (3) In determining whether to set aside the conviction,
21 the court shall consider:

22 (a) The behavior of the offender after sentencing;

23 (b) The likelihood that the offender will not engage in
24 further criminal activity; and

25 (c) Any other information the court considers relevant.

1 (4) The court may grant the offender's petition and issue
2 an order setting aside the conviction when in the opinion of the
3 court the order will be in the best interest of the offender and
4 consistent with the public welfare. The order shall:

5 (a) Nullify the conviction; and

6 (b) Remove all civil disabilities and disqualifications
7 imposed as a result of the conviction.

8 (5) The setting aside of a conviction in accordance with
9 the Nebraska Probation Administration Act shall not:

10 (a) Require the reinstatement of any office, employment,
11 or position which was previously held and lost or forfeited as a
12 result of the conviction;

13 (b) Preclude proof of a plea of guilty whenever such plea
14 is relevant to the determination of an issue involving the rights
15 or liabilities of someone other than the offender;

16 (c) Preclude proof of the conviction as evidence of the
17 commission of the misdemeanor or felony whenever the fact of its
18 commission is relevant for the purpose of impeaching the offender
19 as a witness, except that the order setting aside the conviction
20 may be introduced in evidence;

21 (d) Preclude use of the conviction for the purpose of
22 determining sentence on any subsequent conviction of a criminal
23 offense;

24 (e) Preclude the proof of the conviction as evidence
25 of the commission of the misdemeanor or felony in the event an

1 offender is charged with a subsequent offense and the penalty
2 provided by law is increased if the prior conviction is proved;

3 (f) Preclude the proof of the conviction to determine
4 whether an offender is eligible to have a subsequent conviction set
5 aside in accordance with the Nebraska Probation Administration Act;

6 (g) Preclude use of the conviction as evidence of
7 commission of the misdemeanor or felony for purposes of determining
8 whether an application filed or a license issued under sections
9 71-1901 to 71-1906.01 or the Child Care Licensing Act or a
10 certificate issued under sections 79-806 to 79-815 should be
11 denied, suspended, or revoked;

12 (h) Preclude proof of the conviction as evidence whenever
13 the fact of the conviction is relevant to a determination of ~~risk~~
14 ~~of recidivism~~ the registration period under section 29-4013; or

15 (i) Relieve a person who is convicted of an offense for
16 which registration is required under the Sex Offender Registration
17 Act of the duty to register and to comply with the terms of the
18 act.

19 (6) Except as otherwise provided for the notice in
20 subsection (1) of this section, changes made to this section by
21 Laws 2005, LB 713, shall be retroactive in application and shall
22 apply to all persons, otherwise eligible in accordance with the
23 provisions of this section, whether convicted prior to, on, or
24 subsequent to September 4, 2005.

25 Sec. 2. Section 29-4001, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 29-4001 Sections 29-4001 to 29-4014 and section 3 of
3 this act shall be known and may be cited as the Sex Offender
4 Registration Act.

5 Sec. 3. For purposes of the Sex Offender Registration
6 Act:

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

15 (2) DNA sample has the same meaning as in section
16 29-4103;

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

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

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

1 Sec. 4. Section 29-4003, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

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

6 (a) ~~Pleads~~ Has ever pleaded guilty to, has pleaded nolo
7 contendere to, or is has been found guilty of any of the following:

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

11 (ii) False imprisonment of a minor pursuant to section
12 28-314 or 28-315;

13 (iii) Sexual assault pursuant to section 28-319 or
14 28-320;

15 (iv) Sexual assault of a child in the second or third
16 degree pursuant to section 28-320.01;

17 (v) Sexual assault of a child in the first degree
18 pursuant to section 28-319.01;

19 (vi) Sexual assault of a vulnerable adult pursuant to
20 subdivision (1)(c) of section 28-386;

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

22 (viii) Pandering of a minor pursuant to section 28-802;

23 (ix) Visual depiction of sexually explicit conduct of a
24 child pursuant to section 28-1463.03 or 28-1463.05;

25 (x) Knowingly possessing any visual depiction of sexually

1 explicit conduct which has a child as one of its participants or
2 portrayed observers pursuant to section 28-813.01;

3 (xi) Criminal child enticement pursuant to section
4 28-311;

5 (xii) Child enticement by means of a computer pursuant to
6 section 28-320.02;

7 (xiii) Debauching a minor pursuant to section 28-805; ~~e~~

8 (xiv) Unlawful intrusion pursuant to section 28-311.08 on
9 a minor;

10 (xv) Sexual abuse of an inmate or parolee in the first
11 degree pursuant to section 28-322.02;

12 (xvi) Sexual abuse of an inmate or parolee in the second
13 degree pursuant to section 28-322.03;

14 (xvii) Sexual abuse of a protected individual pursuant to
15 section 28-322.04;

16 (xviii) Child abuse pursuant to subdivision (1)(d) or (e)
17 of section 28-707;

18 (xix) Enticement by electronic communication device
19 pursuant to section 28-833; or

20 ~~(xiv)~~ (xx) Attempt, solicitation, aiding and abetting,
21 being an accessory, or conspiracy to commit an offense listed
22 in subdivisions (1)(a)(i) through ~~(1)(a)(xiii)~~ (1)(a)(xix) of this
23 section;

24 (b) ~~Enters the state and has~~ Has pleaded guilty to,
25 has pleaded nolo contendere to, or has been found guilty of any

1 offense that is substantially equivalent to a registrable offense
2 under subdivision (1)(a) of this section by any village, city,
3 state, territory, commonwealth, or other jurisdiction of the United
4 States, by the United States Government, ~~or~~ by court-martial
5 or other military tribunal, or by a foreign jurisdiction,
6 notwithstanding a procedure comparable in effect to that described
7 under section 29-2264 or any other procedure to nullify a
8 conviction other than by pardon;

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

14 ~~(d) (c) Enters the state and is required to register~~
15 ~~as a sex offender under the laws of another state, territory,~~
16 ~~commonwealth, or other jurisdiction of the United States; or -~~

17 (d) Has been civilly committed for a registrable offense
18 under subdivision (1)(a) of this section but not criminally
19 convicted for such an offense.

