

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 285

Introduced by Pirsch, 4; Cornett, 45; Flood, 19; Friend, 10;  
Fulton, 29; Gay, 14; Schilz, 47.

Read first time January 14, 2009

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, 29-4013, 29-4016, and  
4 83-174.03, Reissue Revised Statutes of Nebraska; to  
5 change and eliminate provisions relating to the Sex  
6 Offender Registration Act; to harmonize provisions;  
7 to provide an operative date; to repeal the original  
8 sections; and to outright repeal section 29-4010, Reissue  
9 Revised Statutes of Nebraska.

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

1           Section 1. Section 29-2264, Reissue Revised Statutes of  
2 Nebraska, 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 after payment of any fine, petition the sentencing court to set  
19 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  
14 ~~risk of recidivism~~ the registration period under section 29-4013,  
15 29-4005; or

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

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

1           Sec. 2. Section 29-4001, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

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

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

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

16           (2) DNA sample has the same meaning as in section  
17 29-4103;

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

22           (4) Minor means a person under eighteen years of age;

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

25           (6) Temporary domicile means any place at which the

1 person actually lives or stays for a period of at least three  
2 working days.

3           Sec. 4. Section 29-4003, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

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

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

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

14           (ii) False imprisonment of a minor pursuant to section  
15 28-314 or 28-315;

16           (iii) Sexual assault pursuant to section 28-319 or  
17 28-320;

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

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

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

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

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

- 1           (ix) Visual depiction of sexually explicit conduct of a  
2 child pursuant to section 28-1463.03 or 28-1463.05;
- 3           (x) Knowingly possessing any visual depiction of sexually  
4 explicit conduct which has a child as one of its participants or  
5 portrayed observers pursuant to section 28-813.01;
- 6           (xi) Criminal child enticement pursuant to section  
7 28-311;
- 8           (xii) Child enticement by means of a computer pursuant to  
9 section 28-320.02;
- 10           (xiii) Debauching a minor pursuant to section 28-805; or  
11           (xiv) Unlawful intrusion pursuant to section 28-311.08 on  
12 a minor;
- 13           (xv) Sexual abuse of an inmate or parolee in the first  
14 degree pursuant to section 28-322.02;
- 15           (xvi) Sexual abuse of an inmate or parolee in the second  
16 degree pursuant to section 28-322.03;
- 17           (xvii) Sexual abuse of a protected individual pursuant to  
18 section 28-322.04;
- 19           (xviii) Child abuse pursuant to subdivision (1)(d) or (e)  
20 of section 28-707;
- 21           (xix) Enticement by electronic communication device  
22 pursuant to section 28-833; or
- 23           ~~(xiv)~~ (xx) Attempt, solicitation, aiding or abetting,  
24 being an accessory, or conspiracy to commit an offense listed  
25 in subdivisions (1)(a)(i) through ~~(1)(a)(xiii)~~ (1)(a)(xix) of this

1 section;

2 (b) Enters the state and has Has ever pleaded guilty  
3 to, has pleaded nolo contendere to, or has been found guilty of  
4 any offense that is substantially equivalent to a registrable  
5 offense under subdivision (1)(a) of this section by any village,  
6 state, territory, commonwealth, or other jurisdiction of the United  
7 States, by the United States Government, ~~or~~ by court-martial  
8 or other military tribunal, or by a foreign jurisdiction,  
9 notwithstanding a procedure comparable in effect to that described  
10 under section 29-2264 or any other procedure to nullify a  
11 conviction other than by pardon;

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

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

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

23 (2) In the case of a person convicted of a violation  
24 of section 28-313, 28-314, or 28-315 in which there is a sexual  
25 element and the victim was not a minor, the convicted person shall

1 be subject to the Sex Offender Registration Act.

