

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 519

FINAL READING

Introduced by Slama, 1; Linehan, 39; Pansing Brooks, 28; Bostelman, 23.

Read first time January 22, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
2 25-21,299, 27-404, 27-413, 28-115, 28-318, 28-322.01, 28-707,
3 28-710, 28-713, 29-110, 29-4003, and 86-291, Reissue Revised
4 Statutes of Nebraska, and sections 28-101, 43-4406, and 83-4,143,
5 Revised Statutes Cumulative Supplement, 2018; to change provisions
6 relating to a civil action under the Human Trafficking Victims Civil
7 Remedy Act, evidence of sexual assault under the Nebraska Evidence
8 Rules, and enhanced penalties for certain crimes against pregnant
9 women; to define and redefine terms; to change provisions relating
10 to sexual abuse of an inmate or parolee; to prohibit sexual abuse of
11 detainees by employees and agents of law enforcement agencies; to
12 provide penalties; to change provisions relating to child abuse; to
13 redefine terms, change provisions relating to human trafficking and
14 child welfare services, and provide duties for the Department of
15 Health and Human Services under the Child Protection and Family
16 Safety Act; to change statutes of limitations for labor and sex
17 trafficking, labor and sex trafficking of a minor, and offenses
18 involving visual depictions of sexually explicit conduct and
19 sexually explicit acts; to add registrable offenses under the Sex
20 Offender Registration Act; to require reporting regarding victims of
21 sex and labor trafficking of a minor as prescribed; to change
22 provisions relating to eligibility for participation in

1 incarceration work camp and interception of communications; to
2 harmonize provisions; and to repeal the original sections.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,299, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,299 (1) Any trafficking victim, ~~or~~ his or her parent or legal
4 guardian, ~~or personal representative in the event of such victim's death,~~
5 who suffered or continues to suffer personal or mental psychological
6 injury, death, or any other damages proximately caused by as a result of
7 such human trafficking may bring a civil action against any person who
8 knowingly (a) engaged in human trafficking of such victim within this
9 state or (b) aided or assisted in with the human trafficking of such
10 victim within this state.

11 (2) A plaintiff who prevails in a civil action brought pursuant to
12 the Human Trafficking Victims Civil Remedy Act may recover his or her
13 actual damages proximately caused by the actions of the defendant plus
14 any and all attorney's fees and costs reasonably associated with the
15 civil action. ~~In addition to all other remedies available under the act,~~
16 ~~the court may also award temporary, preliminary, and permanent injunctive~~
17 ~~relief as the court deems necessary and appropriate.~~

18 (3) Damages recoverable pursuant to subsection (2) of this section
19 include all damages otherwise recoverable under the law and include, but
20 are not limited to:

21 (a) The physical pain and mental suffering the plaintiff has
22 experienced and is reasonably certain to experience in the future;

23 (b) The reasonable value of the medical, hospital, nursing, and care
24 and supplies reasonably needed by and actually provided to the plaintiff
25 and reasonably certain to be needed and provided in the future;

26 (c) The reasonable value of transportation, housing, and child care
27 reasonably needed and actually incurred by the plaintiff;

28 (d) The reasonable value of the plaintiff's labor and services the
29 plaintiff has lost because he or she was a trafficking victim;

30 (e) The reasonable monetary value of the harm caused by the
31 documentation and circulation of the human trafficking;

1 (f) The reasonable costs incurred by the plaintiff to relocate away
2 from the defendant or the defendant's associates;

3 (g) In the event of death, damages available as in other actions for
4 wrongful death; and

5 (h) The reasonable costs incurred by the plaintiff to participate in
6 the criminal investigation or prosecution or attend criminal proceedings
7 related to trafficking the plaintiff.

8 (4) In addition to all remedies available under this section, the
9 court may enter an order of attachment pursuant to sections 25-1001 to
10 25-1010.

11 Sec. 2. Section 27-404, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 27-404 (1) Evidence of a person's character or a trait of his or her
14 character is not admissible for the purpose of proving that he or she
15 acted in conformity therewith on a particular occasion, except:

16 (a) Evidence of a pertinent trait of his or her character offered by
17 an accused, or by the prosecution to rebut the same;

18 (b) Evidence of a pertinent trait of character of the victim of the
19 crime offered by an accused or by the prosecution to rebut the same, or
20 evidence of a character trait of peacefulness of the victim offered by
21 the prosecution in a homicide case to rebut evidence that the victim was
22 the first aggressor. In a sexual assault case, reputation, opinion, or
23 other evidence of past sexual behavior of the victim is governed by
24 section 27-412; or

25 (c) Evidence of the character of a witness as provided in sections
26 27-607 to 27-609.

27 (2) Evidence of other crimes, wrongs, or acts is not admissible to
28 prove the character of a person in order to show that he or she acted in
29 conformity therewith. It may, however, be admissible for other purposes,
30 such as proof of motive, opportunity, intent, preparation, plan,
31 knowledge, identity, or absence of mistake or accident.

1 (3) When such evidence is admissible pursuant to this section, in
2 criminal cases evidence of other crimes, wrongs, or acts of the accused
3 may be offered in evidence by the prosecution if the prosecution proves
4 to the court by clear and convincing evidence that the accused committed
5 the crime, wrong, or act. Such proof shall first be made outside the
6 presence of any jury.

7 (4) Regarding the admissibility in a civil or criminal action of
8 evidence of a person's commission of another offense or offenses of
9 sexual assault under sections 28-319 to 28-322.04 and section 8 of this
10 act, see sections 27-413 to 27-415.

11 Sec. 3. Section 27-413, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 27-413 For purposes of sections 27-414 and 27-415, offense of sexual
14 assault means sexual assault under section 28-319 or 28-320, sexual
15 assault of a child under section 28-319.01 or 28-320.01, sexual assault
16 by use of an electronic communication device under section 28-320.02,
17 sexual abuse of an inmate or parolee under sections 28-322.01 to
18 28-322.03, sexual abuse of a protected individual under section
19 28-322.04, sexual abuse of a detainee under section 8 of this act, an
20 attempt or conspiracy to commit any of the crimes listed in this section,
21 or the commission of or conviction for a crime in another jurisdiction
22 that is substantially similar to any crime listed in this section.

