

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 460

Introduced by Ashford, 20.

Read first time January 14, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to sex offenders; to amend sections 29-4001.01,
2 29-4004, 29-4006, 29-4007, 29-4013, and 83-174.03,
3 Revised Statutes Cumulative Supplement, 2010; to change
4 provisions relating to the Sex Offender Registration Act;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4001.01, Revised Statutes

2 Cumulative Supplement, 2010, is amended to read:

3 29-4001.01 For purposes of the Sex Offender Registration

4 Act:

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

13 (2) Blog means a web site contained on the Internet that
14 is created, maintained, and updated in a log, journal, diary, or
15 newsletter format by an individual, group of individuals, or
16 corporate entity for the purpose of conveying information or opinions
17 to Internet users who visit their web site;

18 (3) Chat room means a web site or server space on the
19 Internet or communication network primarily designated for the
20 virtually instantaneous exchange of text or voice transmissions or
21 computer file attachments amongst two or more computers or electronic
22 communication device users;

23 (4) Chat room identifiers means the username, password,
24 symbol, image, or series of symbols, letters, numbers, or text
25 characters used by a chat room participant to identify himself or

1 herself in a chat room or to identify the source of any content
2 transmitted from a computer or electronic communication device to the
3 web site or server space upon which the chat room is dedicated;

4 (5) DNA sample has the same meaning as in section
5 29-4103;

6 (6) Domain name means a series of text-based symbols,
7 letters, numbers, or text characters used to provide recognizable
8 names to numerically addressed Internet resources that are registered
9 by the Internet Corporation for Assigned Names and Numbers;

10 (7) Email means the exchange of electronic text messages
11 and computer file attachments between computers or other electronic
12 communication devices over a communications network, such as a local
13 area computer network or the Internet;

14 (8) Email address means the string of letters, numbers,
15 and symbols used to specify the source or destination of an email
16 message that is transmitted over a communication network;

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

21 (10) Instant messaging means a direct, dedicated, and
22 private communication service, accessed with a computer or electronic
23 communication device, that enables a user of the service to send and
24 receive virtually instantaneous text transmissions or computer file
25 attachments to other selected users of the service through the

1 Internet or a computer communications network;

2 (11) Instant messaging identifiers means the username,

3 password, symbol, image, or series of symbols, letters, numbers,

4 images, or text characters used by an instant messaging user to

5 identify their presence to other instant messaging users or the

6 source of any content sent from their computer or electronic

7 communication device to another instant messaging user;

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

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

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

25 Sec. 2. Section 29-4004, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 29-4004 (1) Any person subject to the Sex Offender
3 Registration Act shall register within three working days after
4 becoming subject to the act at a location designated by the Nebraska
5 State Patrol for purposes of accepting such registration.

6 (2) Any person required to register under the act shall
7 inform the sheriff of the county in which he or she resides, in
8 person, and complete a form as prescribed by the Nebraska State
9 Patrol for such purpose, if he or she has a new ~~address, residence,~~
10 temporary domicile, or habitual living location, within three working
11 days before the change. The sheriff shall submit such information to
12 the sex offender registration and community notification division of
13 the Nebraska State Patrol on the day it is received and in a manner
14 prescribed by the Nebraska State Patrol for such purpose.

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

1 is to a location within the State of Nebraska, the division shall
2 notify the sheriff of each affected county of the new ~~address,~~
3 residence, temporary domicile, or habitual living location, within
4 three working days. The person shall report to the county sheriff of
5 his or her new county of residence and register with such county
6 sheriff within three working days after the ~~address—residence~~ change.

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

23 (5) Any person required to register under the act who is
24 employed, carries on a vocation, or attends school shall inform, in
25 person, the sheriff of the county in which he or she is employed,

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

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

1 day it is received and in a manner as prescribed by the Nebraska
2 State Patrol for such purpose. For purposes of this subsection:

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

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

9 (7) Any person incarcerated for a registrable offense
10 under section 29-4003 in a jail, penal or correctional facility, or
11 other public or private institution shall be registered by the jail,
12 penal or correctional facility, or public or private institution
13 prior to his or her discharge, parole, furlough, work release, or
14 release. The person shall be informed and information shall be
15 obtained as required in section 29-4006.