2 ~~(2)~~ (3) In the case of a person convicted of a violation,  
 3 in which there is a sexual element, of section ~~28-313,~~ ~~28-314,~~  
 4 ~~28-315,~~ 28-303, 28-304, 28-305, 28-308, 28-309, 28-310, 28-311.03,  
 5 28-311.08, or 28-805 or subdivision (1)(d) or (e) of section  
 6 28-707, 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, Reissue Revised Statutes of  
 15 Nebraska, 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 before the address change. The  
 3 sheriff shall ~~forward~~ submit such information to the sex offender  
 4 registration and community notification division of the Nebraska  
 5 State Patrol ~~within five working days after receipt of the new~~  
 6 ~~address.~~ on the day it is received and in a manner prescribed by  
 7 the Nebraska State Patrol for such purpose.

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

1 sheriff within ~~five~~ three working days after the address change.

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

21 (5) Any person required to register under the act who  
22 is employed, carries on a vocation, or attends school in a county  
23 other than the county in which he or she resides, has a temporary  
24 domicile, or is habitually living, shall inform, in person, the  
25 sheriff of the county in which he or she is employed, carries on

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

12           ~~(5)~~ (6) Any person required to register under the act  
13 who is residing, has a temporary domicile, or is habitually living  
14 in another state or is temporarily domiciled in another state,  
15 and is employed, carries on a vocation, or attends school in this  
16 state, shall report and register, in person, with the sheriff of  
17 the county in which he or she is employed, carries on a vocation,  
18 or attends school in this state and complete a form as prescribed  
19 by the Nebraska State Patrol for such purpose, within five ~~three~~  
20 working days after becoming employed, carrying on a vocation,  
21 or attending school. The person shall also notify the sheriff  
22 of any changes in employment, vocation, or school of attendance,  
23 in writing, person, and complete a form as prescribed by the  
24 Nebraska State Patrol for such purpose, within ~~five three~~ working  
25 days after the change. The sheriff shall ~~forward this~~ submit

1 such information to the sex offender registration and community  
2 notification division of the Nebraska State Patrol ~~within five~~  
3 ~~working days after receipt of such information.~~ on the day it is  
4 received and in a manner as prescribed by the Nebraska State Patrol  
5 for such purpose. For purposes of this subsection:

6 (a) Attends school means enrollment in any educational  
7 institution in this state on a full-time or part-time basis; and

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

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

18 ~~(6)~~ (7) Any person incarcerated for a registrable offense  
19 under section 29-4003 in a jail, penal or correctional facility, or  
20 other public or private institution ~~who is not already registered~~  
21 shall be registered by the jail, penal or correctional facility,  
22 or public or private institution prior to his or her discharge,  
23 parole, furlough, work release, or release. The person shall be  
24 informed and information shall be obtained as required in section  
25 29-4006.

1           ~~(7) Any person required to register under the act shall~~  
2 ~~inform the sheriff of the county in which he or she resides, in~~  
3 ~~writing, of each postsecondary educational institution at which~~  
4 ~~he or she is employed, carries on a vocation, or attends school,~~  
5 ~~within five working days after such employment or attendance.~~  
6 ~~The person shall also notify the sheriff of any change in such~~  
7 ~~employment or attendance status at the postsecondary educational~~  
8 ~~institution, in writing, within five working days after such~~  
9 ~~change. The sheriff shall forward the information regarding such~~  
10 ~~employment or attendance to the sex offender registration and~~  
11 ~~community notification division of the Nebraska State Patrol within~~  
12 ~~five working days after receipt of the information.~~

13           (8) Any person required to register or who is registered  
14 under the act, but is incarcerated for more than five three  
15 working days, whether or not in his or her own county of  
16 residence or temporary domicile, shall inform the sheriff of the  
17 county in which such person would reside or would be temporarily  
18 domiciled if he or she was not incarcerated, he or she is  
19 incarcerated, in writing, within five three working days after  
20 incarceration, of his or her incarceration and his or her expected  
21 release date, if any such date is available. The sheriff shall  
22 forward the information regarding incarceration to the sex offender  
23 registration and community notification division of the Nebraska  
24 State Patrol immediately on the day on which it was received and in  
25 a manner prescribed by the Nebraska State Patrol for such purpose.

