

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 204**

Introduced by Slama, 1.

Read first time January 08, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Sex Offender Registration Act; to  
2 section 29-4004, Reissue Revised Statutes of Nebraska, and sections  
3 29-4003 and 29-4007, Revised Statutes Cumulative Supplement, 2020;  
4 to change provisions relating to registration duties; to add a  
5 registrable offense and provide for applicability; to add  
6 notification requirements; and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4003, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 29-4003 (1)(a) The Sex Offender Registration Act applies to any  
4 person who on or after January 1, 1997:

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

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

10 (B) False imprisonment of a minor pursuant to section 28-314 or  
11 28-315;

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

13 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

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

16 (F) Sexual assault of a child in the first degree pursuant to  
17 section 28-319.01;

18 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to  
19 subdivision (1)(c) of section 28-386;

20 (H) Incest of a minor pursuant to section 28-703;

21 (I) Pandering of a minor pursuant to section 28-802;

22 (J) Visual depiction of sexually explicit conduct of a child  
23 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section  
24 28-1463.05;

25 (K) Knowingly possessing any visual depiction of sexually explicit  
26 conduct which has a child as one of its participants or portrayed  
27 observers pursuant to subsection (1) or (4) of section 28-813.01;

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

29 (M) Child enticement by means of an electronic communication device  
30 pursuant to section 28-320.02;

31 (N) Debauching a minor pursuant to section 28-805; or

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (VIII) Violation of section 28-311.08 requiring registration under  
3 the act pursuant to subsection (6) of section 28-311.08;

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

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

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

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

10 (XIII) Sexual abuse of a protected individual pursuant to section  
11 28-322.04;

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

13 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
14 28-707;

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

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

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

27 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
28 guilty of any offense that is substantially equivalent to a registrable  
29 offense under subdivision (1)(b)(i) of this section by any village, town,  
30 city, state, territory, commonwealth, or other jurisdiction of the United  
31 States, by the United States Government, by court-martial or other

1 military tribunal, or by a foreign jurisdiction, notwithstanding a  
2 procedure comparable in effect to that described under section 29-2264 or  
3 any other procedure to nullify a conviction other than by pardon; or

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

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

10 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
11 guilty of sexual abuse of a detainee under section 28-322.05; or

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

20 (d) In addition to the registrable offenses under subdivisions (1)  
21 (a), (b), and (c) of this section, the Sex Offender Registration Act  
22 applies to any person who on or after January 1, 2022:

23 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
24 guilty of sex trafficking or sex trafficking of a minor under section  
25 28-831; or

26 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
27 guilty of any offense that is substantially equivalent to a registrable  
28 offense under subdivision (1)(d)(i) of this section by any village, town,  
29 city, state, territory, commonwealth, or other jurisdiction of the United  
30 States, by the United States Government, by court-martial or other  
31 military tribunal, or by a foreign jurisdiction, notwithstanding a

1 procedure comparable in effect to that described under section 29-2264 or  
2 any other procedure to nullify a conviction other than by pardon.

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

6 Sec. 2. Section 29-4004, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 29-4004 (1) Any person subject to the Sex Offender Registration Act  
9 shall register within three working days after becoming subject to the  
10 act at a location designated by the Nebraska State Patrol for purposes of  
11 accepting such registration.

12 (2) Any person required to register under the act shall inform the  
13 sheriff of the county in which he or she resides, in person, and complete  
14 a form as prescribed by the Nebraska State Patrol for such purpose, if he  
15 or she has a new address, temporary domicile, or habitual living  
16 location, within three working days before the change. The sheriff shall  
17 submit such information to the sex offender registration and community  
18 notification division of the Nebraska State Patrol on the day it is  
19 received and in a manner prescribed by the Nebraska State Patrol for such  
20 purpose.

21 (3) Any person required to register under the act shall inform the  
22 sheriff of the county in which he or she resides, in person, and complete  
23 a form as prescribed by the Nebraska State Patrol for such purpose, if he  
24 or she has a new address, temporary domicile, or habitual living location  
25 in a different county in this state, within three working days before the  
26 address change. The sheriff shall submit such information to the sex  
27 offender registration and community notification division of the Nebraska  
28 State Patrol on the day it is received and in a manner as prescribed by  
29 the Nebraska State Patrol for such purpose. If the change in address,  
30 temporary domicile, or habitual living location is to a location within  
31 the State of Nebraska, the division shall notify the sheriff of each

1 affected county of the new address, temporary domicile, or habitual  
2 living location, within three working days. The person shall report to  
3 the county sheriff of his or her new county of residence and register  
4 with such county sheriff within three working days after the address  
5 change.

