

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB1048**

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**Hearing Date:** Thursday February 20, 2020

**Committee On:** Judiciary

**Introducer:** Quick

**One Liner:** Create the offense of sexual assault by a school employee and provide notification to the Commissioner of Education

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Dan Quick  
Lisa Albers

Maddie Fennell  
Jack Moles  
Tom Venzor  
Kyle McGowan  
Brian Halstead

**Representing:**

Introducer  
Grand Island Public Schools & Nebraska Association of School Boards  
Nebraska State Education Association  
Nebraska Rural Community Schools Association  
Nebraska Catholic Conference  
Nebraska Council of School Administrators  
Nebraska Department of Education

**Opponents:**

Spike Eickholt

**Representing:**

Nebraska Criminal Defense Attorneys Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Section 1 of LB1048 would amend Sec. 28-710 to define the term "school employee" and "student" for purposes of the Child Protection and Family Safety Act.

Section 2 would amend Sec. 28-713 to require the Department of Health and Human Services to notify the Commissioner of Education when it receives a report of out-of-home child abuse or neglect involving a school employee and a student.

Section 3 would amend Sec. 28-713.01 to require the results of an investigation into child abuse or neglect involving a school employee and a student to be provided to the Commissioner of Education.

Section 4 is new and creates the offense of sexual abuse by a school employee. First-degree sexual abuse by a school employee involves sexual penetration and is a Class IIA felony, punishable by up to 20 years in prison. Second-degree

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sexual abuse by a school employee involves sexual contact and is a Class IIIA felony, punishable by up to three years in prison. Third-degree sexual abuse by a school employee involves engaging in conduct to subject a student to sexual penetration or contact is a Class IV felony, punishable by up to two years in prison.

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**Explanation of amendments:**

The provisions of the original bill are contained in Sections 6 through 9 of AM2972.

Sections 1 and 2 amend the rules of evidence to allow a conviction for sexual abuse by a school employee to be considered in a subsequent action.

Section 4 authorizes a victim of sexual abuse by a school employee to petition for a sexual assault protection order.

Section 10 extends the statute of limitations for failure to report child abuse or neglect.

Section 11 makes sexual abuse by a school employee registerable under the Sex Offender Registration Act.

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Steve Lathrop, Chairperson