1 ~~within five working days after receipt of the information.~~

2 (9) Any person required to register or who is registered  
3 under the act who no longer has a residence, ~~or~~ temporary domicile,  
4 or habitual living location shall ~~notify the county sheriff in~~  
5 ~~which he or she is located, in writing, report such change in~~  
6 person to the sheriff of the county in which he or she is located,  
7 ~~within five~~ three working days after such change in residence, ~~or~~  
8 temporary domicile, or habitual living location. Such person shall  
9 update his or her registration, in ~~writing, person, to the sheriff~~  
10 of the county in which he or she is located, on a form approved by  
11 the sex offender registration and community notification division  
12 of the Nebraska State Patrol at least once every thirty calendar  
13 days during the time he or she remains without residence, ~~or~~  
14 temporary domicile, or habitual living location.

15 (10) Each registering entity shall forward all written  
16 information, photographs, and fingerprints obtained pursuant to the  
17 act to the sex offender registration and community notification  
18 division of the Nebraska State Patrol ~~within five working days. on~~  
19 the day it is received and in a manner prescribed by the Nebraska  
20 State Patrol for such purpose. The information shall be forwarded  
21 on forms furnished by the division. The division shall maintain a  
22 central registry of sex offenders required to register under the  
23 act. Any collected DNA samples shall be forwarded to the State DNA  
24 Data Base.

25 Sec. 6. Section 29-4005, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           29-4005 ~~(1)~~ (1) (a) Except as provided in subsections (2)  
3 ~~and (3)~~ subsection (2) of this section, any person to whom the  
4 Sex Offender Registration Act applies shall be required to register  
5 during any period of supervised release, probation, or parole and  
6 shall continue to comply with the act for a the period of ten  
7 ~~years~~ time after the date of discharge from probation, parole, or  
8 supervised release or release from incarceration, whichever date is  
9 most recent, as set forth in subdivision (b) of this subsection.  
10 ~~The ten-year registration requirement shall not apply to any person~~  
11 ~~while he or she is incarcerated in a jail, a penal or correctional~~  
12 ~~facility, or any other public or private institution. The ten-year~~  
13 ~~registration requirement does not include any~~ A sex offender shall  
14 keep the registration current for the full registration period but  
15 shall not be subject to verification procedures during any time the  
16 sex offender is in custody or under an inpatient civil commitment,  
17 unless the sex offender is allowed a reduction in his or her  
18 registration period under subsection (2) of this section.

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

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

23           (ii) Twenty-five years, if the sex offender was convicted  
24 of a registrable offense under section 29-4003 punishable by  
25 imprisonment for more than one year; or

1           (iii) Life, if the sex offender was convicted of  
2 a registrable offense under section 29-4003 punishable by  
3 imprisonment for more than one year and was convicted of an  
4 aggravated offense or had a prior sex offense conviction or has  
5 been determined to be a lifetime registrant in another state,  
6 territory, commonwealth, or other jurisdiction of the United  
7 States, by the United States Government, by court-martial or other  
8 military tribunal, or by a foreign jurisdiction.

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

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

18           (b) No conviction of any sex offense;

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

21           (d) Successful completion of an appropriate sex offender  
22 treatment program.

23           (3) Any time period when any person who is required to  
24 register under the act knowingly or willfully fails to comply with  
25 such registration requirement shall not be counted as completed

1 registration time and shall be used to recalculate the registration  
2 period. The recalculation shall be completed by the sex offender  
3 registration and community notification division of the Nebraska  
4 State Patrol.

5 ~~(2) A person required to register under section 29-4003~~  
6 ~~shall be required to register under the act for the rest of his~~  
7 ~~or her life if the offense creating the obligation to register is~~  
8 ~~an aggravated offense, if the person has a prior conviction for a~~  
9 ~~registrable offense, or if the person is required to register as~~  
10 ~~a sex offender for the rest of his or her life under the laws of~~  
11 ~~another state, territory, commonwealth, or other jurisdiction of~~  
12 ~~the United States. A sentencing court shall make that fact part of~~  
13 ~~the sentencing order.~~