16 (8) Any person required to register or who is registered
17 under the act, but is incarcerated for more than three working days,
18 shall inform the sheriff of the county in which he or she is
19 incarcerated, in writing, within 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 a
25 manner prescribed by the Nebraska State Patrol for such purpose.

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

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

22 (11) The sex offender registration and community
23 notification division of the Nebraska State Patrol shall determine
24 whether a name-change order received from the clerk of a district
25 court pursuant to section 25-21,271 is for a person in the central

1 registry of sex offenders and, if so, shall include the changed name
2 with the former name in the registry, file or cross-reference the
3 information under both names, and notify the sheriff of the county in
4 which such person then resides.

5 Sec. 3. Section 29-4006, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 29-4006 (1) Registration information required by the Sex
8 Offender Registration Act shall be entered into a data base in a
9 format approved by the sex offender registration and community
10 notification division of the Nebraska State Patrol and shall include,
11 but not be limited to, the following information:

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

14 (b) The person's date of birth and any alias dates of
15 birth;

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

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

20 (e) The name and address of any place where the person is
21 an employee or will be an employee, including work locations without
22 a single worksite;

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

25 (g) The license plate number and a description of any

1 vehicle owned or operated by the person and its regular storage
2 location;

3 (h) The person's motor vehicle operator's license number,
4 including the person's valid motor vehicle operator's license or
5 state identification card submitted for photocopying;

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

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

10 (k) The person's remote communication device identifiers
11 and addresses, including, but not limited to, all global unique
12 identifiers, serial numbers, Internet protocol addresses, telephone
13 numbers, and account numbers specific to the device;

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 of
21 parole, probation, or supervised release, registration status, and
22 the existence of any outstanding arrest warrants for the person;

23 (p) A current photograph of the person;

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

25 (r) A DNA sample of the person; and

1 (s) All email addresses, instant messaging identifiers,
2 chat room identifiers, global unique identifiers, and other Internet
3 communication identifiers that the person uses or plans to use, all
4 domain names registered by the registrant, and all blogs and Internet
5 sites maintained by the person or to which the person has uploaded
6 any content or posted any messages or information.

7 (2) When the person provides any information under
8 subdivision (1)(k) or (s) of this section, the registrant shall sign
9 a consent form, provided by the law enforcement agency receiving this
10 information, authorizing the:

11 (a) Search of all the computers or electronic
12 communication devices possessed by the person; and

13 (b) Installation of hardware or software to monitor the
14 person's Internet usage on all the computers or electronic
15 communication devices possessed by the person.

16 (3) Except as provided in section 29-4005, the
17 registration information shall be verified as provided in subsections
18 (4), (5), and (6) of this section for the duration of the
19 registration period. The person shall appear in person for such
20 verification at the office of the sheriff of the county in which he
21 or she resides, has a temporary domicile, or is habitually living for
22 purposes of accepting verifications and shall have his or her
23 photograph and fingerprints taken upon request of verification
24 personnel.

25 (4) A person required to register under the act for

1 fifteen years shall report every twelve months in the month of his or
2 her birth, in person, to the office of the sheriff of the county in
3 which he or she resides for purposes of accepting verifications,
4 regardless of the original registration month. The sheriff shall
5 submit such verification information to the sex offender registration
6 and community notification division of the Nebraska State Patrol on
7 the day it is received and in a manner prescribed by the Nebraska
8 State Patrol for such purpose.

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

20 (6) A person required to register under the act for life
21 shall report, in person, every three months to the office of the
22 sheriff of the county in which he or she resides for purposes of
23 accepting verification. The person shall report, in person, in the
24 month of his or her birth and every three months following the month
25 of his or her birth, regardless of the original registration month.