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

20 (5) Any person required to register under the act who is employed,  
21 carries on a vocation, or attends school shall inform, in person, the  
22 sheriff of the county in which he or she is employed, carries on a  
23 vocation, or attends school and complete a form as prescribed by the  
24 Nebraska State Patrol for such purpose, within three working days after  
25 becoming employed, carrying on a vocation, or attending school. The  
26 person shall also notify the sheriff, in person, of any changes in  
27 employment, vocation, or school of attendance, and complete a form as  
28 prescribed by the Nebraska State Patrol for such purpose, within three  
29 working days after the change. The sheriff shall submit such information  
30 to the sex offender registration and community notification division of  
31 the Nebraska State Patrol on the day it is received and in a manner as

1 prescribed by the Nebraska State Patrol for such purpose.

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

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

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

23 (7) Any person incarcerated for a registrable offense under section  
24 29-4003 in a jail, penal or correctional facility, or other public or  
25 private institution shall be registered by the jail, penal or  
26 correctional facility, or public or private institution prior to his or  
27 her discharge, parole, furlough, work release, or release. The person  
28 shall be informed and information shall be obtained as required in  
29 section 29-4006.

30 (8) Any person required to register or who is registered under the  
31 act, but is incarcerated for more than three working days, shall inform



1 the sheriff of the county in which he or she is incarcerated, in writing,  
2 within three working days after incarceration, of his or her  
3 incarceration and his or her expected release date, if any such date is  
4 available. The sheriff shall forward the information regarding  
5 incarceration to the sex offender registration and community notification  
6 division of the Nebraska State Patrol immediately on the day on which it  
7 was received and in a manner prescribed by the Nebraska State Patrol for  
8 such purpose.

9 (9) Any person required to register or who is registered under the  
10 act who no longer has a residence, temporary domicile, or habitual living  
11 location shall report such change in person to the sheriff of the county  
12 in which he or she is located, within three working days after such  
13 change in residence, temporary domicile, or habitual living location.  
14 Such person shall update his or her registration, in person, to the  
15 sheriff of the county in which he or she is located, on a form approved  
16 by the sex offender registration and community notification division of  
17 the Nebraska State Patrol at least once every thirty calendar days during  
18 the time he or she remains without residence, temporary domicile, or  
19 habitual living location.

20 (10) Any person required to register or who is registered under the  
21 act shall inform the sheriff of the county in which such person resides,  
22 in person, and complete a travel notification document, if such person  
23 intends to travel to another country, at least twenty-one days prior to  
24 such travel. The person shall notify the sheriff in person within three  
25 working days of such person's return. Any information reported to the  
26 sheriff of residence shall immediately be reported to the United States  
27 Marshals Service and the sex offender registration and community  
28 notification division of the Nebraska State Patrol on the day it is  
29 received and in a manner prescribed by the Nebraska State Patrol for such  
30 purpose.

31 (11) ~~(10)~~ Each registering entity shall forward all written

1 information, photographs, and fingerprints obtained pursuant to the act  
2 to the sex offender registration and community notification division of  
3 the Nebraska State Patrol on the day it is received and in a manner  
4 prescribed by the Nebraska State Patrol for such purpose. The information  
5 shall be forwarded on forms furnished by the division. The division shall  
6 maintain a central registry of sex offenders required to register under  
7 the act. Any collected DNA samples shall be forwarded to the State DNA  
8 Data Base.

9 (12) ~~(11)~~ The sex offender registration and community notification  
10 division of the Nebraska State Patrol shall determine whether a name-  
11 change order received from the clerk of a district court pursuant to  
12 section 25-21,271 is for a person in the central registry of sex  
13 offenders and, if so, shall include the changed name with the former name  
14 in the registry, file or cross-reference the information under both  
15 names, and notify the sheriff of the county in which such person then  
16 resides.