14 ~~(3)(a) When sentencing a person for a registrable offense~~  
15 ~~under section 29-4003, a court may also determine if the person~~  
16 ~~is a sexually violent predator. When making its determination~~  
17 ~~the court shall consider information contained in the presentence~~  
18 ~~report and the recommendation of experts in the behavior and~~  
19 ~~treatment of sex offenders, victims' rights advocates, and~~  
20 ~~representatives of law enforcement agencies.~~

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

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

2           ~~(a) Aggravated offense means any registrable offense~~  
3 ~~under section 29-4003 which involves the penetration of (i) a~~  
4 ~~victim age twelve years or more through the use of force or the~~  
5 ~~threat of serious violence or (ii) a victim under the age of twelve~~  
6 ~~years;~~

7           ~~(b) Mental abnormality means a congenital or acquired~~  
8 ~~condition of a person that affects the emotional or volitional~~  
9 ~~capacity of the person in a manner that predisposes that person to~~  
10 ~~the commission of a criminal sexual act to a degree that makes the~~  
11 ~~person a menace to the health and safety of other persons; and~~

12           ~~(c) Sexually violent predator means a person who has been~~  
13 ~~convicted of one or more registrable offenses under section 29-4003~~  
14 ~~and who suffers from a mental abnormality or personality disorder~~  
15 ~~that makes the person likely to engage in sexually violent offenses~~  
16 ~~directed at a stranger, or at a person with whom a relationship~~  
17 ~~has been established or promoted, for the primary purpose of~~  
18 ~~victimization.~~

19           Sec. 7. Section 29-4006, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           29-4006 (1) Registration information required by the Sex  
22 Offender Registration Act shall be ~~in a form~~ entered into a data  
23 base in a format approved by the sex offender registration and  
24 community notification division of the Nebraska State Patrol and  
25 shall include, but not be limited to, the following information:

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

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

5 ~~(c) A listing of each registrable offense under section  
6 29-4003 to which the person pleaded guilty or was found guilty, the  
7 jurisdiction where each offense was committed, the court in which  
8 the person pleaded guilty or was found guilty of each offense, and  
9 the name under which the person pleaded guilty or was found guilty  
10 of each offense;~~

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

15 ~~(e) The address of the person's current residence and  
16 place of employment or vocation and any school he or she is  
17 attending;~~

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

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

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

24 (e) The name and address of any place where the person  
25 is an employee or will be an employee, including work locations

1 without a single work site;

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

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

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

9 (i) The person's original professional licenses or  
10 certificates submitted for photocopying;

11 (j) The person's remote communication identifiers and  
12 addresses;

13 (k) The person's Internet identifiers and addresses;

14 (l) The person's telephone numbers;

15 (m) A physical description of the person;

16 (n) A digital link to the text of the provision of law  
17 defining the criminal offense or offenses for which the person is  
18 registered under the act;

19 (o) Access to the criminal history of the person,  
20 including the date of all arrests and convictions, the status  
21 of parole, probation, or supervised release, registration status,  
22 and the existence of any outstanding arrest warrants for the  
23 person;

24 (p) A current photograph of the person;

25 (q) A set of fingerprints and palm prints of the person;

- 1           (r) A DNA sample of the person; and  
2           (s) The person's valid motor vehicle operator's license  
3 or state identification card submitted for photocopying.

4           (2) ~~For the duration of the registration period required~~  
5 ~~by the act,~~ Except as provided in section 29-4005, the registration  
6 information shall be verified annually within thirty days after  
7 the anniversary date of the person's initial registration date.  
8 ~~To properly verify,~~ the following shall occur: as provided in  
9 subsections (3), (4), and (5) of this section for the duration of  
10 the registration period. The person shall appear in person for such  
11 verification at the office of the sheriff of the county in which he  
12 or she resides, has a temporary domicile, or is habitually living  
13 for purposes of accepting verifications and shall have his or  
14 her photograph and fingerprints taken upon request of verification  
15 personnel.