23 Sec. 4. Section 28-101, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
26 sections 8 and 12 of this act shall be known and may be cited as the
27 Nebraska Criminal Code.

28 Sec. 5. Section 28-115, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 28-115 (1) Except as provided in subsection (2) of this section, any
31 person who commits any of the following criminal offenses against a

1 pregnant woman shall be punished by the imposition of the next higher
2 penalty classification than the penalty classification prescribed for the
3 criminal offense:

4 (a) Assault in the first degree, section 28-308;

5 (b) Assault in the second degree, section 28-309;

6 (c) Assault in the third degree, section 28-310;

7 (d) Sexual assault in the first degree, section 28-319;

8 (e) Sexual assault in the second or third degree, section 28-320;

9 (f) Sexual assault of a child in the first degree, section
10 28-319.01;

11 (g) Sexual assault of a child in the second or third degree, section
12 28-320.01;

13 (h) Sexual abuse of an inmate or parolee in the first degree,
14 section 28-322.02;

15 (i) Sexual abuse of an inmate or parolee in the second degree,
16 section 28-322.03;

17 (j) Sexual abuse of a protected individual in the first or second
18 degree, section 28-322.04;

19 (k) Sexual abuse of a detainee under section 8 of this act;

20 (l) ~~(k)~~ Domestic assault in the first, second, or third degree,
21 section 28-323;

22 (m) ~~(l)~~ Assault on an officer, an emergency responder, a state
23 correctional employee, a Department of Health and Human Services
24 employee, or a health care professional in the first degree, section
25 28-929;

26 (n) ~~(m)~~ Assault on an officer, an emergency responder, a state
27 correctional employee, a Department of Health and Human Services
28 employee, or a health care professional in the second degree, section
29 28-930;

30 (o) ~~(n)~~ Assault on an officer, an emergency responder, a state
31 correctional employee, a Department of Health and Human Services

1 employee, or a health care professional in the third degree, section
2 28-931;

3 (p) ~~(o)~~ Assault on an officer, an emergency responder, a state
4 correctional employee, a Department of Health and Human Services
5 employee, or a health care professional using a motor vehicle, section
6 28-931.01;

7 (q) ~~(p)~~ Assault by a confined person, section 28-932;

8 (r) ~~(q)~~ Confined person committing offenses against another person,
9 section 28-933; and

10 (s) ~~(r)~~ Proximately causing serious bodily injury while operating a
11 motor vehicle, section 60-6,198.

12 (2) The enhancement in subsection (1) of this section does not apply
13 to any criminal offense listed in subsection (1) of this section that is
14 already punishable as a Class I, IA, or IB felony. If any criminal
15 offense listed in subsection (1) of this section is punishable as a Class
16 I misdemeanor, the penalty under this section is a Class IIIA felony.

17 (3) The prosecution shall allege and prove beyond a reasonable doubt
18 that the victim was pregnant at the time of the offense.

19 Sec. 6. Section 28-318, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 28-318 As used in sections 28-317 to 28-322.04 and section 8 of this
22 act, unless the context otherwise requires:

23 (1) Actor means a person accused of sexual assault;

24 (2) Intimate parts means the genital area, groin, inner thighs,
25 buttocks, or breasts;

26 (3) Past sexual behavior means sexual behavior other than the sexual
27 behavior upon which the sexual assault is alleged;

28 (4) Serious personal injury means great bodily injury or
29 disfigurement, extreme mental anguish or mental trauma, pregnancy,
30 disease, or loss or impairment of a sexual or reproductive organ;

31 (5) Sexual contact means the intentional touching of the victim's

1 sexual or intimate parts or the intentional touching of the victim's
2 clothing covering the immediate area of the victim's sexual or intimate
3 parts. Sexual contact ~~shall~~ also means ~~mean~~ the touching by the victim of
4 the actor's sexual or intimate parts or the clothing covering the
5 immediate area of the actor's sexual or intimate parts when such touching
6 is intentionally caused by the actor. Sexual contact includes ~~shall~~
7 ~~include~~ only such conduct which can be reasonably construed as being for
8 the purpose of sexual arousal or gratification of either party. Sexual
9 contact ~~shall~~ also includes ~~include~~ the touching of a child with the
10 actor's sexual or intimate parts on any part of the child's body for
11 purposes of sexual assault of a child under sections 28-319.01 and
12 28-320.01;

13 (6) Sexual penetration means sexual intercourse in its ordinary
14 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,
15 however slight, of any part of the actor's or victim's body or any object
16 manipulated by the actor into the genital or anal openings of the
17 victim's body which can be reasonably construed as being for nonmedical,
18 ~~or nonhealth,~~ or nonlaw enforcement purposes. Sexual penetration shall
19 not require emission of semen;

20 (7) Victim means the person alleging to have been sexually
21 assaulted;

22 (8) Without consent means:

23 (a)(i) The victim was compelled to submit due to the use of force or
24 threat of force or coercion, or (ii) the victim expressed a lack of
25 consent through words, or (iii) the victim expressed a lack of consent
26 through conduct, or (iv) the consent, if any was actually given, was the
27 result of the actor's deception as to the identity of the actor or the
28 nature or purpose of the act on the part of the actor;

29 (b) The victim need only resist, either verbally or physically, so
30 as to make the victim's refusal to consent genuine and real and so as to
31 reasonably make known to the actor the victim's refusal to consent; and

1 (c) A victim need not resist verbally or physically where it would
2 be useless or futile to do so; and

3 (9) Force or threat of force means (a) the use of physical force
4 which overcomes the victim's resistance or (b) the threat of physical
5 force, express or implied, against the victim or a third person that
6 places the victim in fear of death or in fear of serious personal injury
7 to the victim or a third person where the victim reasonably believes that
8 the actor has the present or future ability to execute the threat.

9 Sec. 7. Section 28-322.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-322.01 (1) A person commits the offense of sexual abuse of an
12 inmate or parolee if such person subjects an inmate or parolee to sexual
13 penetration or sexual contact as those terms are defined in section
14 28-318. It is not a defense to a charge under this section that the
15 inmate or parolee consented to such sexual penetration or sexual contact.

