

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 284

Introduced by Fulton, 29; Friend, 10; Hansen, 42; McCoy, 39;
Schilz, 47.

Read first time January 14, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Sexual Predator Residency Restriction
2 Act; to amend sections 29-4015, 29-4016, and 29-4017,
3 Reissue Revised Statutes of Nebraska; to rename the act;
4 to authorize certain employment restrictions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4015, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-4015 Sections 29-4015 to 29-4017 shall be known and
4 may be cited as the Sexual Predator Residency and Employment
5 Restriction Act.

6 Sec. 2. Section 29-4016, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 29-4016 For purposes of the Sexual Predator Residency and
9 Employment Restriction Act:

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

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

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

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

22 (5) Sexual predator means an individual who is required
23 to register under the Sex Offender Registration Act, who has a high
24 risk of recidivism as determined by the Nebraska State Patrol under
25 section 29-4013, and who has victimized a person eighteen years of

1 age or younger.

2 Sec. 3. Section 29-4017, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

10 (2) An ordinance, resolution, or other legal restriction
11 enacted by a political subdivision shall not apply to a sexual
12 predator who:

13 (a) Resides within a prison or a correctional or
14 treatment facility operated by the state or a political
15 subdivision;

16 (b) Established a residence before July 1, 2006, and has
17 not moved from that residence, or has begun employment before the
18 effective date of this act and has not changed the location of that
19 employment; or

20 (c) Established a residence after July 1, 2006, or began
21 employment before the effective date of this act, and the school
22 or child care facility triggering the restriction was established
23 after the initial date of the sexual predator's residence or
24 employment at that location.

25 (3) Any ordinance, resolution, or other legal restriction

1 prescribing where sex offenders may reside which does not meet the
2 requirements of this section is void, regardless of whether such
3 ordinance, resolution, or legal restriction was adopted prior to,
4 on, or after July 14, 2006.

5 (4) Any ordinance, resolution, or other legal restriction
6 prescribing where sex offenders may be employed which does not meet
7 the requirements of this section is void, regardless of whether
8 such ordinance, resolution, or legal restriction was adopted prior
9 to, on, or after the effective date of this act.

10 Sec. 4. Original sections 29-4015, 29-4016, and 29-4017,
11 Reissue Revised Statutes of Nebraska, are repealed.