16           (a) ~~The sex offender registration and community~~  
17 ~~notification division of the Nebraska State Patrol shall mail a~~  
18 ~~nonforwardable verification form to the last-reported address of~~  
19 ~~the person;~~

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

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

25           (3) ~~If the person fails to complete and mail the~~

1 verification form to the sex offender registration and community  
2 notification division of the Nebraska State Patrol within ten days  
3 after receipt of the form, or the form cannot be delivered due to  
4 the registrant not being at the address last reported, the person  
5 shall be in violation of this section unless the person proves that  
6 the address last reported to the division is still correct.

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

16 (4) A person required to register under the act for  
17 twenty-five years shall report, in person, every six months to  
18 the office of the sheriff of the county in which he or she  
19 resides for purposes of accepting verification. The person shall  
20 report, in person, in the month of his or her birth and in the  
21 sixth month following the month of his or her birth, regardless  
22 of the original registration month. The sheriff shall 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 and in a manner prescribed by the Nebraska State

1 Patrol for such purpose.

2 (5) A person required to register under the act for life  
3 shall report, in person, every three months to the office of the  
4 sheriff of the county in which he or she resides for purposes of  
5 accepting verification. The person shall report, in person, in the  
6 month of his or her birth and every three months following the  
7 month of his or her birth, regardless of the original registration  
8 month. The sheriff shall submit such verification information to  
9 the sex offender registration and community notification division  
10 of the Nebraska State Patrol on the day it is received and in a  
11 manner prescribed by the Nebraska State Patrol for such purpose.

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

15 (7) Upon receipt of registration and confirmation of the  
16 registry requirement, the sex offender registration and community  
17 notification division of the Nebraska State Patrol shall notify  
18 the person by certified mail of his or her registry duration and  
19 verification schedule.

20 (8) If the person required to register under the act  
21 fails to report in person as required in subsection (3), (4), or  
22 (5) of this section, the person shall be in violation of this  
23 section.

24 ~~(4)~~ (9) If the person required to register under the act  
25 falsifies the registration or verification information or form, the

1 person shall be in violation of this section.

2           ~~(5)~~ (10) The requirement to verify the address of a  
3 sexually violent predator quarterly as provided in section 29-4005  
4 and the requirement to verify the address of any other registrant  
5 annually as required in this section verification requirements  
6 of a person required to register under the act shall not apply  
7 during periods of such registrant's person's incarceration or  
8 inpatient civil commitment. Address verification Verification shall  
9 be resumed as soon as such incarcerated person is placed on any  
10 type of supervised release, parole, or probation or outpatient  
11 civil commitment or is released from incarceration or civil  
12 commitment. Prior to any type of release from incarceration,  
13 such or inpatient civil commitment, the person shall report the  
14 a change of address, in writing, to the sheriff of the county  
15 in which he or she is incarcerated and the sheriff of the county  
16 in which he or she resides, has a temporary domicile, or has a  
17 habitual living location. or is temporarily domiciled. The sheriff  
18 shall forward submit the change of address to the sex offender  
19 registration and community notification division of the Nebraska  
20 State Patrol on the day it is received and in a manner prescribed  
21 by the Nebraska State Patrol for such purpose.

22           ~~(6)~~ (11) Any person required to register under the  
23 Sex Offender Registration Act act shall inform the sheriff of  
24 any legal change in name, in ~~writing,~~ person, within ~~five~~ three  
25 working days after such change, and provide a copy of the legal

1 documentation supporting the change in name. The sheriff shall  
2 forward the information to the sex offender registration and  
3 community notification division of the Nebraska State Patrol, in  
4 writing, ~~within five working days~~ immediately after receipt of the  
5 information and in a manner prescribed by the Nebraska State Patrol  
6 for such purpose.

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

12 Sec. 8. Section 29-4007, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 29-4007 (1) When sentencing a person convicted of a  
15 registrable offense under section 29-4003, the court shall:

16 (a) Provide written notification of the duty to register  
17 under the Sex Offender Registration Act at the time of sentencing  
18 to any defendant who has pleaded guilty or has been found  
19 guilty of a registrable offense under section 29-4003. The written  
20 notification shall:

21 (i) Inform the defendant of whether or not he or she  
22 is subject to the act, the duration of time he or she will be  
23 subject to the act, and that he or she shall report to a location  
24 designated by the Nebraska State Patrol for purposes of accepting  
25 such registration within three working days after the date of the

1 written notification to register.