20 (2) In the case of a person convicted of a violation of
21 section 28-313, 28-314, or 28-315, and the victim was a minor, the
22 convicted person shall be subject to the Sex Offender Registration
23 Act. If the victim was not a minor, the convicted person shall be
24 subject to the Sex Offender Registration Act, unless the sentencing
25 court determines at the time of sentencing, in light of all the

1 facts, that the convicted person is not subject to the act.

2 ~~(2)~~ (3) In the case of a person convicted of a violation
3 of section ~~28-313, 28-314, 28-315,~~ 28-303, 28-304, 28-305, 28-308,
4 28-309, 28-310, 28-311.03, 28-311.08, or 28-805 or subdivision
5 (1)(d) or (e) of section 28-707, in which there is a sexual
6 element, the convicted person shall be subject to the Sex Offender
7 Registration Act, unless the sentencing court determines at the
8 time of sentencing, in light of all the facts, that the convicted
9 person is not subject to the act. ~~The sentencing court shall make~~
10 ~~such determination part of the sentencing order.~~

11 ~~(3)~~ (4) A person appealing a conviction of a registrable
12 offense under this section shall be required to comply with the act
13 during the appeals process.

14 Sec. 5. Section 29-4004, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 29-4004 (1) Any person subject to the Sex Offender
17 Registration Act shall register ~~with the sheriff of the county in~~
18 ~~which the person resides or is temporarily domiciled within five~~
19 three working days of after becoming subject to the act at a
20 location designated by the Nebraska State Patrol for purposes of
21 accepting such registration.

22 (2) Any person required to register under the act shall
23 inform the sheriff of the county in which he or she resides, in
24 ~~writing,~~ person, and complete a form as prescribed by the Nebraska
25 State Patrol for such purpose, if he or she has a new address,

1 temporary domicile, or habitual living location, within such county
2 ~~within five~~ three working days after the address change. The
3 sheriff shall ~~forward~~ electronically submit such information to the
4 sex offender registration and community notification division of
5 the Nebraska State Patrol ~~within five working days after receipt of~~
6 ~~the new address.~~ on the day it is received.

7 (3) Any person required to register under the act shall
8 inform the sheriff of the county in which he or she resides,
9 ~~in writing,~~ person, and complete a form as prescribed by the
10 Nebraska State Patrol for such purpose, if he or she has a new
11 address, temporary domicile, or habitual living location in a
12 different county in this state, ~~within five~~ three working days
13 after the address change. The sheriff shall ~~forward the new address~~
14 ~~to~~ electronically submit such information to the sex offender
15 registration and community notification division of the Nebraska
16 State Patrol on the day it is received. If the change in address,
17 temporary domicile, or habitual living location is to a location
18 within the State of Nebraska, the ~~within five working days after~~
19 ~~receipt of the new address.~~ The division shall notify the sheriff
20 of the each affected county ~~to which the person is relocating~~ of
21 the new address, temporary domicile, or habitual living location,
22 within three working days. The person shall report to the county
23 sheriff of his or her new county of residence and register with
24 such county sheriff ~~within five working days after the address~~
25 ~~change.~~

1 (4) Any person required to register under the act shall
2 inform the sheriff of the county in which he or she resides,
3 in ~~writing~~, person, and complete a form as prescribed by the
4 Nebraska State Patrol for such purpose, if he or she moves
5 to a new out-of-state address, within ~~five~~ three working days
6 after the address change. The sheriff shall ~~forward the new~~
7 ~~out-of-state address to~~ electronically submit such information to
8 the sex offender registration and notification division of the
9 Nebraska State Patrol ~~within five working days after receipt of~~
10 ~~the new out-of-state address. The division shall forward the new~~
11 ~~out-of-state address to~~ on the day it is received. If the change
12 in address, temporary domicile, or habitual living location is to
13 a location outside of the State of Nebraska, the division shall
14 notify the sheriff of each affected county in Nebraska and the
15 other state's, country's, or territory's central repository for sex
16 offender registration of the new out-of-state address, temporary
17 domicile, or habitual living location, within three working days.

18 (5) Any person required to register under the act who
19 is employed, carries on a vocation, or attends school in a county
20 other than the county in which he or she resides, shall inform, in
21 person, the sheriff of the county in which he or she is employed,
22 carries on a vocation, or attends school and complete a form as
23 prescribed by the Nebraska State Patrol for such purpose, within
24 three working days after becoming employed, carrying on a vocation,
25 or attending school. The person shall also notify the sheriff,

1 in person, of any changes in employment, vocation, or school of
2 attendance, and complete a form as prescribed by the patrol for
3 such purpose, within three working days after the change. The
4 sheriff shall electronically submit such information to the sex
5 offender registration and community notification division of the
6 Nebraska State Patrol on the day it is received.