16 (2) An otherwise lawful pat-down or body cavity search by a person
17 is not a violation of this section.

18 Sec. 8. (1) For purposes of this section:

19 (a) Detainee means an individual who has been:

20 (i) Arrested by a person;

21 (ii) Detained by a person, regardless of whether the detainee has
22 been arrested or charged; or

23 (iii) Placed into the custody of a person, regardless of whether the
24 detainee has been arrested or charged;

25 (b) Law enforcement agency means an agency or department of this
26 state or of any political subdivision of this state which is responsible
27 for the prevention and detection of crime; the enforcement of the penal,
28 traffic, or highway laws of this state or any political subdivision of
29 this state; and the enforcement of arrest warrants. Law enforcement
30 agency includes a police department, an office of the town marshal, an
31 office of the county sheriff, the Nebraska State Patrol, and any

1 department to which a deputy state sheriff is assigned as provided in
2 section 84-106; and

3 (c) Person means an individual:

4 (i) Who is employed by a law enforcement agency, including an
5 individual working under contract with the agency;

6 (ii) To whom the law enforcement agency has authorized or delegated
7 authority to make arrests, to place a detainee in detention or custody,
8 or to otherwise exercise control over a detainee or a detainee's
9 activities; and

10 (iii) Who is not the spouse of a detainee.

11 (2) A person commits the offense of sexual abuse of a detainee if
12 the person engages in sexual penetration or sexual contact with a
13 detainee. It is not a defense to a charge under this section that the
14 detainee consented to such sexual penetration or sexual contact.

15 (3) An otherwise lawful pat-down or body cavity search by a person
16 is not a violation of this section.

17 (4) Any person who engages in sexual penetration with a detainee is
18 guilty of sexual abuse of a detainee in the first degree. Sexual abuse of
19 a detainee in the first degree is a Class IIA felony.

20 (5) Any person who engages in sexual contact with a detainee is
21 guilty of sexual abuse of a detainee in the second degree. Sexual abuse
22 of a detainee in the second degree is a Class IIIA felony.

23 Sec. 9. Section 28-707, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-707 (1) A person commits child abuse if he or she knowingly,
26 intentionally, or negligently causes or permits a minor child to be:

27 (a) Placed in a situation that endangers his or her life or physical
28 or mental health;

29 (b) Cruelly confined or cruelly punished;

30 (c) Deprived of necessary food, clothing, shelter, or care;

31 (d) Placed in a situation to be sexually exploited through sex

1 trafficking of a minor as defined in section 28-830 or by allowing,
2 encouraging, or forcing such minor child to ~~solicit for~~ or engage in
3 ~~prostitution~~, debauchery, public indecency, or obscene or pornographic
4 photography, films, or depictions;

5 (e) Placed in a situation to be sexually abused as defined in
6 section 28-319, 28-319.01, or 28-320.01; or

7 (f) Placed in a situation to be a trafficking victim as defined in
8 section 28-830.

9 (2) The statutory privilege between patient and physician, between
10 client and professional counselor, and between husband and wife shall not
11 be available for excluding or refusing testimony in any prosecution for a
12 violation of this section.

13 (3) Child abuse is a Class I misdemeanor if the offense is committed
14 negligently and does not result in serious bodily injury as defined in
15 section 28-109 or death.

16 (4) Child abuse is a Class IIIA felony if the offense is committed
17 knowingly and intentionally and does not result in serious bodily injury
18 as defined in section 28-109 or death.

19 (5) Child abuse is a Class IIIA felony if the offense is committed
20 negligently and results in serious bodily injury as defined in section
21 28-109.

22 (6) Child abuse is a Class IIA felony if the offense is committed
23 negligently and results in the death of such child.

24 (7) Child abuse is a Class II felony if the offense is committed
25 knowingly and intentionally and results in serious bodily injury as
26 defined in such section.

27 (8) Child abuse is a Class IB felony if the offense is committed
28 knowingly and intentionally and results in the death of such child.

29 (9) For purposes of this section, negligently refers to criminal
30 negligence and means that a person knew or should have known of the
31 danger involved and acted recklessly, as defined in section 28-109, with

1 respect to the safety or health of the minor child.

2 Sec. 10. Section 28-710, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
5 as the Child Protection and Family Safety Act.

6 (2) For purposes of the Child Protection and Family Safety Act:

7 (a) Alternative response means a comprehensive assessment of (i)
8 child safety, (ii) the risk of future child abuse or neglect, (iii)
9 family strengths and needs, and (iv) the provision of or referral for
10 necessary services and support. Alternative response is an alternative to
11 traditional response and does not include an investigation or a formal
12 determination as to whether child abuse or neglect has occurred, and the
13 subject of the report shall not be entered into the central registry of
14 child protection cases maintained pursuant to section 28-718;

15 (b) Child abuse or neglect means knowingly, intentionally, or
16 negligently causing or permitting a minor child to be:

17 (i) Placed in a situation that endangers his or her life or physical
18 or mental health;

19 (ii) Cruelly confined or cruelly punished;

20 (iii) Deprived of necessary food, clothing, shelter, or care;

21 (iv) Left unattended in a motor vehicle if such minor child is six
22 years of age or younger;

23 (v) Placed in a situation to be sexually ~~Sexually~~ abused; ~~or~~

24 (vi) Placed in a situation to be sexually ~~Sexually~~ exploited through
25 sex trafficking of a minor as defined in section 28-830 or by allowing,
26 encouraging, or forcing such person to ~~solicit for~~ ~~or~~ engage in
27 ~~prostitution~~, debauchery, public indecency, or obscene or pornographic
28 photography, films, or depictions; or

29 (vii) Placed in a situation to be a trafficking victim as defined in
30 section 28-830;

31 (c) Comprehensive assessment means an analysis of child safety, risk

1 of future child abuse or neglect, and family strengths and needs on a
2 report of child abuse or neglect. Comprehensive assessment does not
3 include a determination as to whether the child abuse or neglect occurred
4 but does determine the need for services and support to address the
5 safety of children and the risk of future abuse or neglect;

6 (d) Department means the Department of Health and Human Services;