17 Sec. 3. Section 29-4007, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 29-4007 (1) When sentencing a person convicted of a registrable  
20 offense under section 29-4003, the court shall:

21 (a) Provide written notification of the duty to register under the  
22 Sex Offender Registration Act at the time of sentencing to any defendant  
23 who has pled guilty or has been found guilty of a registrable offense  
24 under section 29-4003. The written notification shall:

25 (i) Inform the defendant of whether or not he or she is subject to  
26 the act, the duration of time he or she will be subject to the act, and  
27 that he or she shall report to a location designated by the Nebraska  
28 State Patrol for purposes of accepting such registration within three  
29 working days after the date of the written notification to register;

30 (ii) Inform the defendant that if he or she moves to another address  
31 within the same county, he or she must report to the county sheriff of

1 the county in which he or she is residing within three working days  
2 before his or her move;

3 (iii) Inform the defendant that if he or she no longer has a  
4 residence, temporary domicile, or habitual living location, he or she  
5 shall report such change in person to the sheriff of the county in which  
6 he or she is located within three working days after such change in  
7 residence, temporary domicile, or habitual living location;

8 (iv) Inform the defendant that if he or she moves to another county  
9 in the State of Nebraska, he or she must notify, in person, the county  
10 sheriff of the county in which he or she had been last residing, had a  
11 temporary domicile, or had a habitual living location and the county  
12 sheriff of the county in which he or she is residing, has a temporary  
13 domicile, or is habitually living of his or her current address. The  
14 notice must be given within three working days before his or her move;

15 (v) Inform the defendant that if he or she moves to another state,  
16 he or she must report, in person, the change of address to the county  
17 sheriff of the county in which he or she has been residing, has had a  
18 temporary domicile, or has had a habitual living location and must comply  
19 with the registration requirements of the state to which he or she is  
20 moving. The notice must be given within three working days before his or  
21 her move;

22 (vi) Inform the defendant that he or she shall (A) inform the  
23 sheriff of the county in which he or she resides, has a temporary  
24 domicile, or is habitually living, in person, of each educational  
25 institution at which he or she is employed, carries on a vocation, or  
26 attends school, within three working days after such employment or  
27 attendance, and (B) notify the sheriff of any change in such employment  
28 or attendance status of such person at such educational institution,  
29 within three working days;

30 (vii) Inform the defendant that he or she shall (A) inform the  
31 sheriff of the county in which the employment site is located, in person,

1 of the name and address of any place where he or she is or will be an  
2 employee, within three working days after such employment, and (B) inform  
3 the sheriff of the county in which the employment site is located, in  
4 person, of any change in his or her employment;

5 (viii) Inform the defendant that if he or she goes to another state  
6 to work or goes to another state as a student and still resides, has a  
7 temporary domicile, or has a habitual living location in this state, he  
8 or she must comply with the registration requirements of both states;

9 (ix) Inform the defendant that fingerprints, palm prints, a DNA  
10 sample if not previously collected, and a photograph will be obtained by  
11 any registering entity in order to comply with the registration  
12 requirements;

13 (x) Inform the defendant of registry and verification locations;~~and~~

14 (xi) Inform the defendant of the reduction request requirements, if  
15 eligible, under section 29-4005; and

16 (xii) Inform the defendant that if the defendant intends to travel  
17 to another country, the defendant shall (A) report in person to the  
18 sheriff in the county of residence and complete a travel notification  
19 document at least twenty-one days prior to such travel and (B) notify the  
20 sheriff in person within three working days of the defendant's return;

21 (b) Require the defendant to read and sign the registration form  
22 stating that the duty of the defendant to register under the Sex Offender  
23 Registration Act has been explained;

24 (c) Retain the original notification signed by the defendant; and

25 (d) Provide a copy of the filed notification, the information or  
26 amended information, and the sentencing order of the court to the county  
27 attorney, the defendant, the sex offender registration and community  
28 notification division of the Nebraska State Patrol, and the county  
29 sheriff of the county in which the defendant resides, has a temporary  
30 domicile, or has a habitual living location.

31 (2) When a person is convicted of a registrable offense under

1 section 29-4003 and is not subject to immediate incarceration upon  
2 sentencing, prior to being released by the court, the sentencing court  
3 shall ensure that the defendant is registered by a Nebraska State Patrol  
4 office or other location designated by the patrol for purposes of  
5 accepting registrations.