7 ~~(5)~~ (6) Any person required to register under the act
8 who is residing, has a temporary domicile, or is habitually living
9 in another state or is temporarily domiciled in another state,
10 and is employed, carries on a vocation, or attends school in this
11 state, shall report and register, in person, with the sheriff of
12 the county in which he or she is employed, carries on a vocation,
13 or attends school in this state and complete a form as prescribed
14 by the Nebraska State Patrol for such purpose, within five ~~three~~
15 working days after becoming employed, carrying on a vocation,
16 or attending school. The person shall also notify the sheriff
17 of any changes in employment, vocation, or school of attendance,
18 in writing, person, and complete a form as prescribed by the
19 patrol for such purpose, within five ~~three~~ working days after
20 the change. The sheriff shall electronically submit such ~~forward~~
21 this information to the sex offender registration and community
22 notification division of the Nebraska State Patrol ~~within five~~
23 working days after receipt of such information. on the day it is
24 received. For purposes of this subsection:

25 (a) Attends school means enrollment in any educational

1 institution in this state on a full-time or part-time basis; and

2 (b) Is employed or carries on a vocation means any
3 full-time or part-time employment, with or without compensation,
4 which lasts for a duration of more than fourteen days or for an
5 aggregate period exceeding thirty days in a calendar year. and

6 ~~(c) Temporarily domiciled means a place at which the~~
7 ~~person actually lives or stays on a temporary basis even though~~
8 ~~he or she may plan to return to his or her permanent address~~
9 ~~or to another temporary address. For purposes of this section, a~~
10 ~~temporary domicile means any place at which the person actually~~
11 ~~lives or stays for a period of at least five working days.~~

12 ~~(6) (7) Any person incarcerated for a registrable offense~~
13 ~~under section 29-4003 in a jail, penal or correctional facility, or~~
14 ~~other public or private institution who is not already registered~~
15 ~~shall be registered by the jail, penal or correctional facility,~~
16 ~~or public or private institution prior to his or her discharge,~~
17 ~~parole, furlough, work release, or release. The person shall be~~
18 ~~informed and information shall be obtained as required in section~~
19 ~~29-4006.~~

20 ~~(7) Any person required to register under the act shall~~
21 ~~inform the sheriff of the county in which he or she resides, in~~
22 ~~writing, of each postsecondary educational institution at which~~
23 ~~he or she is employed, carries on a vocation, or attends school,~~
24 ~~within five working days after such employment or attendance.~~
25 ~~The person shall also notify the sheriff of any change in such~~

1 employment or attendance status at the postsecondary educational
2 institution, in writing, within five working days after such
3 change. The sheriff shall forward the information regarding such
4 employment or attendance to the sex offender registration and
5 community notification division of the Nebraska State Patrol within
6 five working days after receipt of the information.

7 (8) Any person required to register or who is registered
8 under the act, but is incarcerated for more than ~~five~~ three working
9 days, whether or not in his or her own county of residence or
10 temporary domicile, shall inform the sheriff of the county in which
11 such person would reside or would be temporarily domiciled if he or
12 she was not incarcerated, sex offender registration and community
13 notification division of the Nebraska State Patrol, in writing,
14 within ~~five~~ three working days after incarceration, of his or her
15 incarceration and his or her expected release date, if any such
16 date is available. The sheriff shall forward the information
17 regarding incarceration to the sex offender registration and
18 community notification division of the Nebraska State Patrol within
19 five working days after receipt of the information.

20 (9) Any person required to register or who is registered
21 under the act who no longer has a residence, ~~or~~ temporary domicile,
22 or habitual living location shall notify the county sheriff in
23 which he or she is located, in writing, report such change in
24 person to the sheriff of the county in which he or she is located,
25 within ~~five~~ three working days after such change in residence, ~~or~~

1 temporary domicile, or habitual living location. Such person shall
2 update his or her registration, in writing, on a form approved by
3 the sex offender registration and community notification division
4 of the Nebraska State Patrol at least once every thirty calendar
5 days during the time he or she remains without residence, ~~or~~
6 temporary domicile, or habitual living location.

7 (10) Each registering entity shall forward all written
8 information, photographs, and fingerprints obtained pursuant to the
9 act to the sex offender registration and community notification
10 division of the Nebraska State Patrol ~~within five working days.~~
11 electronically on the day it is received. The information shall be
12 forwarded on forms furnished by the division. The division shall
13 maintain a central registry of sex offenders required to register
14 under the act. Any collected DNA samples shall be forwarded to the
15 State DNA Data Base.

16 Sec. 6. Section 29-4005, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 29-4005 ~~(1)~~ (1)(a) Except as provided in ~~subsections (2)~~
19 ~~and (3)~~ subsection (2) of this section, any person to whom the
20 Sex Offender Registration Act applies shall be required to register
21 during any period of supervised release, probation, or parole and
22 shall continue to comply with the act for a the period of ~~ten~~
23 ~~years~~ time after the date of discharge from probation, parole, or
24 supervised release or release from incarceration, whichever date is
25 most recent, as set forth in subdivision (b) of this subsection.

1 ~~The ten-year registration requirement shall not apply to any person~~
2 ~~while he or she is incarcerated in a jail, a penal or correctional~~
3 ~~facility, or any other public or private institution. The ten-year~~
4 ~~registration requirement does not include any A sex offender shall~~
5 ~~keep the registration current for the full registration period, but~~
6 ~~shall not be subject to verification procedures during any time the~~
7 ~~sex offender is in custody or under an inpatient civil commitment,~~
8 ~~unless the sex offender is allowed a reduction in his or her~~
9 ~~registration period under subsection (2) of this section.~~

10 (b) The full registration period is as follows:

11 (i) Fifteen years, if the sex offender was convicted
12 of a registrable offense under section 29-4003 not punishable by
13 imprisonment for more than one year;

14 (ii) Twenty-five years, if the sex offender was convicted
15 of a registrable offense under section 29-4003 punishable by
16 imprisonment for more than one year or two or more registrable
17 offenses under section 29-4003 that are not punishable by
18 imprisonment for more than one year; or

19 (iii) Life, if the sex offender was convicted of
20 a registrable offense under section 29-4003 punishable by
21 imprisonment for more than one year and was convicted of an
22 aggravated offense or had a prior sex offense conviction punishable
23 by imprisonment for more than one year or has been determined to be
24 a lifetime registrant in another state, territory, commonwealth,
25 or other jurisdiction of the United States, by the United States

1 Government, by court-martial or other military tribunal, or by a
2 foreign jurisdiction.

3 (2) A sex offender who is required to register for
4 fifteen years may request a reduction in the registration period
5 to ten years upon completion of ten years of registration time
6 after the date of discharge from probation, parole, supervised
7 release, or incarceration, whichever date is most recent. The sex
8 offender shall make the request to the Nebraska State Patrol. The
9 sex offender shall provide proof of:

10 (a) No conviction of any offense for which imprisonment
11 for more than one year could have been imposed;

12 (b) No conviction of any sex offense;

13 (c) Successful completion of any period of probation,
14 parole, or supervised release; and

15 (d) Successful completion of an appropriate sex offender
16 treatment program.

