

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1169

Introduced by Pirsch, 4.

Read first time January 19, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-101,
2 Revised Statutes Supplement, 2011; to require reporting
3 of the disappearance or death of a child as prescribed;
4 to provide a penalty; to harmonize provisions; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2011, is amended to read:

3 28-101 Sections 28-101 to 28-1356 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1)(a) The parent, legal guardian, or custodian
6 of a child twelve years of age or under shall report to the proper
7 law enforcement authorities the death of such child within seventy-
8 two hours after the parent, legal guardian, or custodian first has
9 knowledge of the death.

10 (b) It is an affirmative defense to any prosecution under
11 this subsection that (i) the deceased child died of natural causes,
12 (ii) the deceased child had been previously diagnosed by a physician
13 with a terminal disease or terminal condition, (iii) the parent,
14 legal guardian, or custodian of the deceased child reasonably
15 believed proper law enforcement authorities were already aware of the
16 death, or (iv) the parent, legal guardian, or custodian of the
17 deceased child was not physically able to make such a report.

18 (2)(a) The parent, legal guardian, or custodian of a
19 child twelve years of age or under shall report the child as missing
20 to the proper law enforcement authorities within seventy-two hours
21 after the parent, legal guardian, or custodian first has knowledge
22 that the child is missing.

23 (b) It is an affirmative defense to any prosecution under
24 this subsection that (i) the missing child is located alive by
25 authorities within ninety days after the parent, legal guardian, or

1 custodian of such child first has knowledge that the child is
2 missing, (ii) the parent, legal guardian, or custodian of the missing
3 child reasonably believed a report of the missing child had been made
4 to the proper law enforcement authorities or that the proper law
5 enforcement authorities were otherwise aware the child was missing,
6 or (iii) the parent, legal guardian, or custodian of the child was
7 not physically able to make such a report.

8 (3) Nothing in this section shall be construed to modify
9 in any manner section 28-707 or any other provision of law.

10 (4) Any person who violates this section is guilty of a
11 Class IV felony.

12 Sec. 3. Original section 28-101, Revised Statutes
13 Supplement, 2011, is repealed.