1 The sheriff shall submit such verification information to the sex
2 offender registration and community notification division of the
3 Nebraska State Patrol on the day it is received and in a manner
4 prescribed by the Nebraska State Patrol for such purpose.

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

8 (8) Upon receipt of registration and confirmation of the
9 registry requirement, the sex offender registration and community
10 notification division of the Nebraska State Patrol shall notify the
11 person by certified mail of his or her registry duration and
12 verification schedule.

13 (9) If the person required to register under the act
14 fails to report in person as required in subsection (4), (5), or (6)
15 of this section, the person shall be in violation of this section.

16 (10) If the person required to register under the act
17 falsifies the registration or verification information or form or
18 fails to provide or timely update law enforcement of any of the
19 information required to be provided by the ~~Sex Offender Registration~~
20 Act, act, the person shall be in violation of this section.

21 (11) The verification requirements of a person required
22 to register under the act shall not apply during periods of such
23 person's incarceration or inpatient civil commitment. Verification
24 shall be resumed as soon as such person is placed on any type of
25 supervised release, parole, or probation or outpatient civil

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

11 (12) Any person required to register under the act shall,
12 in person, inform the sheriff of any legal change in name within
13 three working days after such change and provide a copy of the legal
14 documentation supporting the change in name. The sheriff shall submit
15 the information to the sex offender registration and community
16 notification division of the Nebraska State Patrol, in writing,
17 immediately after receipt of the information and in a manner
18 prescribed by the Nebraska State Patrol for such purpose.

19 (13) Any person required to register under the ~~Sex~~
20 ~~Offender Registration Act~~ act shall inform the sheriff with whom he
21 or she is required to register of any changes in or additions to such
22 person's list of email addresses, instant messaging identifiers, chat
23 room identifiers, global unique identifiers, and other Internet
24 communication identifiers that the registrant uses or plans to use,
25 all domain names registered by the person, and all blogs and Internet

1 web sites maintained by the person or to which the person has
2 uploaded any content or posted any messages or information, in
3 writing, by the next working day. The sheriff receiving this updated
4 information shall submit the information to the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol, in writing, by the next working day after receipt of
7 the information.

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

13 Sec. 4. Section 29-4007, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

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

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

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

1 within three working days after the date of the written notification
2 to register;

3 (ii) Inform the defendant that if he or she moves to
4 another ~~address~~residence within the same county, he or she must
5 report to the county sheriff of the county in which he or she is
6 residing within three working days before his or her move;

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

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

21 (v) Inform the defendant that if he or she moves to
22 another state, he or she must report, in person, the change of
23 ~~address~~residence to the county sheriff of the county in which he or
24 she has been residing, has had a temporary domicile, or has had a
25 habitual living location and must comply with the registration

1 requirements of the state to which he or she is moving. The notice
2 must be given within three working days before his or her move;

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

11 (vii) Inform the defendant that he or she shall (A)
12 inform the sheriff of the county in which the employment site is
13 located, in person, of the name and address of any place where he or
14 she 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 (viii) Inform the defendant that if he or she goes to
19 another state to work or goes to another state as a student and still
20 resides, has a temporary domicile, or has a habitual living location
21 in this state, he or she must comply with the registration
22 requirements of both states;

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

1 registration requirements;

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

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

6 (xii) Inform the defendant that he or she must provide a
7 list to all sheriffs with whom he or she must register of all email
8 addresses, instant messaging identifiers, chat room identifiers,
9 global unique identifiers, and other Internet communication
10 identifiers that the defendant uses or plans to use, all domain names
11 registered by the defendant, and all blogs and Internet web sites
12 maintained by the defendant or to which the defendant has uploaded
13 any content or posted any messages or information;

14 (xiii) Inform the defendant that he or she is required to
15 inform the sheriff with whom he or she is required to register of any
16 changes in or additions to his or her list of email addresses,
17 instant messaging identifiers, chat room identifiers, global unique
18 identifiers, and other Internet communication identifiers that the
19 defendant uses or plans to use, all domain names registered by the
20 defendant, and all blogs and Internet web sites maintained by the
21 defendant or to which the defendant has uploaded any content or
22 posted any messages or information, in writing, by the next working
23 day after such change or addition; and