17 (3) Any time period when any person who is required to
18 register under the act knowingly or willfully fails to comply with
19 such registration requirement shall not be counted as completed
20 registration time and shall be used to recalculate the registration
21 period.

22 ~~(2) A person required to register under section 29-4003~~
23 ~~shall be required to register under the act for the rest of his~~
24 ~~or her life if the offense creating the obligation to register is~~
25 ~~an aggravated offense, if the person has a prior conviction for a~~

1 registrable offense, or if the person is required to register as
2 a sex offender for the rest of his or her life under the laws of
3 another state, territory, commonwealth, or other jurisdiction of
4 the United States. A sentencing court shall make that fact part of
5 the sentencing order.

6 ~~(3)(a)~~ When sentencing a person for a registrable offense
7 under section 29-4003, a court may also determine if the person
8 is a sexually violent predator. When making its determination
9 the court shall consider information contained in the presentence
10 report and the recommendation of experts in the behavior and
11 treatment of sex offenders, victims' rights advocates, and
12 representatives of law enforcement agencies.

13 ~~(b)~~ In addition to complying with the annual verification
14 requirements in section 29-4006 and the lifetime registration
15 requirements of subsection ~~(2)~~ of this section, a person determined
16 to be a sexually violent predator shall verify the registration
17 information quarterly after the initial registration date.

18 ~~(4)~~ For purposes of this section:

19 ~~(a)~~ Aggravated offense means any registrable offense
20 under section 29-4003 which involves the penetration of ~~(i)~~ a
21 victim age twelve years or more through the use of force or the
22 threat of serious violence or ~~(ii)~~ a victim under the age of twelve
23 years;

24 ~~(b)~~ Mental abnormality means a congenital or acquired
25 condition of a person that affects the emotional or volitional

1 capacity of the person in a manner that predisposes that person to
2 the commission of a criminal sexual act to a degree that makes the
3 person a menace to the health and safety of other persons, and

4 ~~(c) Sexually violent predator means a person who has been~~
5 ~~convicted of one or more registrable offenses under section 29-4003~~
6 ~~and who suffers from a mental abnormality or personality disorder~~
7 ~~that makes the person likely to engage in sexually violent offenses~~
8 ~~directed at a stranger, or at a person with whom a relationship~~
9 ~~has been established or promoted, for the primary purpose of~~
10 ~~victimization.~~

11 Sec. 7. Section 29-4006, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

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

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

20 ~~(b) A complete description of the person, including date~~
21 ~~of birth, social security number, photographs, and fingerprints,~~

22 ~~(c) A listing of each registrable offense under section~~
23 ~~29-4003 to which the person pleaded guilty or was found guilty, the~~
24 ~~jurisdiction where each offense was committed, the court in which~~
25 ~~the person pleaded guilty or was found guilty of each offense, and~~

1 the name under which the person pleaded guilty or was found guilty
2 of each offense;

3 ~~(d) The name and location of each jail, penal or~~
4 ~~correctional facility, or public or private institution to which~~
5 ~~the person was incarcerated for each offense and the actual time~~
6 ~~served or confined; and~~

7 ~~(e) The address of the person's current residence and~~
8 ~~place of employment or vocation and any school he or she is~~
9 ~~attending.~~

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

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

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

16 (e) The name and address of any place where the person
17 is an employee or will be an employee, including work locations
18 without a single work site;

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

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

24 (h) The person's original travel and immigration
25 documents submitted for photocopying;

- 1 (i) The person's original professional licenses or
2 certificates submitted for photocopying;
- 3 (j) The person's remote communication identifiers and
4 addresses;
- 5 (k) The person's Internet identifiers and addresses;
- 6 (l) The person's telephone numbers;
- 7 (m) A physical description of the person;
- 8 (n) A digital link to the text of the provision of law
9 defining the criminal offense or offenses for which the person is
10 registered under the act;
- 11 (o) Access to the criminal history of the person,
12 including the date of all arrests and convictions, the status
13 of parole, probation, or supervised release, registration status,
14 and the existence of any outstanding arrest warrants for the
15 person;
- 16 (p) A current photograph of the person;
- 17 (q) A set of fingerprints and palm prints of the person;
- 18 (r) A DNA sample of the person; and
- 19 (s) The person's valid driver's license or state
20 identification card submitted for photocopying.
- 21 (2) For the duration of the registration period required
22 by the act, Except as provided in section 29-4005, the registration
23 information shall be verified as provided in subsections (3), (4),
24 and (5) of this section for the duration of the registration
25 period. The person shall appear in person for such verification at

1 the office of the sheriff of the county in which he or she resides
2 for purposes of accepting verifications and shall have his or
3 her photograph and fingerprints taken upon request of verification
4 personnel. annually within thirty days after the anniversary date
5 of the person's initial registration date. To properly verify, the
6 following shall occur:

7 (a) ~~The sex offender registration and community~~
8 ~~notification division of the Nebraska State Patrol shall mail a~~
9 ~~nonforwardable verification form to the last-reported address of~~
10 ~~the person;~~

11 (b) ~~The verification form shall be signed by the person~~
12 ~~and state whether the address last reported to the division is~~
13 ~~still correct; and~~

14 (c) ~~The person shall mail the verification form to the~~
15 ~~division within ten days after receipt of the form.~~

16 (3) ~~If the person fails to complete and mail the~~
17 ~~verification form to the sex offender registration and community~~
18 ~~notification division of the Nebraska State Patrol within ten days~~
19 ~~after receipt of the form, or the form cannot be delivered due to~~
20 ~~the registrant not being at the address last reported, the person~~
21 ~~shall be in violation of this section unless the person proves that~~
22 ~~the address last reported to the division is still correct.~~

23 (3) A person required to register under the act for
24 fifteen years shall report every twelve months in the month of his
25 or her birth, in person, to the office of the sheriff of the county

1 in which he or she resides for purposes of accepting verifications,
2 regardless of the original registration month. The sheriff shall
3 electronically submit such verification information to the sex
4 offender registration and community notification division of the
5 Nebraska State Patrol on the day it is received.

