LEGISLATIVE BILL 302

Introduced by Campbell, 25.

Read first time January 15, 2015

Committee: Judiciary

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to create the offense of rehoming a child; to provide a penalty; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-101, Revised Statutes Cumulative Supplement, 2014, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1418.01, and 28-1429.03 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) A person commits the offense of rehoming a child if he or she is a parent or custodian of a child and engages in: (a) A transaction, or any act taken to facilitate such transaction, through electronic or any other means, with the intent to leave such child and permanently avoid parental responsibility by placing such child in the physical custody of a nonrelative without court approval except as provided in subsection (2) of this section; (b) the selling, transferring, or arranging for the sale or transfer of a child to another person or entity for money or anything of value or to receive such child for money or anything of value; or (c) assisting, aiding, abetting, or conspiring in the commission of any act described in subdivision (a) or (b) of this section regardless of whether money or anything of value was promised or received by the person.

(2) Rehoming a child does not include: (a) Placement of a child by a parent or custodian with a relative, stepparent, adoption agency, or the Division of Children and Family Services of the Department of Health and Human Services; (b) temporary placement of a child by a parent or custodian for a designated short-term period of time with specific intent to return for the child; (c) placement of a child in another state in accordance with the requirements of the Interstate Compact on the Placement of Children; (d) leaving a child at a hospital as provided in section 29-121; or (e) placement pursuant to the Nebraska Indian Child Welfare Act, including any adoption under tribal law or custom.

(3) For the purposes of this section:

(a) Action includes transferring, recruiting, harboring, transporting, providing, soliciting, or obtaining a child; and
(b) Child means an individual under the age of eighteen years.

(4) Any person who commits the offense of rehoming a child is guilty of a Class IV felony.

Sec. 3. Original section 28-101, Revised Statutes Cumulative Supplement, 2014, is repealed.