24 (xiv) Inform the defendant that throughout the applicable
25 registration period, if applicable, he or she is prohibited from

1 accessing or using any Internet social networking web site or any
2 instant messaging or chat room service that has the likelihood of
3 allowing the defendant to have contact with any child who is under
4 the age of eighteen years if the defendant has been convicted and is
5 currently being sentenced for:

6 (A) Kidnapping of a minor pursuant to section 28-313;
7 (B) False imprisonment of a minor pursuant to section
8 28-314 or 28-315;

9 (C) Sexual assault in the first degree pursuant to
10 subdivision (1)(c) of section 28-319 or sexual assault of a child in
11 the first degree pursuant to section 28-319.01;

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

14 (E) Incest of a minor pursuant to section 28-703;

15 (F) Visual depiction of sexually explicit conduct of a
16 child pursuant to section 28-1463.03 or 28-1463.05;

17 (G) Knowingly possessing any visual depiction of sexually
18 explicit conduct pursuant to section 28-813.01;

19 (H) Criminal child enticement pursuant to section 28-311;

20 (I) Child enticement by means of an electronic
21 communication device pursuant to section 28-320.02;

22 (J) Enticement by electronic communication device
23 pursuant to section 28-833; or

24 (K) Any attempt or conspiracy to commit an offense listed
25 in subdivisions (1)(a)(xiv)(A) through (1)(a)(xiv)(J) of this

1 section;

2 (b) Require the defendant to read and sign a form stating
3 that the duty of the defendant to register under the Sex Offender
4 Registration Act has been explained;

5 (c) Retain a copy of the written notification signed by
6 the defendant; and

7 (d) Provide a copy of the signed, written notification,
8 the judgment and sentence, the information or amended information,
9 and the journal entry of the court to the county attorney, the
10 defendant, the sex offender registration and community notification
11 division of the Nebraska State Patrol, and the county sheriff of the
12 county in which the defendant resides, has a temporary domicile, or
13 has a habitual living location.

14 (2) When a person is convicted of a registrable offense
15 under section 29-4003 and is not subject to immediate incarceration
16 upon sentencing, prior to being released by the court, the sentencing
17 court shall ensure that the defendant is registered by a Nebraska
18 State Patrol office or other location designated by the patrol for
19 purposes of accepting registrations.

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

1 (v) Inform the person that if he or she moves to another
2 state, he or she must report, in person, the change of address
3 residence to the county sheriff of the county in which he or she has
4 been residing, has had a temporary domicile, or has been habitually
5 living and must comply with the registration requirements of the
6 state to which he or she is moving. The report must be given within
7 three working days before his or her move;

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

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

22 (viii) Inform the person that if he or she goes to
23 another state to work or goes to another state as a student and still
24 resides, has a temporary domicile, or has a habitual living location
25 in this state, he or she must comply with the registration

1 requirements of both states;

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

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

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

10 (xii) Inform the defendant that he or she must provide a
11 list to all sheriffs with whom he or she must register of all email
12 addresses, instant messaging identifiers, chat room identifiers,
13 global unique identifiers, and other Internet communication
14 identifiers that the defendant uses or plans to use, all domain names
15 registered by the defendant, and all blogs and Internet web sites
16 maintained by the defendant or to which the defendant has uploaded
17 any content or posted any messages or information;

18 (xiii) Inform the defendant that he or she is required to
19 inform the sheriff with whom he or she is required to register of any
20 changes in or additions to his or her list of email addresses,
21 instant messaging identifiers, chat room identifiers, global unique
22 identifiers, and other Internet communication identifiers that the
23 defendant uses or plans to use, all domain names registered by the
24 defendant, and all blogs and Internet web sites maintained by the
25 defendant or to which the defendant has uploaded any content or

1 posted any messages or information, in writing, by the next working
2 day after such change or addition; and