6 (4) A person required to register under the act for
7 twenty-five years shall report, in person, every six months to the
8 office of the sheriff of the county in which he or she resides
9 for purposes of accepting verification. The person shall report, in
10 person, in the month of his or her birth and in the sixth month
11 following the month of his or her birth, regardless of the original
12 registration month. The sheriff shall electronically submit such
13 verification information to the sex offender registration and
14 community notification division of the Nebraska State Patrol on the
15 day it is received.

16 (5) A person required to register under the act for
17 life will report, in person, every three months to the office
18 of the sheriff of the county in which he or she resides for
19 purposes of accepting verification. The person shall report, in
20 person, in the month of his or her birth and every three months
21 following the month of his or her birth, regardless of the original
22 registration month. The sheriff shall electronically submit such
23 verification information to the sex offender registration and
24 community notification division of the Nebraska State Patrol on the
25 day it is received.

1 (6) Upon receipt of registration and confirmation of the
2 registry requirement, the sex offender registration and community
3 notification division of the Nebraska State Patrol shall notify
4 the person by certified mail of his or her registry duration and
5 verification schedule.

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

9 (8) If the person required to register under the act
10 fails to report in person as required in subsection (3), (4), or
11 (5) of this section, the person shall be in violation of this
12 section.

13 ~~(4)~~ (9) If the person required to register under the act
14 falsifies the registration or verification information or form, the
15 person shall be in violation of this section.

16 ~~(5)~~ (10) The requirement to verify the address of a
17 sexually violent predator quarterly as provided in section 29-4005
18 and the requirement to verify the address of any other registrant
19 annually as required in this section verification requirements
20 of a person required to register under the act shall not apply
21 during periods of such registrant's the person's incarceration or
22 inpatient civil commitment. Address verification Verification shall
23 be resumed as soon as such incarcerated person is placed on any
24 type of supervised release, parole, or probation or outpatient
25 civil commitment or is released from incarceration or civil

1 commitment. Prior to any type of release from incarceration,
2 ~~such or inpatient civil commitment, the person shall report the~~
3 a change of address to the sheriff of the county in which he or
4 she is incarcerated and the sheriff of the county in which he or
5 she resides, has a temporary domicile, or has a habitual living
6 location. ~~or is temporarily domiciled.~~ The sheriff shall ~~forward~~
7 electronically submit the change of address to the sex offender
8 registration and community notification division of the Nebraska
9 State Patrol on the day it is received.

10 ~~(6)~~ (11) Any person required to register under the
11 ~~Sex Offender Registration Act~~ act shall inform the sheriff of
12 any legal change in name, in ~~writing,~~ person, within ~~five~~ three
13 working days after such change, and provide a copy of the legal
14 documentation supporting the change in name. The sheriff shall
15 forward the information to the sex offender registration and
16 community notification division of the Nebraska State Patrol, in
17 writing, ~~within five working days~~ immediately after receipt of the
18 information.

19 (12) At any time that a person required to register
20 under the act violates the registry requirements and cannot be
21 located, the registry information will reflect that the person has
22 absconded, a warrant shall be sought for the person's arrest, and
23 the United States Marshals Service shall be notified.

24 Sec. 8. Section 29-4007, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

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

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

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

15 ~~(i)~~ (ii) Inform the defendant that if he or she moves
16 to another address within the same county or ceases to have a
17 residence, a temporary domicile, or a habitual living location,
18 he or she must report, in person, all address changes, including
19 not having a residence, a temporary domicile, or a habitual
20 living location, to the county sheriff in the county where he or
21 she has been residing, has had a temporary domicile, or has had a
22 habitual living location within ~~five~~ three working days after his
23 or her move;

24 ~~(ii)~~ (iii) Inform the defendant that if he or she moves
25 to another county in the State of Nebraska, he or she must notify,

1 in person, the county sheriff in the county where he or she had
2 been last residing and the county sheriff in the county ~~where~~ in
3 which he or she is living of his or her current address. The notice
4 must be given within ~~five~~ three working days after his or her move;

5 ~~(iii)~~ (iv) Inform the defendant that if he or she moves
6 to another state, he or she must report, in person, the change
7 of address to the county sheriff of the county ~~where~~ in which he
8 or she has been residing and must comply with the registration
9 requirements of the state to which he or she is moving. The notice
10 must be given within ~~five~~ three working days after his or her move;

11 ~~(iv)~~ (v) Inform the defendant that he or she shall (A)
12 inform the sheriff of the county in which he or she resides, in
13 ~~writing~~, person, of each ~~postsecondary~~ educational institution at
14 which he or she is employed, carries on a vocation, or attends
15 school, within ~~five~~ three working days after such employment
16 or attendance and (B) notify the sheriff of any change in
17 such employment or attendance status of such person at such
18 ~~postsecondary~~ educational institution, within three working days;

19 (vi) Inform the defendant that he or she shall (A) inform
20 the sheriff of the county in which the employment site is located,
21 in person, of the name and address of any place where he or she
22 is or will be an employee, within three working days after such
23 employment, and (B) inform the sheriff of the county in which the
24 employment site is located, in person, of any change in his or her
25 employment;

1 ~~(v)~~ (vii) Inform the defendant that if he or she goes to
2 another state to work or goes to another state as a student and
3 still resides, has a temporary domicile, or has a habitual living
4 location ~~or is temporarily domiciled~~ in this state, he or she must
5 comply with the registration requirements of both states; ~~and~~