2           ~~(i)~~ (ii) Inform the defendant that if he or she moves to  
3 another address within the same county, he or she must report to  
4 the county sheriff in the county where he or she is residing or  
5 ceases to have a residence or temporary domicile, he or she must  
6 report all address changes, including not having a residence or  
7 temporary domicile, to the county sheriff in the county where he or  
8 she has been residing within ~~five~~ three working days ~~after~~ before  
9 his or her move;

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

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

23           ~~(iii)~~ (v) Inform the defendant that if he or she moves  
24 to another state, he or she must report, in person, the change of  
25 address to the county sheriff of the county ~~where~~ in which he or

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

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

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

22 ~~(v)~~ (viii) Inform the defendant that if he or she goes  
23 to another state to work or goes to another state as a student and  
24 still resides, has a temporary domicile, or has a habitual living  
25 location ~~or is temporarily domiciled~~ in this state, he or she must

1 comply with the registration requirements of both states; ~~and~~

2 ~~(vi)~~ (ix) Inform the defendant that fingerprints, palm  
3 prints, a DNA sample if not previously collected, and a photograph  
4 will be obtained by any registering entity in order to comply with  
5 the registration requirements;

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

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

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

13 (c) Retain a copy of the written notification signed by  
14 the defendant; and

15 ~~(d) If the defendant is adjudicated a sexually violent~~  
16 ~~predator, include the supporting reports and other information~~  
17 ~~supporting this finding.~~

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

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

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

19           (i) Inform the person of whether or not he or she is  
20 subject to the act, the duration of time he or she will be  
21 subject to the act, and that he or she shall report to a location  
22 designated by the Nebraska State Patrol for purposes of accepting  
23 such registration within three working days after the date of the  
24 written notification to register.

25           ~~(i)~~ (ii) Inform the person that if he or she moves to

1 another address within the same county, he or she must report  
2 all address changes, in person, to the county sheriff ~~in~~ of the  
3 county ~~where~~ in which he or she has been residing within ~~five~~ three  
4 working days ~~after~~ before his or her move;

5 (iii) Inform the defendant that if he or she no longer  
6 has a residence, temporary domicile, or habitual living location,  
7 he or she shall report such change in person to the sheriff of  
8 the county in which he or she is located within three working days  
9 after such change in residence, temporary domicile, or habitual  
10 living location;

11 ~~(ii)~~ (iv) Inform the person that if he or she moves to  
12 another county in the State of Nebraska, he or she must notify,  
13 in person, the county sheriff ~~in~~ of the county ~~where~~ in which he  
14 or she had been last residing, had a temporary domicile, or had a  
15 habitual living location and the county sheriff ~~in~~ of the county  
16 ~~where~~ in which he or she is residing, has a temporary domicile, or  
17 is habitually living of his or her current address. The notice must  
18 be given within ~~five~~ three working days ~~after~~ before his or her  
19 move;

20 ~~(iii)~~ (v) Inform the person that if he or she moves to  
21 another state, he or she must report, in person, the change of  
22 address to the county sheriff of the county ~~where~~ in which he or  
23 she has been residing, has a temporary domicile, or is habitually  
24 living and must comply with the registration requirements of the  
25 state to which he or she is moving. The ~~notice~~ report must be given

1 within ~~five~~ three working days ~~after~~ before his or her move;

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

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

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

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

1 the registration requirements;~~i~~-

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

4 (xi) Inform the defendant of the reduction request  
5 requirements under section 29-4005.

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

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

11 (ii) Retain a signed copy of the written notification to  
12 register; and

13 (iii) Provide a copy of the signed, written notification  
14 to register to the person~~7~~ and to the sex offender registration  
15 and community notification division of the Nebraska State Patrol~~7~~  
16 and the sheriff of the county in which the person will be residing  
17 upon release from the institution. If the person is going to reside  
18 outside of the State of Nebraska~~7~~, then notification to the sheriff  
19 is not required.