7 (e) Investigation means fact gathering related to the current safety
8 of a child and the risk of future child abuse or neglect that determines
9 whether child abuse or neglect has occurred and whether child protective
10 services are needed;

11 (f) Law enforcement agency means the police department or town
12 marshal in incorporated municipalities, the office of the sheriff in
13 unincorporated areas, and the Nebraska State Patrol;

14 (g) Out-of-home child abuse or neglect means child abuse or neglect
15 occurring outside of a child's family home, including in day care homes,
16 foster homes, day care centers, residential child-caring agencies as
17 defined in section 71-1926, and other child care facilities or
18 institutions, and the community. Out-of-home child abuse or neglect also
19 includes cases in which the subject of the report of child abuse or
20 neglect is not a member of the child's household, no longer has access to
21 the child, is unknown, or cannot be identified;

22 (h) Review, Evaluate, and Decide Team means an internal team of
23 staff within the department and shall include no fewer than two
24 supervisors or administrators and two staff members knowledgeable on the
25 policies and practices of the department, including, but not limited to,
26 the structured review process. County attorneys, child advocacy centers,
27 or law enforcement agency personnel may attend team reviews upon request
28 of a party;

29 (i) Traditional response means an investigation by a law enforcement
30 agency or the department pursuant to section 28-713 which requires a
31 formal determination of whether child abuse or neglect has occurred; and

1 (j) Subject of the report of child abuse or neglect or subject of
2 the report means the person or persons identified in the report as
3 responsible for the child abuse or neglect.

4 Sec. 11. Section 28-713, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 28-713 (1) Unless an intake is assigned to alternative response,
7 upon the receipt of a call reporting child abuse and neglect as required
8 by section 28-711:

9 (a) (1) It is the duty of the law enforcement agency to investigate
10 the report, to take immediate steps to protect the child, and to
11 institute legal proceedings if appropriate. In situations of alleged out-
12 of-home child abuse or neglect if the person or persons to be notified
13 have not already been notified and the person to be notified is not the
14 subject of the report of child abuse or neglect, the law enforcement
15 agency shall immediately notify the person or persons having custody of
16 each child who has allegedly been abused or neglected that such report of
17 alleged child abuse or neglect has been made and shall provide such
18 person or persons with information of the nature of the alleged child
19 abuse or neglect. The law enforcement agency may request assistance from
20 the department during the investigation and shall, by the next working
21 day, notify either the hotline or the department of receipt of the
22 report, including whether or not an investigation is being undertaken by
23 the law enforcement agency. A copy of all reports, whether or not an
24 investigation is being undertaken, shall be provided to the department;

25 (b) (2) In situations of alleged out-of-home child abuse or neglect
26 if the person or persons to be notified have not already been notified
27 and the person to be notified is not the subject of the report of child
28 abuse or neglect, the department shall immediately notify the person or
29 persons having custody of each child who has allegedly been abused or
30 neglected that such report of alleged child abuse or neglect has been
31 made and shall provide such person or persons with information of the

1 nature of the alleged child abuse or neglect and any other information
2 that the department deems necessary. The department shall investigate for
3 the purpose of assessing each report of child abuse or neglect to
4 determine the risk of harm to the child involved. The department shall
5 also provide such social services as are necessary and appropriate under
6 the circumstances to protect and assist the child and to preserve the
7 family;

8 (c) ~~(3)~~ The department may make a request for further assistance
9 from the appropriate law enforcement agency or take such legal action as
10 may be appropriate under the circumstances;

11 (d) ~~(4)~~ The department shall, by the next working day after
12 receiving a report of child abuse or neglect under this subsection
13 ~~subdivision (1)~~ of this section, make a written report or a summary on
14 forms provided by the department to the proper law enforcement agency in
15 the county and enter in the tracking system of child protection cases
16 maintained pursuant to section 28-715 all reports of child abuse or
17 neglect opened for investigation and any action taken; and

18 (e) ~~(5)~~ The department shall, upon request, make available to the
19 appropriate investigating law enforcement agency and the county attorney
20 a copy of all reports relative to a case of suspected child abuse or
21 neglect.

22 (2)(a) In addition to the responsibilities under subsection (1) of
23 this section, upon the receipt of any report that a child is a reported
24 or suspected victim of sex trafficking of a minor or labor trafficking of
25 a minor as defined in section 28-830 and without regard to the subject of
26 the report, the department shall:

27 (i) Assign the case to staff for an in-person investigation. The
28 department shall assign a report for investigation regardless of whether
29 or not the subject of the report is a member of the child's household or
30 family or whether the subject is known or unknown, including cases of
31 out-of-home child abuse and neglect;

1 (ii) Conduct an in-person investigation and appropriately coordinate
2 with law enforcement agencies, the local child advocacy center, and the
3 child abuse and neglect investigation team under section 28-729;

4 (iii) Use specialized screening and assessment instruments to
5 identify whether the child is a victim of sex trafficking of a minor or
6 labor trafficking of a minor or at high risk of becoming such a victim
7 and determine the needs of the child and family to prevent or respond to
8 abuse, neglect, and exploitation. On or before December 1, 2019, the
9 department shall develop and adopt these instruments in consultation with
10 knowledgeable organizations and individuals, including representatives of
11 child advocacy centers, behavioral health providers, child welfare and
12 juvenile justice service providers, law enforcement representatives, and
13 prosecutors; and

14 (iv) Provide for or refer and connect the child and family to
15 services deemed appropriate by the department in the least restrictive
16 environment, or provide for safe and appropriate placement, medical
17 services, mental health care, or other needs as determined by the
18 department based upon the department's assessment of the safety, risk,
19 and needs of the child and family to respond to or prevent abuse,
20 neglect, and exploitation.

21 (b) On or before July 1, 2020, the department shall adopt rules and
22 regulations on the process of investigation, screening, and assessment of
23 reports of child abuse or neglect and the criteria for opening an ongoing
24 case upon allegations of sex trafficking of a minor or labor trafficking
25 of a minor.