6 ~~(vi)~~ (viii) Inform the defendant that fingerprints, palm
7 prints, a DNA sample, if not previously collected, and a photograph
8 will be obtained by any registering entity in order to comply with
9 the registration requirements;

10 (ix) Inform the defendant of registry and verification
11 locations; and

12 (x) Inform the defendant of the reduction request
13 requirements, if eligible, under section 29-4005;

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

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

19 ~~(d)~~ If the defendant is adjudicated a sexually violent
20 ~~predator,~~ include the supporting reports and other information
21 ~~supporting this finding.~~

22 (d) Provide a A copy of the signed, written notification
23 and the journal entry of the court shall be provided to the
24 county attorney, the defendant, the sex offender registration and
25 community notification division of the Nebraska State Patrol, and

1 the county sheriff of the county in which the defendant resides,
2 has a temporary domicile, or has a habitual living location. or is
3 ~~temporarily domiciled.~~

4 (2) When a person is convicted of a registrable offense
5 under section 29-4003 and is not subject to immediate incarceration
6 upon sentencing, prior to being released by the court, the
7 sentencing court shall ensure that the defendant is registered
8 by the sheriff of the county in which the defendant is convicted
9 no later than the time of sentencing. The sheriff shall obtain
10 full registration information and documents as required by section
11 29-4006, and forward the information and documents to the sex
12 offender registration and notification division of the Nebraska
13 State Patrol within five working days. a Nebraska State Patrol
14 office or other location designated by the patrol for purposes of
15 accepting verifications.

16 (3) (a) The Department of Correctional Services or a city
17 or county correctional or jail facility shall provide written
18 notification of the duty to register pursuant to the Sex Offender
19 Registration Act to any person committed to its custody for a
20 registrable offense under section 29-4003 prior to the person's
21 release from incarceration. The written notification shall:

22 (i) Inform the defendant of whether or not he or she
23 is subject to the act, the duration of time he or she will be
24 subject to the act, and, if the defendant is not already registered
25 pursuant to the act, that he or she shall report to a location

1 designated by the Nebraska State Patrol for purposes of accepting
2 such registration within three working days after the date of the
3 written notification to register.

4 ~~(i)~~ (ii) Inform the person that if he or she moves to
5 another address within the same county, he or she must report all
6 address changes, in person, to the county sheriff ~~in~~ of the county
7 ~~where~~ in which he or she has been residing, within ~~five~~ three
8 working days after his or her move;

9 ~~(ii)~~ (iii) Inform the person that if he or she moves to
10 another county in the State of Nebraska, he or she must notify, in
11 person, the county sheriff ~~in~~ of the county ~~where~~ in which he or
12 she had been last residing and the county sheriff ~~in~~ of the county
13 ~~where~~ in which he or she is living of his or her current address.
14 The notice must be given within ~~five~~ three working days after his
15 or her move;

16 ~~(iii)~~ (iv) Inform the person that if he or she moves
17 to another state, he or she must report, in person, the change
18 of address to the county sheriff of the county ~~where~~ in which he
19 or she has been residing and must comply with the registration
20 requirements of the state to which he or she is moving. The ~~notice~~
21 report must be given within ~~five~~ three working days after his or
22 her move;

23 ~~(iv)~~ (v) Inform the person that he or she shall (A)
24 inform the sheriff of the county in which he or she resides, in
25 ~~writing,~~ person, of each ~~postsecondary~~ educational institution at

1 which he or she is employed, carries on a vocation, or attends
2 school, within ~~five~~ three working days after such employment
3 or attendance and (B) notify the sheriff of any change in
4 such employment or attendance status of such person at such
5 ~~postsecondary~~ educational institution, within three working days
6 after such change;

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

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

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

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

25 (x) Inform the defendant of the reduction request

1 requirements under section 29-4005.

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

4 (i) Require the person to read and sign the notification
5 form stating that the duty to register under the ~~Sex Offender~~
6 ~~Registration Act~~ act has been explained;

7 (ii) Retain a signed copy of the written notification to
8 register; and

9 (iii) Provide a copy of the signed, written notification
10 to register to the person, and to the sex offender registration
11 and community notification division of the Nebraska State Patrol, and
12 ~~and the sheriff of the county in which the person will be residing~~
13 ~~upon release from the institution. If the person is going to reside~~
14 ~~outside of the State of Nebraska, then notification to the sheriff~~
15 ~~is not required.~~

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

20 ~~(4)~~ (5) The Department of Motor Vehicles shall cause
21 written notification of the duty to register to be provided on
22 the applications for a motor vehicle operator's license and for a
23 commercial driver's license.

24 ~~(5)~~ (6) All written notification as provided in this
25 section shall be on a form prepared by the Attorney General.

1 Sec. 9. Section 29-4009, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 29-4009 (1) Information obtained under the Sex Offender
4 Registration Act shall not be confidential, except that+ the
5 following information shall only be disclosed to law enforcement
6 agencies, including federal or state probation or parole agencies,
7 if appropriate:

8 (a) A sex offender's social security number;

9 (b) Any references to arrests of a sex offender that did
10 not result in conviction;

11 (c) A sex offender's travel or immigration document
12 information;

13 (d) A sex offender's remote communication identifiers and
14 addresses;

15 (e) A sex offender's Internet identifiers and addresses;

16 (f) A sex offender's telephone numbers;

17 (g) A sex offender's driver's license information; and

18 (h) The name of any employer of a sex offender.