(xiv) Inform the defendant that throughout the applicable registration period, if applicable, he or she is prohibited from accessing or using any Internet social networking web site or any instant messaging or chat room service that has the likelihood of allowing the defendant to have contact with any child who is under the age of eighteen years if the defendant has been convicted and is currently being sentenced for:

10 (A) Kidnapping of a minor pursuant to section 28-313;

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

13 (C) Sexual assault in the first degree pursuant to
14 subdivision (1)(c) of section 28-319 or sexual assault of a child in
15 the first degree pursuant to section 28-319.01;

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

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

19 (F) Visual depiction of sexually explicit conduct of a
20 child pursuant to section 28-1463.03 or 28-1463.05;

(G) Knowingly possessing any visual depiction of sexually explicit conduct pursuant to section 28-813.01;

23 (H) Criminal child enticement pursuant to section 28-311;

24 (I) Child enticement by means of an electronic
25 communication device pursuant to section 28-320.02;

1 (J) Enticement by electronic communication device
2 pursuant to section 28-833; or

3 (K) Any attempt or conspiracy to commit an offense listed
4 in subdivisions (3)(a)(xiv)(A) through (3)(a)(xiv)(J) of this
5 section.

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 and to the sex offender registration and
15 community notification division of the Nebraska State Patrol.

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

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

1 Sec. 5. Section 29-4013, Revised Statutes Cumulative
2 Supplement, 2010, 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 procedures for release of information established
10 by the Nebraska State Patrol shall provide for law enforcement and
11 public notification using electronic systems.

12 (3) Information concerning the ~~address—residence~~ or
13 whereabouts of a sex offender may be disclosed to his or her victim
14 or victims.

15 (4) The following shall have access to public
16 notification information: Any agency responsible for conducting
17 employment-related background checks under section 3 of the National
18 Child Protection Act of 1993, 42 U.S.C. 5119a; any social service
19 entity responsible for protecting minors in the child welfare system;
20 any volunteer organization in which contact with minors or other
21 vulnerable individuals might occur; any public housing agency in each
22 area in which a registered sex offender resides or is an employee or
23 a student; any governmental agency conducting confidential background
24 checks for employment, volunteer, licensure, or certification
25 purposes; and any health care provider who serves children or

1 vulnerable adults for the purpose of conducting confidential
2 background checks for employment. If any means of notification
3 proposes a fee for usage, then nonprofit organizations holding a
4 certificate of exemption under section 501(c) of the Internal Revenue
5 Code shall not be charged.

6 (5) Personnel for the sex offender registration and
7 community notification division of the Nebraska State Patrol shall
8 have access to all documents that are generated by any governmental
9 agency that may have bearing on sex offender registration and
10 community notification. This may include, but is not limited to, law
11 enforcement reports, presentence reports, criminal histories, birth
12 certificates, or death certificates. The division shall not be
13 charged for access to documents under this subsection. Access to such
14 documents will ensure that a fair determination of what is an
15 appropriate registration period is completed using the totality of
16 all information available.

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

22 Sec. 6. Section 83-174.03, Revised Statutes Cumulative
23 Supplement, 2010, 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 for a

1 registrable offense under section 29-4003 and has a previous
2 conviction for a registrable offense under such section, (b) is
3 convicted of sexual assault of a child in the first degree pursuant
4 to section 28-319.01, or (c) is convicted of or completes a term of
5 incarceration for an aggravated offense as defined in section
6 29-4001.01, shall, upon completion of his or her term of
7 incarceration or release from civil commitment, be supervised in the
8 community by the Office of Parole Administration for the remainder of
9 his or her life.

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

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

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

24 (a) Drug and alcohol testing if the conviction resulting
25 in the imposition of community supervision involved the use of drugs

1 or alcohol;

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

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

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

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

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

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

18 Sec. 7. Original sections 29-4001.01, 29-4004, 29-4006,
19 29-4007, 29-4013, and 83-174.03, Revised Statutes Cumulative
20 Supplement, 2010, are repealed.