6 (3)(a) The Department of Correctional Services or a city or county  
7 correctional or jail facility shall provide written notification of the  
8 duty to register pursuant to the Sex Offender Registration Act to any  
9 person committed to its custody for a registrable offense under section  
10 29-4003 prior to the person's release from incarceration. The written  
11 notification shall:

12 (i) Inform the person of whether or not he or she is subject to the  
13 act, the duration of time he or she will be subject to the act, and that  
14 he or she shall report to a location designated by the Nebraska State  
15 Patrol for purposes of accepting such registration within three working  
16 days after the date of the written notification to register;

17 (ii) Inform the person that if he or she moves to another address  
18 within the same county, he or she must report all address changes, in  
19 person, to the county sheriff of the county in which he or she has been  
20 residing within three working days before his or her move;

21 (iii) Inform the defendant that if he or she no longer has a  
22 residence, temporary domicile, or habitual living location, he or she  
23 shall report such change in person to the sheriff of the county in which  
24 he or she is located within three working days after such change in  
25 residence, temporary domicile, or habitual living location;

26 (iv) Inform the person that if he or she moves to another county in  
27 the State of Nebraska, he or she must notify, in person, the county  
28 sheriff of the county in which he or she had been last residing, had a  
29 temporary domicile, or had a habitual living location and the county  
30 sheriff of the county in which he or she is residing, has a temporary  
31 domicile, or is habitually living of his or her current address. The

1 notice must be given within three working days before his or her move;

2 (v) Inform the person that if he or she moves to another state, he  
3 or she must report, in person, the change of address to the county  
4 sheriff of the county in which he or she has been residing, has had a  
5 temporary domicile, or has been habitually living and must comply with  
6 the registration requirements of the state to which he or she is moving.  
7 The report must be given within three working days before his or her  
8 move;

9 (vi) Inform the person that he or she shall (A) inform the sheriff  
10 of the county in which he or she resides, has a temporary domicile, or is  
11 habitually living, in person, of each educational institution at which he  
12 or she is employed, carries on a vocation, or attends school, within  
13 three working days after such employment or attendance, and (B) notify  
14 the sheriff of any change in such employment or attendance status of such  
15 person at such educational institution, within three working days after  
16 such change;

17 (vii) Inform the person that he or she shall (A) inform the sheriff  
18 of the county in which the employment site is located, in person, of the  
19 name and address of any place where he or she is or will be an employee,  
20 within three working days after such employment, and (B) inform the  
21 sheriff of the county in which the employment site is located, in person,  
22 of any change in his or her employment;

23 (viii) Inform the person that if he or she goes to another state to  
24 work or goes to another state as a student and still resides, has a  
25 temporary domicile, or has a habitual living location in this state, he  
26 or she must comply with the registration requirements of both states;

27 (ix) Inform the defendant that fingerprints, palm prints, a DNA  
28 sample if not previously collected, and a photograph will be obtained by  
29 any registering entity in order to comply with the registration  
30 requirements;

31 (x) Inform the defendant of registry and verification locations;—and

1 (xi) Inform the defendant of the reduction request requirements, if  
2 eligible, under section 29-4005; and -

3 (xii) Inform the defendant that if the defendant intends to travel  
4 to another country, the defendant shall (A) report in person to the  
5 sheriff in the county of residence and complete a travel notification  
6 document at least twenty-one days prior to such travel and (B) notify the  
7 sheriff in person within three working days of the defendant's return.

8 (b) The Department of Correctional Services or a city or county  
9 correctional or jail facility shall:

10 (i) Require the person to read and sign the notification form  
11 stating that the duty to register under the Sex Offender Registration Act  
12 has been explained;

13 (ii) Retain a signed copy of the written notification to register;  
14 and

15 (iii) Provide a copy of the signed, written notification to register  
16 to the person and to the sex offender registration and community  
17 notification division of the Nebraska State Patrol.

18 (4) If a person is convicted of a registrable offense under section  
19 29-4003 and is immediately incarcerated, he or she shall be registered as  
20 required under the act prior to discharge, parole, or work release.

21 (5) The Department of Motor Vehicles shall cause written  
22 notification of the duty to register to be provided on the applications  
23 for a motor vehicle operator's license and for a commercial driver's  
24 license.

25 (6) All written notification as provided in this section shall be on  
26 a form approved by the Attorney General.

27 Sec. 4. Original section 29-4004, Reissue Revised Statutes of  
28 Nebraska, and sections 29-4003 and 29-4007, Revised Statutes Cumulative  
29 Supplement, 2020, are repealed.