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

24 ~~(4)~~ (5) The Department of Motor Vehicles shall cause  
25 written notification of the duty to register to be provided on

1 the applications for a motor vehicle operator's license and for a  
2 commercial driver's license.

3 ~~(5)~~ (6) All written notification as provided in this  
4 section shall be on a form ~~prepared~~ approved by the Attorney  
5 General.

6 Sec. 9. Section 29-4009, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 29-4009 (1) Information obtained under the Sex Offender  
9 Registration Act shall not be confidential, except that ~~the~~  
10 following information shall only be disclosed to law enforcement  
11 agencies, including federal or state probation or parole agencies,  
12 if appropriate:

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

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

16 (c) A sex offender's travel or immigration document  
17 information;

18 (d) A sex offender's remote communication identifiers and  
19 addresses;

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

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

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

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

24 ~~(1) Information shall be disclosed to law enforcement~~  
25 ~~agencies for law enforcement purposes;~~

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

3           ~~(3) Information concerning a defendant who is registered~~  
4     ~~and reports to be employed with, carrying on a vocation at,~~  
5     ~~or attending a postsecondary educational institution, shall be~~  
6     ~~disclosed to the law enforcement agency having responsibility for~~  
7     ~~the campus where the institution is located. This notification~~  
8     ~~shall go to the affected campus police, if any, and other law~~  
9     ~~enforcement agency having jurisdiction in the area in which the~~  
10    ~~institution is located;~~

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

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

17          ~~(6) Information concerning the address or whereabouts of~~  
18    ~~the person required to register may be disclosed to the victim or~~  
19    ~~victims of such person; and~~

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

1           (3) The release of information authorized by this  
2 section shall conform with the rules and regulations adopted and  
3 promulgated by the Nebraska State Patrol pursuant to section  
4 29-4013.

5           Sec. 10. Section 29-4011, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

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

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

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

1           Sec. 11. Section 29-4013, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-4013 (1) The Nebraska State Patrol shall adopt and  
4 promulgate rules and regulations to carry out the registration  
5 provisions of the Sex Offender Registration Act.

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

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

13           ~~(i) Conditions of release that minimize the risk of~~  
14 ~~recidivism, including probation, parole, counseling, therapy, or~~  
15 ~~treatment;~~

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

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

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

22           ~~(B) Whether the sex offender committed the sexual offense~~  
23 ~~against a child;~~

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

- 1           ~~(D) The number, date, and nature of prior offenses;~~
- 2           ~~(E) Whether psychological or psychiatric profiles~~  
3 ~~indicate a risk of recidivism;~~
- 4           ~~(F) The sex offender's response to treatment;~~
- 5           ~~(G) Any recent threats by the sex offender against a~~  
6 ~~person or expressions of intent to commit additional crimes; and~~
- 7           ~~(H) Behavior of the sex offender while confined.~~
- 8           ~~(e) (b) The procedures for release of information~~  
9 ~~established by the Nebraska State Patrol shall provide for three~~  
10 ~~levels of law enforcement and public notification by the law~~  
11 ~~enforcement agency in whose jurisdiction the sex offender is to be~~  
12 ~~released depending on the risk of recidivism by the sex offender as~~  
13 ~~follows; using electronic systems.~~
- 14           ~~(i) If the risk of recidivism is low, other law~~  
15 ~~enforcement agencies shall be notified;~~
- 16           ~~(ii) If the risk of recidivism is moderate, in addition~~  
17 ~~to the notice required by subdivision (i) of this subdivision,~~  
18 ~~schools, day care centers, health care facilities providing~~  
19 ~~services to children or vulnerable adults, and religious and youth~~  
20 ~~organizations shall be notified; and~~
- 21           ~~(iii) If the risk of recidivism is high, in addition~~  
22 ~~to the notice required by subdivisions (i) and (ii) of this~~  
23 ~~subdivision, the public shall be notified through means designed to~~  
24 ~~reach members of the public, which are limited to direct contact,~~  
25 ~~news releases, a method utilizing a telephone system, or the~~