26 (3) When a preponderance of the evidence indicates that a child is a
27 victim of abuse or neglect as a result of being a trafficking victim as
28 defined in section 28-830, the department shall identify the child as a
29 victim of trafficking, regardless of whether the subject of the report is
30 a member of the child's household or family or whether the subject is
31 known or unknown. The child shall be included in the department's data

1 and reporting on the numbers of child victims of abuse, neglect, and
2 trafficking.

3 Sec. 12. On or before December 1, 2019, the Department of Health
4 and Human Services shall make publicly available information on programs
5 and services available for referral by the department to respond to the
6 safety and needs of children reported or suspected to be victims of sex
7 trafficking of a minor or labor trafficking of a minor as defined in
8 section 28-830 and their families. The department shall develop this
9 information in consultation with representatives of child advocacy
10 centers, behavioral health providers, child welfare and juvenile justice
11 service providers, law enforcement representatives, and prosecutors.

12 Sec. 13. Section 29-110, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-110 (1) Except as otherwise provided by law, no person shall be
15 prosecuted for any felony unless the indictment is found by a grand jury
16 within three years next after the offense has been done or committed or
17 unless a complaint for the same is filed before the magistrate within
18 three years next after the offense has been done or committed and a
19 warrant for the arrest of the defendant has been issued.

20 (2) Except as otherwise provided by law, no person shall be
21 prosecuted, tried, or punished for any misdemeanor or other indictable
22 offense below the grade of felony or for any fine or forfeiture under any
23 penal statute unless the suit, information, or indictment for such
24 offense is instituted or found within one year and six months from the
25 time of committing the offense or incurring the fine or forfeiture or
26 within one year for any offense the punishment of which is restricted by
27 a fine not exceeding one hundred dollars and to imprisonment not
28 exceeding three months.

29 (3) Except as otherwise provided by law, no person shall be
30 prosecuted for kidnapping under section 28-313, false imprisonment under
31 section 28-314 or 28-315, child abuse under section 28-707, pandering

1 under section 28-802, debauching a minor under section 28-805, or an
2 offense under section 28-813, ~~28-813.01, or 28-1463.03~~ when the victim is
3 under sixteen years of age at the time of the offense (a) unless the
4 indictment for such offense is found by a grand jury within seven years
5 next after the offense has been committed or within seven years next
6 after the victim's sixteenth birthday, whichever is later, or (b) unless
7 a complaint for such offense is filed before the magistrate within seven
8 years next after the offense has been committed or within seven years
9 next after the victim's sixteenth birthday, whichever is later, and a
10 warrant for the arrest of the defendant has been issued.

11 (4) Except as otherwise provided by law, no person shall be
12 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)
13 unless the indictment for such offense is found by a grand jury within
14 seven years next after the offense has been committed or within seven
15 years next after the victim's eighteenth birthday, whichever is later, or
16 (b) unless a complaint for such offense is filed before the magistrate
17 within seven years next after the offense has been committed or within
18 seven years next after the victim's eighteenth birthday, whichever is
19 later, and a warrant for the arrest of the defendant has been issued.

20 (5) Except as otherwise provided by law, no person shall be
21 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)
22 unless the indictment for such offense is found by a grand jury within
23 seven years next after the offense has been committed or within seven
24 years next after the victim's eighteenth birthday, whichever is later, or
25 (b) unless a complaint for such offense is filed before the magistrate
26 within seven years next after the offense has been committed or within
27 seven years next after the victim's eighteenth birthday, whichever is
28 later, and a warrant for the arrest of the defendant has been issued.

29 (6) ~~(4)~~ No person shall be prosecuted for a violation of the
30 Securities Act of Nebraska under section 8-1117 unless the indictment for
31 such offense is found by a grand jury within five years next after the

1 offense has been done or committed or unless a complaint for such offense
2 is filed before the magistrate within five years next after the offense
3 has been done or committed and a warrant for the arrest of the defendant
4 has been issued.

5 (7) ~~(5)~~ No person shall be prosecuted for criminal impersonation
6 under section 28-638, identity theft under section 28-639, or identity
7 fraud under section 28-640 unless the indictment for such offense is
8 found by a grand jury within five years next after the offense has been
9 done or committed or unless a complaint for such offense is filed before
10 the magistrate within five years next after the offense has been done or
11 committed and a warrant for the arrest of the defendant has been issued.

12 (8) ~~(6)~~ No person shall be prosecuted for a violation of section
13 68-1017 if the aggregate value of all funds and other benefits obtained
14 or attempted to be obtained is five hundred dollars or more unless the
15 indictment for such offense is found by a grand jury within five years
16 next after the offense has been done or committed or unless a complaint
17 for such offense is filed before the magistrate within five years next
18 after the offense has been done or committed and a warrant for the arrest
19 of the defendant has been issued.

20 (9) ~~(7)~~ No person shall be prosecuted for knowing and intentional
21 abuse, neglect, or exploitation of a vulnerable adult or senior adult
22 under section 28-386 unless the indictment for such offense is found by a
23 grand jury within six years next after the offense has been done or
24 committed or unless a complaint for such offense is filed before the
25 magistrate within six years next after the offense has been done or
26 committed and a warrant for the arrest of the defendant has been issued.

27 (10) ~~(8)~~ There shall not be any time limitations for prosecution or
28 punishment for treason, murder, arson, forgery, sexual assault in the
29 first or second degree under section 28-319 or 28-320, sexual assault of
30 a child in the second or third degree under section 28-320.01, incest
31 under section 28-703, ~~or~~ sexual assault of a child in the first degree

1 under section 28-319.01, labor trafficking of a minor or sex trafficking
2 of a minor under subsection (1) of section 28-831, or an offense under
3 section 28-1463.03; nor shall there be any time limitations for
4 prosecution or punishment for sexual assault in the third degree under
5 section 28-320 when the victim is under sixteen years of age at the time
6 of the offense.

7 ~~(11)~~ (9) The time limitations prescribed in this section shall
8 include all inchoate offenses pursuant to the Nebraska Criminal Code and
9 compounding a felony pursuant to section 28-301.

10 ~~(12)~~ (10) The time limitations prescribed in this section shall not
11 extend to any person fleeing from justice.

12 ~~(13)~~ (11) When any suit, information, or indictment for any crime or
13 misdemeanor is limited by any statute to be brought or exhibited within
14 any other time than is limited by this section, then the suit,
15 information, or indictment shall be brought or exhibited within the time
16 limited by such statute.

