

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 671

Introduced by Flood, 19.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to sex offenders; to amend sections 25-21,271,
2 29-4004, and 29-4006, Revised Statutes Cumulative
3 Supplement, 2010; to prohibit a sex offender from
4 changing his or her name; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,271, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 25-21,271 (1) ~~Any~~A person desiring to change his or her
4 name shall file a petition in the district court of the county in
5 which such person may be a resident, ~~setting forth~~except a person
6 required to register under the Sex Offender Registration Act is
7 prohibited from changing his or her name. The petition for change of
8 name shall state (a) that the petitioner has been a bona fide citizen
9 of such county for at least one year prior to the filing of the
10 petition, (b) the address of the petitioner, (c) the date of birth of
11 the petitioner, (d) the cause for which the change of petitioner's
12 name is sought, and (e) the name asked for.

13 (2) Notice of the filing of the petition shall be
14 published in a newspaper in the county, and if no newspaper is
15 printed in the county, then in a newspaper of general circulation
16 therein. The notice shall be published (a) once a week for four
17 consecutive weeks if the petitioner is nineteen years of age or older
18 at the time the action is filed and (b) once a week for two
19 consecutive weeks if the petitioner is under nineteen years of age at
20 the time the action is filed. In an action involving a petitioner
21 under nineteen years of age who has a noncustodial parent, notice of
22 the filing of the petition shall be sent by certified mail within
23 five days after publication to the noncustodial parent at the address
24 provided to the clerk of the district court pursuant to subsection
25 (1) of section 42-364.13 for the noncustodial parent if he or she has

1 provided an address. The clerk of the district court shall provide
2 the petitioner with the address upon request.

3 (3) It shall be the duty of the district court, upon
4 being duly satisfied by proof in open court of the truth of the
5 allegations set forth in the petition, that there exists proper and
6 reasonable cause for changing the name of the petitioner, and that
7 notice of the filing of the petition has been given as required by
8 this section, to order and direct a change of name of such petitioner
9 and that an order for the purpose be made in the journals of the
10 court.

11 (4) The clerk of the district court shall deliver a copy
12 by hard copy or electronic means of any name-change order issued by
13 the court pursuant to this section to the Department of Health and
14 Human Services for use pursuant to sections 28-376 and 28-718. ~~and to~~
15 ~~the sex offender registration and community notification division of~~
16 ~~the Nebraska State Patrol for use pursuant to section 29-4004.~~

17 Sec. 2. Section 29-4004, Revised Statutes Cumulative
18 Supplement, 2010, is amended to read:

19 29-4004 (1) Any person subject to the Sex Offender
20 Registration Act shall register within three working days after
21 becoming subject to the act at a location designated by the Nebraska
22 State Patrol for purposes of accepting such registration.

23 (2) Any person required to register under the act shall
24 inform the sheriff of the county in which he or she resides, in
25 person, and complete a form as prescribed by the Nebraska State

1 Patrol for such purpose, if he or she has a new address, temporary
2 domicile, or habitual living location, within three working days
3 before the change. The sheriff shall submit such information to the
4 sex offender registration and community notification division of the
5 Nebraska State Patrol on the day it is received and in a manner
6 prescribed by the Nebraska State Patrol for such purpose.

7 (3) 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 has a new address, temporary
11 domicile, or habitual living location in a different county in this
12 state, within three working days before the address change. The
13 sheriff shall submit such information to the sex offender
14 registration and community notification division of the Nebraska
15 State Patrol on the day it is received and in a manner as prescribed
16 by the Nebraska State Patrol for such purpose. If the change in
17 address, temporary domicile, or habitual living location is to a
18 location within the State of Nebraska, the division shall notify the
19 sheriff of each affected county of the new address, temporary
20 domicile, or habitual living location, within three working days. The
21 person shall report to the county sheriff of his or her new county of
22 residence and register with such county sheriff within three working
23 days after the address change.

24 (4) Any person required to register under the act shall
25 inform the sheriff of the county in which he or she resides, in

1 person, and complete a form as prescribed by the Nebraska State
2 Patrol for such purpose, if he or she moves to a new out-of-state
3 address, within three working days before the address change. The
4 sheriff shall submit such information to the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol on the day it is received and in a manner as prescribed
7 by the Nebraska State Patrol for such purpose. If the change in
8 address, temporary domicile, or habitual living location is to a
9 location outside of the State of Nebraska, the division shall notify
10 the sheriff of each affected county in Nebraska and the other
11 state's, country's, or territory's central repository for sex
12 offender registration of the new out-of-state address, temporary
13 domicile, or habitual living location, within three working days.

