

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1159

Introduced by Ibach, 44; DeBoer, 10; Halloran, 33; Holdcroft, 36; Kauth,
31.

Read first time January 11, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to victims; to amend section 81-1850, Revised
2 Statutes Supplement, 2023; to change offenses included within
3 certain victim notification requirements; and to repeal the original
4 section.

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

1 Section 1. Section 81-1850, Revised Statutes Supplement, 2023, is
2 amended to read:

3 81-1850 (1) For purposes of this section:

4 (a) Covered offense means:

5 (i) Murder in the first degree pursuant to section 28-303;

6 (ii) Murder in the second degree pursuant to section 28-304;

7 (iii) Manslaughter pursuant to section 28-305;

8 (iv) Motor vehicle homicide pursuant to section 28-306;

9 (v) ~~(iii)~~ Kidnapping pursuant to section 28-313;

10 (vi) False imprisonment in the first degree pursuant to section
11 28-314;

12 (vii) ~~(iv)~~ Assault in the first degree pursuant to section 28-308;

13 (viii) ~~(v)~~ Assault in the second degree pursuant to section 28-309;

14 (ix) Assault by strangulation or suffocation pursuant to section
15 28-310.01;

16 (x) Domestic assault in the first or second degree pursuant to
17 section 28-323;

18 (xi) ~~(vi)~~ Sexual assault in the first degree pursuant to section
19 28-319;

20 (xii) ~~(vii)~~ Sexual assault in the second degree pursuant to section
21 28-320;

22 (xiii) ~~(viii)~~ Sexual assault of a child in the first degree pursuant
23 to section 28-319.01;

24 (xiv) ~~(ix)~~ Sexual assault of a child in the second or third degree
25 pursuant to section 28-320.01;

26 (xv) Child enticement by means of an electronic communication device
27 pursuant to section 28-320.02;

28 (xvi) Sexual abuse by a school employee pursuant to section
29 28-316.01;

30 (xvii) Sexual abuse of a protected individual pursuant to section
31 28-322.04;

1 (xviii) Terroristic threats pursuant to section 28-311.01;
2 (xix) ~~(*)~~ Stalking pursuant to section 28-311.03; ~~or~~
3 (xx) Sex trafficking, sex trafficking of a minor, labor trafficking,
4 or labor trafficking of a minor pursuant to section 28-831; or
5 (xxi) ~~(xi)~~ An attempt, solicitation, or conspiracy to commit an
6 offense listed in this subdivision (a); and
7 (b) Victim has the same meaning as in section 29-119.
8 (2)(a) Except as provided in subdivision (2)(b) of this section,
9 when a person is convicted of a felony, the county attorney shall forward
10 the name and address of any victim of such convicted person to the Board
11 of Parole, the Department of Correctional Services, the county
12 corrections agency, the Department of Health and Human Services, and the
13 Board of Pardons, as applicable.
14 (b) A victim may waive the right to notification under this section
15 by notifying the county attorney, in which case the county attorney is
16 not required to comply with subdivision (2)(a) of this section.
17 (c) The Board of Parole, the Department of Correctional Services,
18 the county corrections agency, the Department of Health and Human
19 Services, and the Board of Pardons shall include the victim's name in the
20 file of the convicted person, but the name shall not be part of the
21 public record of any parole or pardons hearings of the convicted person.
22 (d) Any victim, including a victim who has waived his or her right
23 to notification, may request the notification prescribed in this section,
24 as applicable, by sending a written request to the Board of Parole, the
25 Department of Correctional Services, the county corrections agency, the
26 Department of Health and Human Services, or the Board of Pardons any time
27 after the convicted person is incarcerated and until the convicted person
28 is no longer under the jurisdiction of the Board of Parole, the county
29 corrections agency, the Department of Correctional Services, or the Board
30 of Pardons or, if the convicted person is under the jurisdiction of the
31 Department of Health and Human Services, within the three-year period

1 after the convicted person is no longer under the jurisdiction of the
2 Board of Parole, the county corrections agency, the Department of
3 Correctional Services, or the Board of Pardons.