17 ~~(14)~~ (12) If any suit, information, or indictment is quashed or the
18 proceedings set aside or reversed on writ of error, the time during the
19 pendency of such suit, information, or indictment so quashed, set aside,
20 or reversed shall not be reckoned within this statute so as to bar any
21 new suit, information, or indictment for the same offense.

22 ~~(15)~~ (13) The changes made to this section by Laws 2004, LB 943,
23 shall apply to offenses committed prior to April 16, 2004, for which the
24 statute of limitations has not expired as of such date and to offenses
25 committed on or after such date.

26 ~~(16)~~ (14) The changes made to this section by Laws 2005, LB 713,
27 shall apply to offenses committed prior to September 4, 2005, for which
28 the statute of limitations has not expired as of such date and to
29 offenses committed on or after such date.

30 ~~(17)~~ (15) The changes made to this section by Laws 2009, LB 97, and
31 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,

1 2009, for which the statute of limitations has not expired as of such
2 date and to offenses committed on or after such date.

3 (18) ~~(16)~~ The changes made to this section by Laws 2010, LB809,
4 shall apply to offenses committed prior to July 15, 2010, for which the
5 statute of limitations has not expired as of such date and to offenses
6 committed on or after such date.

7 (19) ~~(17)~~ The changes made to this section by Laws 2016, LB934,
8 shall apply to offenses committed prior to April 19, 2016, for which the
9 statute of limitations has not expired as of such date and to offenses
10 committed on or after such date.

11 (20) The changes made to this section by this legislative bill shall
12 apply to offenses committed prior to the effective date of this act for
13 which the statute of limitations has not expired as of such date and to
14 offenses committed on or after such date.

15 Sec. 14. Section 29-4003, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-4003 (1)(a) The Sex Offender Registration Act applies to any
18 person who on or after January 1, 1997:

19 (i) Has ever pled guilty to, pled nolo contendere to, or been found
20 guilty of any of the following:

21 (A) Kidnapping of a minor pursuant to section 28-313, except when
22 the person is the parent of the minor and was not convicted of any other
23 offense in this section;

24 (B) False imprisonment of a minor pursuant to section 28-314 or
25 28-315;

26 (C) Sexual assault pursuant to section 28-319 or 28-320;

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

29 (E) Sexual assault of a child in the first degree pursuant to
30 section 28-319.01;

31 (F) Sexual abuse of a vulnerable adult or senior adult pursuant to

1 subdivision (1)(c) of section 28-386;

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

3 (H) Pandering of a minor pursuant to section 28-802;

4 (I) Visual depiction of sexually explicit conduct of a child
5 pursuant to section 28-1463.03 or 28-1463.05;

6 (J) Knowingly possessing any visual depiction of sexually explicit
7 conduct which has a child as one of its participants or portrayed
8 observers pursuant to section 28-813.01;

9 (K) Criminal child enticement pursuant to section 28-311;

10 (L) Child enticement by means of an electronic communication device
11 pursuant to section 28-320.02;

12 (M) Debauching a minor pursuant to section 28-805; or

13 (N) Attempt, solicitation, aiding or abetting, being an accessory,
14 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
15 through (1)(a)(i)(M) of this section;

16 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
17 guilty of any offense that is substantially equivalent to a registrable
18 offense under subdivision (1)(a)(i) of this section by any village, town,
19 city, state, territory, commonwealth, or other jurisdiction of the United
20 States, by the United States Government, by court-martial or other
21 military tribunal, or by a foreign jurisdiction, notwithstanding a
22 procedure comparable in effect to that described under section 29-2264 or
23 any other procedure to nullify a conviction other than by pardon;

24 (iii) Is incarcerated in a jail, a penal or correctional facility,
25 or any other public or private institution or is under probation or
26 parole as a result of pleading guilty to or being found guilty of a
27 registrable offense under subdivision (1)(a)(i) or (ii) of this section
28 prior to January 1, 1997; or

29 (iv) Enters the state and is required to register as a sex offender
30 under the laws of another village, town, city, state, territory,
31 commonwealth, or other jurisdiction of the United States.

1 (b) In addition to the registrable offenses under subdivision (1)(a)
2 of this section, the Sex Offender Registration Act applies to any person
3 who on or after January 1, 2010:

4 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
5 section, has ever pled guilty to, pled nolo contendere to, or been found
6 guilty of any of the following:

7 (I) Murder in the first degree pursuant to section 28-303;

8 (II) Murder in the second degree pursuant to section 28-304;

9 (III) Manslaughter pursuant to section 28-305;

10 (IV) Assault in the first degree pursuant to section 28-308;

11 (V) Assault in the second degree pursuant to section 28-309;

12 (VI) Assault in the third degree pursuant to section 28-310;

13 (VII) Stalking pursuant to section 28-311.03;

14 (VIII) Violation of section 28-311.08 requiring registration under
15 the act pursuant to subsection (5) of section 28-311.08;

16 (IX) Kidnapping pursuant to section 28-313;

17 (X) False imprisonment pursuant to section 28-314 or 28-315;

18 (XI) Sexual abuse of an inmate or parolee in the first degree
19 pursuant to section 28-322.02;

20 (XII) Sexual abuse of an inmate or parolee in the second degree
21 pursuant to section 28-322.03;

22 (XIII) Sexual abuse of a protected individual pursuant to section
23 28-322.04;

24 (XIV) Incest pursuant to section 28-703;

25 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
26 28-707;

27 (XVI) Enticement by electronic communication device pursuant to
28 section 28-833; or

29 (XVII) Attempt, solicitation, aiding or abetting, being an
30 accessory, or conspiracy to commit an offense listed in subdivisions (1)
31 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

1 (B) In order for the Sex Offender Registration Act to apply to the
2 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
3 (VI), (VII), (IX), and (X) of this section, a court shall have found that
4 evidence of sexual penetration or sexual contact, as those terms are
5 defined in section 28-318, was present in the record, which shall include
6 consideration of the factual basis for a plea-based conviction and
7 information contained in the presentence report;

8 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
9 guilty of any offense that is substantially equivalent to a registrable
10 offense under subdivision (1)(b)(i) of this section by any village, town,
11 city, state, territory, commonwealth, or other jurisdiction of the United
12 States, by the United States Government, by court-martial or other
13 military tribunal, or by a foreign jurisdiction, notwithstanding a
14 procedure comparable in effect to that described under section 29-2264 or
15 any other procedure to nullify a conviction other than by pardon; or

16 (iii) Enters the state and is required to register as a sex offender
17 under the laws of another village, town, city, state, territory,
18 commonwealth, or other jurisdiction of the United States.