1 ~~Internet. The Nebraska State Patrol shall provide notice of sex~~  
2 ~~offenders with a high risk of recidivism to at least one legal~~  
3 ~~newspaper published in and of general circulation in the county~~  
4 ~~where the offender is registered or, if none is published in the~~  
5 ~~county, in a legal newspaper of general circulation in such county.~~

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

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

24 ~~(d) The Nebraska State Patrol shall establish procedures~~  
25 ~~for the evaluation of the risk of recidivism and implementation of~~

1 ~~community notification that promote the uniform application of the~~  
2 ~~notification rules and regulations required by this section.~~

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

6 ~~(f) (e) Personnel and mental health professionals for~~  
7 ~~the sex offender registration and community notification division~~  
8 ~~of the Nebraska State Patrol shall have access to all documents~~  
9 ~~that are generated by any governmental agency that may have~~  
10 ~~bearing on sex offender risk assessment registration and community~~  
11 ~~notification, pursuant to this section. This may include, but~~  
12 ~~is not limited to, law enforcement reports, presentence reports,~~  
13 ~~criminal histories, ~~or~~ birth certificates, or death certificates.~~  
14 ~~The division shall not be charged for access to documents under~~  
15 ~~this subdivision. Access to such documents will ensure that a~~  
16 ~~fair risk assessment determination of what is an appropriate~~  
17 ~~registration period is completed using the totality of all~~  
18 ~~information available. For purposes of this subdivision, mental~~  
19 ~~health professional means (i) a practicing physician licensed to~~  
20 ~~practice medicine in this state under the Medicine and Surgery~~  
21 ~~Practice Act, (ii) a practicing psychologist licensed to engage in~~  
22 ~~the practice of psychology in this state as provided in section~~  
23 ~~38-3111, or (iii) a practicing mental health professional licensed~~  
24 ~~or certified in this state as provided in the Mental Health~~  
25 ~~Practice Act.~~

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

6           Sec. 12. Section 29-4016, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           29-4016 For purposes of the Sexual Predator Residency  
9 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  
24 high risk of recidivism as determined by the Nebraska State Patrol  
25 ~~under section 29-4013,~~ committed an aggravated offense as defined

1 in section 3 of this act, and who has victimized a person eighteen  
2 years of age or younger.

3 Sec. 13. Section 83-174.03, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 83-174.03 (1) Any individual who, on or after July 14,  
6 2006, (a) is convicted of or completes a term of incarceration  
7 for ~~an offense requiring registration~~ a registrable offense under  
8 section 29-4003 and has a previous conviction for a registerable  
9 offense under such section, (b) is convicted of sexual assault of a  
10 child in the first degree pursuant to section 28-319.01, or (c) is  
11 convicted of or completes a term of incarceration for an aggravated  
12 offense as defined in section ~~29-4005,~~ 3 of this act, shall, upon  
13 completion of his or her term of incarceration or release from  
14 civil commitment, be supervised in the community by the Office of  
15 Parole Administration for the remainder of his or her life.

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

21 (3) Individuals required to be supervised in the  
22 community pursuant to subsection (1) of this section shall  
23 undergo a risk assessment and evaluation by the Office of Parole  
24 Administration to determine the conditions of community supervision  
25 to be imposed to best protect the public from the risk that the

1 individual will reoffend.

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

5 (a) Drug and alcohol testing if the conviction resulting  
6 in the imposition of community supervision involved the use of  
7 drugs or alcohol;

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

10 (c) Requirements to report regularly to the individual's  
11 community supervision officer;

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

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

18 (f) A requirement that the individual submit himself or  
19 herself to available medical, psychological, psychiatric, or other  
20 treatment, including, but not limited to, polygraph examinations;  
21 or

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

25 Sec. 14. This act becomes operative on January 1, 2010.

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1                   Sec. 15. Original sections 29-2264, 29-4001, 29-4003,  
2 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4011, 29-4013,  
3 29-4016, 83-174.03, Reissue Revised Statutes of Nebraska, are  
4 repealed.

5                   Sec. 16. The following section is outright repealed:  
6 Section 29-4010, Reissue Revised Statutes of Nebraska.