14 (5) Any person required to register under the act who is
15 employed, carries on a vocation, or attends school shall inform, in
16 person, the sheriff of the county in which he or she is employed,
17 carries on a vocation, or attends school 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, in
21 person, of any changes in employment, vocation, or school of
22 attendance, and complete a form as prescribed by the Nebraska State
23 Patrol for such purpose, within three working days after the change.
24 The sheriff shall submit such information to the sex offender
25 registration and community notification division of the Nebraska

1 State Patrol on the day it is received and in a manner as prescribed
2 by the Nebraska State Patrol for such purpose.

3 (6) Any person required to register under the act who is
4 residing, has a temporary domicile, or is habitually living in
5 another state, and is employed, carries on a vocation, or attends
6 school in this state, shall report and register, in person, with the
7 sheriff of the county in which he or she is employed, carries on a
8 vocation, or attends school in this state and complete a form as
9 prescribed by the Nebraska State Patrol for such purpose, within
10 three working days after becoming employed, carrying on a vocation,
11 or attending school. The person shall also notify the sheriff of any
12 changes in employment, vocation, or school of attendance, in person,
13 and complete a form as prescribed by the Nebraska State Patrol for
14 such purpose, within three working days after the change. The sheriff
15 shall submit such information to the sex offender registration and
16 community notification division of the Nebraska State Patrol on the
17 day it is received and in a manner as prescribed by the Nebraska
18 State Patrol for such purpose. For purposes of this subsection:

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

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

25 (7) Any person incarcerated for a registrable offense

1 under section 29-4003 in a jail, penal or correctional facility, or
2 other public or private institution shall be registered by the jail,
3 penal or correctional facility, or public or private institution
4 prior to his or her discharge, parole, furlough, work release, or
5 release. The person shall be informed and information shall be
6 obtained as required in section 29-4006.

7 (8) Any person required to register or who is registered
8 under the act, but is incarcerated for more than three working days,
9 shall inform the sheriff of the county in which he or she is
10 incarcerated, in writing, within three working days after
11 incarceration, of his or her incarceration and his or her expected
12 release date, if any such date is available. The sheriff shall
13 forward the information regarding incarceration to the sex offender
14 registration and community notification division of the Nebraska
15 State Patrol immediately on the day on which it was received and in a
16 manner prescribed by the Nebraska State Patrol for such purpose.

17 (9) Any person required to register or who is registered
18 under the act who no longer has a residence, temporary domicile, or
19 habitual living location shall report such change in person to the
20 sheriff of the county in which he or she is located, within three
21 working days after such change in residence, temporary domicile, or
22 habitual living location. Such person shall update his or her
23 registration, in person, to the sheriff of the county in which he or
24 she is located, on a form approved by the sex offender registration
25 and community notification division of the Nebraska State Patrol at

1 least once every thirty calendar days during the time he or she
2 remains without residence, temporary domicile, or habitual living
3 location.

4 (10) Each registering entity shall forward all written
5 information, photographs, and fingerprints obtained pursuant to the
6 act to the sex offender registration and community notification
7 division of the Nebraska State Patrol on the day it is received and
8 in a manner prescribed by the Nebraska State Patrol for such purpose.
9 The information shall be forwarded on forms furnished by the
10 division. The division shall maintain a central registry of sex
11 offenders required to register under the act. Any collected DNA
12 samples shall be forwarded to the State DNA Data Base.

13 ~~(11) The sex offender registration and community~~
14 ~~notification division of the Nebraska State Patrol shall determine~~
15 ~~whether a name change order received from the clerk of a district~~
16 ~~court pursuant to section 25-21,271 is for a person in the central~~
17 ~~registry of sex offenders and, if so, shall include the changed name~~
18 ~~with the former name in the registry, file or cross reference the~~
19 ~~information under both names, and notify the sheriff of the county in~~
20 ~~which such person then resides.~~

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

23 29-4006 (1) Registration information required by the Sex
24 Offender Registration Act shall be entered into a data base in a
25 format approved by the sex offender registration and community

1 notification division of the Nebraska State Patrol and shall include,
2 but not be limited to, the following information:

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

5 (b) The person's date of birth and any alias dates of
6 birth;

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

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

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

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

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

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

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

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

1 (k) The person's remote communication device identifiers
2 and addresses, including, but not limited to, all global unique
3 identifiers, serial numbers, Internet protocol addresses, telephone
4 numbers, and account numbers specific to the device;