19 (c) In addition to the registrable offenses under subdivisions (1)
20 (a) and (b) of this section, the Sex Offender Registration Act applies to
21 any person who on or after January 1, 2020:

22 (i) Has ever pled guilty to, pled nolo contendere to, or been found
23 guilty of sexual abuse of a detainee under section 8 of this act; or

24 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
25 guilty of any offense that is substantially equivalent to a registrable
26 offense under subdivision (1)(c)(i) of this section by any village, town,
27 city, state, territory, commonwealth, or other jurisdiction of the United
28 States, by the United States Government, by court-martial or other
29 military tribunal, or by a foreign jurisdiction, notwithstanding a
30 procedure comparable in effect to that described under section 29-2264 or
31 any other procedure to nullify a conviction other than by pardon.

1 (2) A person appealing a conviction of a registrable offense under
2 this section shall be required to comply with the act during the appeals
3 process.

4 Sec. 15. Section 43-4406, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 43-4406 On or before each September 15, the department shall report
7 electronically to the Health and Human Services Committee of the
8 Legislature the following information regarding child welfare services,
9 with respect to children served by any lead agency or the pilot project
10 and children served by the department:

11 (1) The percentage of children served and the allocation of the
12 child welfare budget, categorized by service area and by lead agency or
13 the pilot project, including:

14 (a) The percentage of children served, by service area and the
15 corresponding budget allocation; and

16 (b) The percentage of children served who are wards of the state and
17 the corresponding budget allocation;

18 (2) The number of siblings in out-of-home care placed with siblings
19 as of the June 30 immediately preceding the date of the report,
20 categorized by service area and by lead agency or the pilot project;

21 (3) The number of waivers granted under subsection (2) of section
22 71-1904;

23 (4) An update of the information in the report of the Children's
24 Behavioral Health Task Force pursuant to sections 43-4001 to 43-4003,
25 including:

26 (a) The number of children receiving mental health and substance
27 abuse services annually by the Division of Behavioral Health of the
28 department;

29 (b) The number of children receiving behavioral health services
30 annually at the Hastings Regional Center;

31 (c) The number of state wards receiving behavioral health services

1 as of September 1 immediately preceding the date of the report;

2 (d) Funding sources for children's behavioral health services for
3 the fiscal year ending on the immediately preceding June 30;

4 (e) Expenditures in the immediately preceding fiscal year by the
5 division, categorized by category of behavioral health service and by
6 behavioral health region; and

7 (f) Expenditures in the immediately preceding fiscal year from the
8 medical assistance program and CHIP as defined in section 68-969 for
9 mental health and substance abuse services, for all children and for
10 wards of the state;

11 (5) The following information as obtained for each service area and
12 lead agency or the pilot project:

13 (a) Case manager education, including college degree, major, and
14 level of education beyond a baccalaureate degree;

15 (b) Average caseload per case manager;

16 (c) Average number of case managers per child during the preceding
17 twelve months;

18 (d) Average number of case managers per child for children who have
19 been in the child welfare system for three months, for six months, for
20 twelve months, and for eighteen months and the consecutive yearly average
21 for children until the age of majority or permanency is attained;

22 (e) Monthly case manager turnover;

23 (f) Monthly face-to-face contacts between each case manager and the
24 children on his or her caseload;

25 (g) Monthly face-to-face contacts between each case manager and the
26 parent or parents of the children on his or her caseload;

27 (h) Case documentation of monthly consecutive team meetings per
28 quarter;

29 (i) Case documentation of monthly consecutive parent contacts per
30 quarter;

31 (j) Case documentation of monthly consecutive child contacts with

1 case manager per quarter;

2 (k) Case documentation of monthly consecutive contacts between child
3 welfare service providers and case managers per quarter;

4 (l) Timeliness of court reports; and

5 (m) Non-court-involved children, including the number of children
6 served, the types of services requested, the specific services provided,
7 the cost of the services provided, and the funding source;

8 (6) All placements in residential treatment settings made or paid
9 for by the child welfare system, the Office of Juvenile Services, the
10 State Department of Education or local education agencies, any lead
11 agency or the pilot project through letters of agreement, and the medical
12 assistance program, including, but not limited to:

13 (a) Child variables;

14 (b) Reasons for placement;

15 (c) The percentage of children denied medicaid-reimbursed services
16 and denied the level of placement requested;

17 (d) With respect to each child in a residential treatment setting:

18 (i) If there was a denial of initial placement request, the length
19 and level of each placement subsequent to denial of initial placement
20 request and the status of each child before and immediately after, six
21 months after, and twelve months after placement;

22 (ii) Funds expended and length of placements;

23 (iii) Number and level of placements;

24 (iv) Facility variables; and

25 (v) Identification of specific child welfare services unavailable in
26 the child's community that, if available, could have prevented the need
27 for residential treatment; and

28 (e) Identification of child welfare services unavailable in the
29 state that, if available, could prevent out-of-state placements;

30 (7) From any lead agency or the pilot project, the percentage of its
31 accounts payable to subcontracted child welfare service providers that

1 are thirty days overdue, sixty days overdue, and ninety days overdue;

2 (8) For any individual involved in the child welfare system
3 receiving a service or a placement through the department or its agent
4 for which referral is necessary, the date when such referral was made by
5 the department or its agent and the date and the method by which the
6 individual receiving the services was notified of such referral. To the
7 extent the department becomes aware of the date when the individual
8 receiving the referral began receiving such services, the department or
9 its agent shall document such date; ~~and~~

