

AMENDMENTS TO LB 61

(Amendments to Standing Committee amendments, AM211)

Introduced by Ashford

1           1. Strike section 2 and insert the following new section:

2           Sec. 2. Section 29-4003, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:

4           29-4003 (1) (a) The Sex Offender Registration Act applies  
5 to any person who on or after January 1, 1997:

6           (i) Has ever pled guilty to, pled nolo contendere to, or  
7 been found guilty of any of the following:

8           (A) 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           (B) False imprisonment of a minor pursuant to section  
12 28-314 or 28-315;

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

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

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

18           (F) Sexual abuse of a vulnerable adult pursuant to  
19 subdivision (1) (c) of section 28-386;

20           (G) Incest of a minor pursuant to section 28-703;

21           (H) Pandering of a minor pursuant to section 28-802;

22           (I) Visual depiction of sexually explicit conduct of a

1 child pursuant to section 28-1463.03 or 28-1463.05;

2 (J) Knowingly possessing any visual depiction of sexually  
3 explicit conduct which has a child as one of its participants or  
4 portrayed observers pursuant to section 28-813.01;

5 (K) Criminal child enticement pursuant to section 28-311;

6 (L) Child enticement by means of an electronic  
7 communication device pursuant to section 28-320.02;

8 (M) Debauching a minor pursuant to section 28-805; or

9 (N) Attempt, solicitation, aiding or abetting, being  
10 an accessory, or conspiracy to commit an offense listed in  
11 subdivisions (1) (a) (i) (A) through (1) (a) (i) (M) of this section;

12 (ii) Has ever pled guilty to, pled nolo contendere to, or  
13 been found guilty of any offense that is substantially equivalent  
14 to a registrable offense under subdivision (1) (a) (i) of this  
15 section by any village, town, city, state, territory, commonwealth,  
16 or other jurisdiction of the United States, by the United States  
17 Government, by court-martial or other military tribunal, or by  
18 a foreign jurisdiction, notwithstanding a procedure comparable  
19 in effect to that described under section 29-2264 or any other  
20 procedure to nullify a conviction other than by pardon;

21 (iii) Is incarcerated in a jail, a penal or correctional  
22 facility, or any other public or private institution or is under  
23 probation or parole as a result of pleading guilty to or being  
24 found guilty of a registrable offense under subdivision (1) (a) (i)  
25 or (ii) of this section prior to January 1, 1997; or

26 (iv) Enters the state and is required to register as  
27 a sex offender under the laws of another village, town, city,

1 state, territory, commonwealth, or other jurisdiction of the United  
2 States.

3 (b) In addition to the registrable offenses under  
4 subdivision (1)(a) of this section, the Sex Offender Registration  
5 Act applies to any person who on or after January 1, 2010:

6 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
7 this section, has ever pled guilty to, pled nolo contendere to, or  
8 been found guilty of any of the following:

9 (I) Murder in the first degree pursuant to section  
10 28-303;

11 (II) Murder in the second degree pursuant to section  
12 28-304;

13 (III) Manslaughter pursuant to section 28-305;

14 (IV) Assault in the first degree pursuant to section  
15 28-308;

16 (V) Assault in the second degree pursuant to section  
17 28-309;

18 (VI) Assault in the third degree pursuant to section  
19 28-310;

20 (VII) Stalking pursuant to section 28-311.03;

21 (VIII) Unlawful intrusion ~~on a mine~~ pursuant to section  
22 28-311.08 involving a victim under eighteen years of age at the  
23 time of the offense;

24 (IX) Kidnapping pursuant to section 28-313;

25 (X) False imprisonment pursuant to section 28-314 or  
26 28-315;

27 (XI) Sexual abuse of an inmate or parolee in the first

1 degree pursuant to section 28-322.02;

2 (XII) Sexual abuse of an inmate or parolee in the second  
3 degree pursuant to section 28-322.03;

4 (XIII) Sexual abuse of a protected individual pursuant to  
5 section 28-322.04;

6 (XIV) Incest pursuant to section 28-703;

7 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of  
8 section 28-707;

9 (XVI) Enticement by electronic communication device  
10 pursuant to section 28-833; or

11 (XVII) Attempt, solicitation, aiding or abetting, being  
12 an accessory, or conspiracy to commit an offense listed in  
13 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this  
14 section.

15 (B) In order for the Sex Offender Registration Act to  
16 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
17 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,  
18 a court shall have found that evidence of sexual penetration or  
19 sexual contact, as those terms are defined in section 28-318, was  
20 present in the record, which shall include consideration of the  
21 factual basis for a plea-based conviction and information contained  
22 in the presentence report;

23 (ii) Has ever pled guilty to, pled nolo contendere to, or  
24 been found guilty of any offense that is substantially equivalent  
25 to a registrable offense under subdivision (1)(b)(i) of this  
26 section by any village, town, city, state, territory, commonwealth,  
27 or other jurisdiction of the United States, by the United States

1 Government, by court-martial or other military tribunal, or by  
2 a foreign jurisdiction, notwithstanding a procedure comparable  
3 in effect to that described under section 29-2264 or any other  
4 procedure to nullify a conviction other than by pardon; or

5 (iii) Enters the state and is required to register as  
6 a sex offender under the laws of another village, town, city,  
7 state, territory, commonwealth, or other jurisdiction of the United  
8 States.

9 (2) A person appealing a conviction of a registrable  
10 offense under this section shall be required to comply with the act  
11 during the appeals process.