19 ~~(1) Information shall be disclosed to law enforcement~~
20 ~~agencies for law enforcement purposes;~~

21 ~~(2) Information on persons subject to section 83-174.03~~
22 ~~shall be disclosed to the Office of Parole Administration;~~

23 ~~(3) Information concerning a defendant who is registered~~
24 ~~and reports to be employed with, carrying on a vocation at,~~
25 ~~or attending a postsecondary educational institution, shall be~~

1 disclosed to the law enforcement agency having responsibility for
2 the campus where the institution is located. This notification
3 shall go to the affected campus police, if any, and other law
4 enforcement agency having jurisdiction in the area in which the
5 institution is located;

6 ~~(4) Information may be disclosed to governmental~~
7 ~~agencies conducting confidential background checks for employment,~~
8 ~~volunteer, licensure, or certification purposes;~~

9 ~~(5) Information may be disclosed to health care providers~~
10 ~~who serve children or vulnerable adults for the purpose of~~
11 ~~conducting confidential background checks for employment;~~

12 ~~(6) Information concerning the address or whereabouts of~~
13 ~~the person required to register may be disclosed to the victim or~~
14 ~~victims of such person; and~~

15 ~~(7) (2) The Nebraska State Patrol, any law enforcement~~
16 ~~agency, and any probation or parole officer may release relevant~~
17 ~~information that is necessary to protect the public concerning a~~
18 ~~specific person required to register, except that the identity of~~
19 ~~a any victim of an a sex offense that requires registration shall~~
20 ~~not be released.~~

21 ~~(3) The release of information authorized by this~~
22 ~~section shall conform with the rules and regulations adopted and~~
23 ~~promulgated by the Nebraska State Patrol pursuant to section~~
24 ~~29-4013.~~

25 Sec. 10. Section 29-4011, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 29-4011 (1) Any person required to register under the Sex
3 Offender Registration Act who violates the act is guilty of a Class
4 IV felony, ~~unless the act which caused the person to be placed on~~
5 ~~the registry was a misdemeanor, in which case a violation of the~~
6 ~~Sex Offender Registration Act shall be a crime of the same class or~~
7 ~~within the same penalty range as the original act.~~

8 (2) Any person required to register under the ~~Sex~~
9 ~~Offender Registration Act~~ act who violates the act and who has
10 previously been convicted of a violation of the act is guilty of
11 a Class III felony and shall be sentenced to a mandatory minimum
12 term of at least one year in prison unless the act which caused
13 the person to be placed on the registry was a misdemeanor, in which
14 case the violation of the ~~Sex Offender Registration Act~~ act shall
15 be a Class IV felony.

16 (3) Any law enforcement agency with jurisdiction in the
17 area in which a person required to register under the act resides,
18 has a temporary domicile, maintains a habitual living location,
19 is employed, carries on a vocation, or attends school shall
20 investigate and enforce violations of the act.

21 Sec. 11. Section 29-4013, Revised Statutes Supplement,
22 2007, is amended to read:

23 29-4013 (1) The Nebraska State Patrol shall adopt and
24 promulgate rules and regulations to carry out the registration
25 provisions of the Sex Offender Registration Act.

1 (2) (a) The Nebraska State Patrol shall adopt and
2 promulgate rules and regulations for the release of information
3 pursuant to section 29-4009.

4 ~~(b) The rules and regulations adopted by the Nebraska~~
5 ~~State Patrol shall identify and incorporate factors relevant to the~~
6 ~~sex offender's risk of recidivism. Factors relevant to the risk of~~
7 ~~recidivism include, but are not limited to:~~

8 ~~(i) Conditions of release that minimize the risk of~~
9 ~~recidivism, including probation, parole, counseling, therapy, or~~
10 ~~treatment;~~

11 ~~(ii) Physical conditions that minimize the risk of~~
12 ~~recidivism, including advanced age or debilitating illness; and~~

13 ~~(iii) Any criminal history of the sex offender indicative~~
14 ~~of a high risk of recidivism, including:~~

15 ~~(A) Whether the conduct of the sex offender was found to~~
16 ~~be characterized by repetitive and compulsive behavior;~~

17 ~~(B) Whether the sex offender committed the sexual offense~~
18 ~~against a child;~~

19 ~~(C) Whether the sexual offense involved the use of a~~
20 ~~weapon, violence, or infliction of serious bodily injury;~~

21 ~~(D) The number, date, and nature of prior offenses;~~

22 ~~(E) Whether psychological or psychiatric profiles~~
23 ~~indicate a risk of recidivism;~~

24 ~~(F) The sex offender's response to treatment;~~

25 ~~(G) Any recent threats by the sex offender against a~~

1 ~~person or expressions of intent to commit additional crimes, and~~

2 ~~(H) Behavior of the sex offender while confined.~~

3 ~~(e) (b) The procedures for release of information~~
4 ~~established by the Nebraska State Patrol shall provide for three~~
5 ~~levels of law enforcement and public notification by the law~~
6 ~~enforcement agency in whose jurisdiction the sex offender is to be~~
7 ~~released depending on the risk of recidivism by the sex offender as~~
8 ~~follows: using electronic systems.~~

9 ~~(i) If the risk of recidivism is low, other law~~
10 ~~enforcement agencies shall be notified;~~

11 ~~(ii) If the risk of recidivism is moderate, in addition~~
12 ~~to the notice required by subdivision (i) of this subdivision,~~
13 ~~schools, day care centers, health care facilities providing~~
14 ~~services to children or vulnerable adults, and religious and youth~~
15 ~~organizations shall be notified; and~~

16 ~~(iii) If the risk of recidivism is high, in addition~~
17 ~~to the notice required by subdivisions (i) and (ii) of this~~
18 ~~subdivision, the public shall be notified through means designed to~~
19 ~~reach members of the public, which are limited to direct contact,~~
20 ~~news releases, a method utilizing a telephone system, or the~~
21 ~~Internet. The Nebraska State Patrol shall provide notice of sex~~
22 ~~offenders with a high risk of recidivism to at least one legal~~
23 ~~newspaper published in and of general circulation in the county~~
24 ~~where the offender is registered or, if none is published in the~~
25 ~~county, in a legal newspaper of general circulation in such county.~~

1 (3) Information concerning the address or whereabouts of
2 a sex offender may be disclosed to his or her victim or victims.