10 (9) The number of sexual abuse allegations that occurred for
11 children being served by the Division of Children and Family Services of
12 the Department of Health and Human Services and placed at a residential
13 child-caring agency and the number of corresponding (a) screening
14 decision occurrences by category, (b) open investigations by category,
15 and (c) agency substantiations, court substantiations, and court-pending
16 status cases; and -

17 (10) Information on children who are reported or suspected victims
18 of sex trafficking of a minor or labor trafficking of a minor, as defined
19 in section 28-830, including:

20 (a) The number of reports to the statewide toll-free number pursuant
21 to section 28-711 alleging sex trafficking of a minor or labor
22 trafficking of a minor and the number of children alleged to be victims;

23 (b) The number of substantiated victims of sex trafficking of a
24 minor or labor trafficking of a minor, including demographic information
25 and information on whether the children were already served by the
26 department;

27 (c) The number of children determined to be reported or suspected
28 victims of sex trafficking of a minor or labor trafficking of a minor,
29 including demographic information and information on whether the children
30 were previously served by the department;

31 (d) The types and costs of services provided to children who are

1 reported or suspected victims of sex trafficking of a minor or labor
2 trafficking of a minor; and

3 (e) The number of ongoing cases opened due to allegations of sex
4 trafficking of a minor or labor trafficking of a minor and number of
5 children and families served through these cases.

6 Sec. 16. Section 83-4,143, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 83-4,143 (1) It is the intent of the Legislature that the court
9 target the felony offender (a) who is eligible and by virtue of his or
10 her criminogenic needs is suitable to be sentenced to intensive
11 supervision probation with placement at the incarceration work camp, (b)
12 for whom the court finds that other conditions of a sentence of intensive
13 supervision probation, in and of themselves, are not suitable, and (c)
14 who, without the existence of an incarceration work camp, would, in all
15 likelihood, be sentenced to prison.

16 (2) When the court is of the opinion that imprisonment is
17 appropriate, but that a brief and intensive period of regimented,
18 structured, and disciplined programming within a secure facility may
19 better serve the interests of society, the court may place an offender in
20 an incarceration work camp for a period not to exceed one hundred eighty
21 days as a condition of a sentence of intensive supervision probation. The
22 court may consider such placement if the offender (a) is a male or female
23 offender convicted of a felony offense in a district court, (b) is
24 medically and mentally fit to participate, with allowances given for
25 reasonable accommodation as determined by medical and mental health
26 professionals, and (c) has not previously been incarcerated for a violent
27 felony crime. Offenders convicted of a crime under sections 28-319 to
28 28-322.04 and section 8 of this act or of any capital crime are not
29 eligible to be placed in an incarceration work camp.

30 (3) It is also the intent of the Legislature that the Board of
31 Parole may recommend placement of felony offenders at the incarceration

1 work camp. The offenders recommended by the board shall be offenders
2 currently housed at other Department of Correctional Services adult
3 correctional facilities and shall complete the incarceration work camp
4 programming prior to release on parole.

5 (4) When the Board of Parole is of the opinion that a felony
6 offender currently incarcerated in a Department of Correctional Services
7 adult correctional facility may benefit from a brief and intensive period
8 of regimented, structured, and disciplined programming immediately prior
9 to release on parole, the board may direct placement of such an offender
10 in an incarceration work camp for a period not to exceed one hundred
11 eighty days as a condition of release on parole. The board may consider
12 such placement if the felony offender (a) is medically and mentally fit
13 to participate, with allowances given for reasonable accommodation as
14 determined by medical and mental health professionals, and (b) has not
15 previously been incarcerated for a violent felony crime. Offenders
16 convicted of a crime under sections 28-319 to 28-322.04 and section 8 of
17 this act or of any capital crime are not eligible to be placed in an
18 incarceration work camp.

19 (5) The Director of Correctional Services may assign a felony
20 offender to an incarceration work camp if he or she believes it is in the
21 best interests of the felony offender and of society, except that
22 offenders convicted of a crime under sections 28-319 to 28-322.04 and
23 section 8 of this act ~~28-321~~ or of any capital crime are not eligible to
24 be assigned to an incarceration work camp pursuant to this subsection.

25 Sec. 17. Section 86-291, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 86-291 The Attorney General or any county attorney may make
28 application to any district court of this state for an order authorizing
29 or approving the interception of wire, electronic, or oral
30 communications, and such court may grant, subject to sections 86-271 to
31 86-295, an order authorizing or approving the interception of wire,

1 electronic, or oral communications by law enforcement officers having
2 responsibility for the investigation of the offense as to which
3 application is made, when such interception may provide or has provided
4 evidence of the commission of the offense of murder, kidnapping, robbery,
5 bribery, extortion, dealing in narcotic or other dangerous drugs, labor
6 trafficking or sex trafficking, labor trafficking of a minor or sex
7 trafficking of a minor, sexual assault of a child or a vulnerable adult,
8 visual depiction or possessing a visual depiction of sexually explicit
9 conduct of a child, or child enticement by means of a computer, or any
10 conspiracy to commit any such offense.

11 At the same time a county attorney first makes application to the
12 district court for an initial order authorizing or approving the
13 interception of wire, electronic, or oral communications, the county
14 attorney shall submit the application to the Attorney General or his or
15 her designated deputy or assistant. Within twenty-four hours of receipt
16 by the office of the Attorney General of the application from the county
17 attorney, the Attorney General or his or her designated deputy or
18 assistant, as the case may be, shall state to the district court where
19 the order is sought his or her recommendation as to whether the order
20 should be granted. The court shall not issue the order until it has
21 received the recommendation or until seventy-two hours after receipt of
22 the application from the county attorney, whichever is sooner, unless the
23 court finds exigent circumstances existing which necessitate the
24 immediate issuance of the order. The court may issue the order and
25 disregard the recommendation of the Attorney General or his or her
26 designated deputy or assistant.

27 Sec. 18. Original sections 25-21,299, 27-404, 27-413, 28-115,
28 28-318, 28-322.01, 28-707, 28-710, 28-713, 29-110, 29-4003, and 86-291,
29 Reissue Revised Statutes of Nebraska, and sections 28-101, 43-4406, and
30 83-4,143, Revised Statutes Cumulative Supplement, 2018, are repealed.