4 (3) A victim whose name appears in the file of the convicted person
5 shall be notified by the Board of Parole:

6 (a) Within ninety days after conviction of an offender, of the
7 tentative date of release and the earliest parole eligibility date of
8 such offender;

9 (b) Of any parole hearings or proceedings;

10 (c) Of any decision of the Board of Parole;

11 (d) When a convicted person who is on parole is returned to custody
12 because of parole violations; and

13 (e) If the convicted person has been adjudged a mentally disordered
14 sex offender or is a convicted sex offender, when such convicted person
15 is released from custody or treatment.

16 Such notification shall be given in person, by telecommunication, or
17 by mail.

18 (4) A victim whose name appears in the file of the convicted person
19 shall be notified by the Department of Correctional Services or a county
20 corrections agency:

21 (a) When a convicted person is granted a furlough or release from
22 incarceration for twenty-four hours or longer or any transfer of the
23 convicted person to community status;

24 (b) When a convicted person is released into community-based
25 programs, including educational release and work release programs. Such
26 notification shall occur at the beginning and termination of any such
27 program;

28 (c) When a convicted person escapes or does not return from a
29 granted furlough or release and again when the convicted person is
30 returned into custody;

31 (d) When a convicted person is discharged from custody upon

1 completion of his or her sentence. Such notice shall be given at least
2 thirty days before discharge, when practicable;

3 (e) Of the (i) department's calculation of the earliest parole
4 eligibility date of the prisoner with all potential good time or
5 disciplinary credits considered if the sentence exceeds ninety days or
6 (ii) county corrections agency's calculation of the earliest release date
7 of the prisoner. The victim may request one notice of the calculation
8 described in this subdivision. Such information shall be mailed not later
9 than thirty days after receipt of the request;

10 (f) Of any reduction in the prisoner's minimum sentence; and

11 (g) Of the victim's right to submit a statement as provided in
12 section 81-1848.

13 (5) A victim whose name appears in the file of a convicted person
14 shall be notified by the Department of Health and Human Services:

15 (a) When a person described in subsection (6) of this section
16 becomes the subject of a petition pursuant to the Nebraska Mental Health
17 Commitment Act or the Sex Offender Commitment Act prior to his or her
18 discharge from custody upon the completion of his or her sentence or
19 within thirty days after such discharge. The county attorney who filed
20 the petition shall notify the Department of Correctional Services of such
21 petition. The Department of Correctional Services shall forward the names
22 and addresses of victims appearing in the file of the convicted person to
23 the Department of Health and Human Services; and

24 (b) When a person under a mental health board commitment pursuant to
25 subdivision (a) of this subsection:

26 (i) Escapes from an inpatient facility providing board-ordered
27 treatment and again when the person is returned to an inpatient facility;

28 (ii) Is discharged or has a change in disposition from inpatient
29 board-ordered treatment;

30 (iii) Is granted a furlough or release for twenty-four hours or
31 longer; and

1 (iv) Is released into educational release programs or work release
2 programs. Such notification shall occur at the beginning and termination
3 of any such program.

4 (6) Subsection (5) of this section applies to a person convicted of
5 a covered offense which is also alleged to be the recent act or threat
6 underlying the commitment of such person as mentally ill and dangerous or
7 as a dangerous sex offender as defined in section 83-174.01.

8 (7) A victim whose name appears in the file of a person convicted of
9 a covered offense shall be notified, via certified mail, by the Board of
10 Pardons:

11 (a) Of any pardon or commutation proceedings at least thirty
12 calendar days prior to the proceedings; and

13 (b) If a pardon or commutation has been granted, within ten days
14 after such granting.

15 (8) The Board of Parole, the Department of Correctional Services,
16 the Department of Health and Human Services, and the Board of Pardons
17 shall adopt and promulgate rules and regulations as needed to carry out
18 this section.

19 (9) The victim's address and telephone number maintained by the
20 Department of Correctional Services, the Department of Health and Human
21 Services, the county corrections agency, the Board of Parole, and the
22 Board of Pardons pursuant to subsection (2) of this section shall be
23 exempt from disclosure under public records laws and federal freedom of
24 information laws, as such laws existed on January 1, 2004.

25 Sec. 2. Original section 81-1850, Revised Statutes Supplement,
26 2023, is repealed.