3 (4) Any agency responsible for conducting
4 employment-related background checks under section 3 of the
5 National Child Protection Act of 1993, 42 U.S.C. 5119a; social
6 service entities responsible for protecting minors in the
7 child welfare system; volunteer organizations in which contact
8 with minors or other vulnerable individuals might occur; each
9 public housing agency in each area in which a registered sex
10 offender resides or is an employee or is a student; governmental
11 agencies conducting confidential background checks for employment,
12 volunteer, licensure, or certification purposes; and health care
13 providers who serve children or vulnerable adults for the purpose
14 of conducting confidential background checks for employment, shall
15 have access to public notification information. If any means of
16 notification proposes a fee for usage, then nonprofit organizations
17 holding a certificate of exemption under section 501(c) of the
18 Internal Revenue Code shall not be charged.

19 ~~(d) The Nebraska State Patrol shall establish procedures~~
20 ~~for the evaluation of the risk of recidivism and implementation of~~
21 ~~community notification that promote the uniform application of the~~
22 ~~notification rules and regulations required by this section.~~

23 ~~(e) The Nebraska State Patrol or a designee shall assign~~
24 ~~a notification level, based upon the risk of recidivism, to all~~
25 ~~persons required to register under the act.~~

1 ~~(f)~~ (e) Personnel and mental health professionals for
2 the sex offender registration and community notification division
3 of the Nebraska State Patrol shall have access to all documents
4 that are generated by any governmental agency that may have
5 bearing on sex offender ~~risk assessment~~ registration and community
6 notification pursuant to this section. This may include, but is
7 not limited to, law enforcement reports, presentence reports,
8 criminal histories, or birth certificates. The division shall not
9 be charged for access to documents under this subdivision. Access
10 to such documents will ensure that a fair ~~risk~~ assessment of
11 the registration period is completed using the totality of all
12 information available. For purposes of this subdivision, mental
13 health professional means (i) a practicing physician licensed to
14 practice medicine in this state under the Medicine and Surgery
15 Practice Act, (ii) a practicing psychologist licensed to engage in
16 the practice of psychology in this state as provided in section
17 38-3111, or (iii) a practicing mental health professional licensed
18 or certified in this state as provided in the Mental Health
19 Practice Act.

20 (3) Nothing in subsection (2) of this section shall
21 be construed to prevent law enforcement officers from providing
22 community notification concerning any person who poses a danger
23 under circumstances that are not provided for in the Sex Offender
24 Registration Act.

25 Sec. 12. Section 29-4016, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 29-4016 For purposes of the Sexual Predator Residency
3 Restriction Act:

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

6 (2) Political subdivision means a village, a city, a
7 county, a school district, a public power district, or any other
8 unit of local government;

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

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

16 (5) Sexual predator means an individual who is required
17 to register under the Sex Offender Registration Act, who has a
18 ~~high risk of recidivism as determined by the Nebraska State Patrol~~
19 ~~under section 29-4013, committed an aggravated offense as defined~~
20 ~~in section 3 of this act,~~ and who has victimized a person eighteen
21 years of age or younger.

22 Sec. 13. Section 83-174.03, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 83-174.03 (1) Any individual who, on or after July 14,
25 2006, (a) is convicted of or completes a term of incarceration

1 for ~~an offense requiring registration~~ a registrable offense under
2 section 29-4003 and has a previous conviction for a ~~registerable~~
3 registrable offense under such section, (b) is convicted of sexual
4 assault of a child in the first degree pursuant to section
5 28-319.01, or (c) is convicted of or completes a term of
6 incarceration for an aggravated offense as defined in section
7 ~~29-4005, 3 of this act,~~ shall, upon completion of his or her term
8 of incarceration or release from civil commitment, be supervised
9 in the community by the Office of Parole Administration for the
10 remainder of his or her life.

11 (2) Notice shall be provided to the Office of Parole
12 Administration by an agency or political subdivision which has
13 custody of an individual required to be supervised in the community
14 pursuant to subsection (1) of this section at least sixty days
15 prior to the release of such individual from custody.

16 (3) Individuals required to be supervised in the
17 community pursuant to subsection (1) of this section shall
18 undergo a risk assessment and evaluation by the Office of Parole
19 Administration to determine the conditions of community supervision
20 to be imposed to best protect the public from the risk that the
21 individual will reoffend.

22 (4) Conditions of community supervision imposed on an
23 individual by the Office of Parole Administration may include the
24 following:

25 (a) Drug and alcohol testing if the conviction resulting

1 in the imposition of community supervision involved the use of
2 drugs or alcohol;

3 (b) Restrictions on employment and leisure activities
4 necessary to minimize interaction with potential victims;

5 (c) Requirements to report regularly to the individual's
6 community supervision officer;

7 (d) Requirements to reside at a specified location and
8 notify the individual's community supervision officer of any change
9 in address or employment;

10 (e) A requirement to allow the Office of Parole
11 Administration access to medical records from the individual's
12 current and former providers of treatment;

13 (f) A requirement that the individual submit himself or
14 herself to available medical, psychological, psychiatric, or other
15 treatment, including, but not limited to, polygraph examinations;
16 or

17 (g) Any other conditions designed to minimize the risk of
18 recidivism, including, but not limited to, the use of electronic
19 monitoring, which are not unduly restrictive.

20 Sec. 14. This act becomes operative on January 1, 2009.

21 Sec. 15. Original sections 29-2264, 29-4001, 29-4003,
22 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4011, 29-4016,
23 and 83-174.03, Revised Statutes Cumulative Supplement, 2006, and
24 section 29-4013, Revised Statutes Supplement, 2007, are repealed.

25 Sec. 16. The following section is outright repealed:

LB 957

LB 957

1 Section 29-4010, Revised Statutes Cumulative Supplement, 2006.