LEGISLATIVE BILL 665

Approved by the Governor May 11, 2011

Introduced by Pirsch, 4.

FOR AN ACT relating to crimes and offenses; to amend section 28-311, Revised
Statutes Cumulative Supplement, 2010; to change provisions relating
to criminal child enticement and to define a term; to repeal the
original section; and to declare an emergency.

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

Section 1. Section 28-311, Revised Statutes Cumulative Supplement,
2010, is amended to read:
28-311 (1)(a) No person, by any means and without privilege to do
so, shall knowingly solicit, coax, entice, or lure or attempt to solicit,
coax, entice, or lure any child under the age of fourteen years to enter into
any vehicle, whether or not the person knows the age of the child.
(b) No person, by any means and without privilege to do so, shall
solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure
any child under the age of fourteen years to enter into any place with the
intent to seclude the child from his or her parent, guardian, or other legal
custodian or the general public, whether or not the person knows the age of
the child. For purposes of this subdivision, seclude means to take, remove,
hide, secrete, conceal, isolate, or otherwise unlawfully separate.

(2) It is an affirmative defense to a charge under this section
that:
(a) The person had the express or implied permission of the parent,
guardian, or other legal custodian of the child in undertaking the activity;
(b)(i) The person is a law enforcement officer, emergency services
provider as defined in section 71-507, firefighter, or other person who
regularly provides emergency services, is the operator of a bookmobile or
other such vehicle operated by the state or a political subdivision and used
for informing, educating, organizing, or transporting children, is a paid
employee of, or a volunteer for, a nonprofit or religious organization which
provides activities for children, or is an employee or agent of or a volunteer
acting under the direction of any board of education and (ii) the person
listed in subdivision (2)(b)(i) of this section was, at the time the person
undertook the activity, acting within the scope of his or her lawful duties in
that capacity; or
(c) The person undertook the activity in response to a bona fide
emergency situation or the person undertook the activity in response to a
reasonable belief that it was necessary to preserve the health, safety, or
welfare of the child.

(3) Any person who violates this section commits criminal child
enticement and is guilty of a Class IIIA felony. If such person has previously
been convicted of (a) criminal child enticement under this section, (b) sexual
assault of a child in the first degree under section 28-319.01, (c) sexual
assault of a child in the second or third degree under section 28-320.01, (d)
child enticement by means of an electronic communication device under section
28-320.02, or (e) assault under section 28-308, 28-309, or 28-310, kidnapping
under section 28-313, or false imprisonment under section 28-314 or 28-315
when the victim was under eighteen years of age when such person violates this
section, such person is guilty of a Class III felony.

Sec. 2. Original section 28-311, Revised Statutes Cumulative
Supplement, 2010, is repealed.
Sec. 3. Since an emergency exists, this act takes effect when passed
and approved according to law.