5 (l) The person's telephone numbers;

6 (m) A physical description of the person;

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

10 (o) Access to the criminal history of the person,
11 including the date of all arrests and convictions, the status of
12 parole, probation, or supervised release, registration status, and
13 the existence of any outstanding arrest warrants for the person;

14 (p) A current photograph of the person;

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

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

17 (s) All email addresses, instant messaging identifiers,
18 chat room identifiers, global unique identifiers, and other Internet
19 communication identifiers that the person uses or plans to use, all
20 domain names registered by the registrant, and all blogs and Internet
21 sites maintained by the person or to which the person has uploaded
22 any content or posted any messages or information.

23 (2) When the person provides any information under
24 subdivision (1)(k) or (s) of this section, the registrant shall sign
25 a consent form, provided by the law enforcement agency receiving this

1 information, authorizing the:

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

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

7 (3) Except as provided in section 29-4005, the
8 registration information shall be verified as provided in subsections
9 (4), (5), and (6) of this section for the duration of the
10 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 for
13 purposes of accepting verifications and shall have his or her
14 photograph and fingerprints taken upon request of verification
15 personnel.

16 (4) A person required to register under the act for
17 fifteen years shall report every twelve months in the month of his or
18 her birth, in person, to the office of the sheriff of the county in
19 which he or she resides for purposes of accepting verifications,
20 regardless of the original registration month. The sheriff shall
21 submit such verification information to the sex offender registration
22 and community notification division of the Nebraska State Patrol on
23 the day it is received and in a manner prescribed by the Nebraska
24 State Patrol for such purpose.

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

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

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

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

24 (8) Upon receipt of registration and confirmation of the
25 registry requirement, the sex offender registration and community

1 notification division of the Nebraska State Patrol shall notify the
2 person by certified mail of his or her registry duration and
3 verification schedule.

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

7 (10) If the person required to register under the act
8 falsifies the registration or verification information or form or
9 fails to provide or timely update law enforcement of any of the
10 information required to be provided by the Sex Offender Registration
11 Act, the person shall be in violation of this section.

12 (11) The verification requirements of a person required
13 to register under the act shall not apply during periods of such
14 person's incarceration or inpatient civil commitment. Verification
15 shall be resumed as soon as such person is placed on any type of
16 supervised release, parole, or probation or outpatient civil
17 commitment or is released from incarceration or civil commitment.
18 Prior to any type of release from incarceration or inpatient civil
19 commitment, the person shall report a change of address, in writing,
20 to the sheriff of the county in which he or she is incarcerated and
21 the sheriff of the county in which he or she resides, has a temporary
22 domicile, or has a habitual living location. The sheriff shall submit
23 the change of address to the sex offender registration and community
24 notification division of the Nebraska State Patrol on the day it is
25 received and in a manner prescribed by the Nebraska State Patrol for

1 such purpose.

2 (12) Any person required to register under the act shall,
3 in person, inform the sheriff of any ~~legal change in name~~ change
4 within three working days after such change and provide a copy of the
5 legal documentation supporting the change in name. The sheriff shall
6 submit the information to the sex offender registration and community
7 notification division of the Nebraska State Patrol, in writing,
8 immediately after receipt of the information and in a manner
9 prescribed by the Nebraska State Patrol for such purpose.

10 (13) Any person required to register under the Sex
11 Offender Registration Act shall inform the sheriff with whom he or
12 she is required to register of any changes in or additions to such
13 person's list of email addresses, instant messaging identifiers, chat
14 room identifiers, global unique identifiers, and other Internet
15 communication identifiers that the registrant uses or plans to use,
16 all domain names registered by the person, and all blogs and Internet
17 web sites maintained by the person or to which the person has
18 uploaded any content or posted any messages or information, in
19 writing, by the next working day. The sheriff receiving this updated
20 information shall submit the information to the sex offender
21 registration and community notification division of the Nebraska
22 State Patrol, in writing, by the next working day after receipt of
23 the information.

24 (14) At any time that a person required to register under
25 the act violates the registry requirements and cannot be located, the

1 registry information shall reflect that the person has absconded, a
2 warrant shall be sought for the person's arrest, and the United
3 States Marshals Service shall be notified.

4 Sec. 4. Original sections 25-21,271, 29-4004, and
5 29-4006, Revised Statutes Cumulative Supplement, 2010, are repealed.