

AMENDMENTS TO LB935

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Sec. 5.** (1) For purposes of this section:

4 (a) Child sexual abuse material has the same meaning as in section
5 28-1802;

6 (b) Internet utility has the same meaning as in section 87-1002;

7 (c) Obscene has the same meaning as in section 28-807; and

8 (d) Prohibited content means any depiction or content that:

9 (i) Is child sexual abuse material;

10 (ii) Promotes child sexual abuse material; or

11 (iii) Is obscene.

12 (2) A person shall not knowingly and intentionally:

13 (a) Allow or facilitate access to prohibited content on a publicly
14 available Internet website;

15 (b) Issue, sell, give, provide, deliver, transfer, transmit,
16 circulate, or disseminate by any means on an Internet website any
17 prohibited content; or

18 (c) Create or develop prohibited content that is made available on
19 an Internet website.

20 (3)(a) Except as provided in subdivision (3)(b) of this section, an
21 individual depicted in or exposed to prohibited content may bring a civil
22 action for appropriate relief against any person who violates subsection
23 (2) of this section with respect to such prohibited content.

24 (b) This subsection does not authorize a civil action by an adult
25 whose exposure to child sexual abuse material was caused by such adult's
26 intentional viewing of such material.

27 (c) Appropriate relief in an action under this subsection includes:

1 (i) Such preliminary and other equitable relief as may be
2 appropriate; and

3 (ii) Actual damages, both economic and noneconomic.

4 (d) If the plaintiff prevails in an action brought under this
5 subsection, the court shall award to the plaintiff reasonable attorney's
6 fees and other litigation costs reasonably incurred.

7 (e) In an action under this subsection, the doctrine of contributory
8 negligence shall not apply, and no plaintiff shall be allocated fault
9 under Chapter 25. A person who violates subsection (2) of this section
10 shall be jointly and severally liable for damages caused by such
11 violation.

12 (4)(a) A person who violates subsection (2) of this section shall be
13 subject to a civil penalty of not more than ten thousand dollars per
14 violation. The Attorney General or a county attorney may seek recovery of
15 such civil penalties in a civil action.

16 (b) The Attorney General or a county attorney may also bring a civil
17 action against a person who violates subsection (2) of this section to
18 restrain or enjoin such violation and for such other equitable relief as
19 the court deems appropriate to carry out the purposes of this section.

20 (c) If the Attorney General or county attorney prevails in an action
21 brought under this subsection, the court shall award to the Attorney
22 General or county attorney reasonable attorney's fees and other
23 litigation costs reasonably incurred.

24 (d) Any civil penalties collected under this section shall be
25 remitted to the State Treasurer for distribution in accordance with
26 Article VII, section 5, of the Constitution of Nebraska.

27 (5) Any violation of subsection (2) of this section shall,
28 additionally and separately, constitute a deceptive trade practice under
29 the Uniform Deceptive Trade Practices Act.

30 (6) This section shall not be construed to affect the liability for
31 any action that otherwise violates the Uniform Deceptive Trade Practices

1 Act.

2 (7) An Internet utility does not violate subsection (2) of this
3 section solely by providing access or connection to or from a website or
4 other information or content on the Internet or a facility, system, or
5 network not under the Internet utility's control, including providing
6 access or transmitting, downloading, or storing data, to the extent that
7 such Internet utility is not responsible, in whole or in part, for the
8 creation or development of prohibited content.

9 (8) This section is intended to create a new statutory cause of
10 action that is in addition to any other remedy that may exist under the
11 law. The duties and liabilities created under this section apply whether
12 or not the violator would be considered a publisher or distributor of
13 prohibited content under any other statutory or common law cause of
14 action.

15 (9) Sovereign immunity shall not be an affirmative defense in a
16 civil action brought pursuant to this section.

17 (10) Any remedy available under this section may be awarded without
18 regard to whether the conduct giving rise to the remedy resulted in a
19 criminal conviction.

20 **Sec. 6. (1) For purposes of this section:**

21 (a) Law enforcement officer has the same meaning as in section
22 81-1401; and

23 (b) Prohibited content has the same meaning as in section 5 of this
24 act.

25 (2) There shall be no civil or criminal liability for the viewing or
26 possession of prohibited content by:

27 (a) A judge who does so in good faith and for purposes of a
28 proceeding before the court;

29 (b) An attorney who does so in good faith in the course of
30 representing a client or potential client;

31 (c) An agent or employee of a judge or attorney who does so in good

1 faith and for a legitimate purpose while acting within the scope of such
2 agency or employment; or

3 (d) A law enforcement officer who does so in good faith in the
4 course of his or her official duties.

5 **Sec. 7. (1) For purposes of this section:**

6 (a) Child sexual exploitation device or image means an anatomically
7 correct mannequin, robot, doll, device, or image that:

8 (i) Has the features of, or features that resemble those of, a
9 minor; and

10 (ii) Is intended for use in sexual acts; and

11 (b) Minor means an individual under eighteen years of age.

12 (2) A person shall not:

13 (a) Knowingly buy, sell, deliver, or distribute any child sexual
14 exploitation device or image;

15 (b) Knowingly possess a child sexual exploitation device or image
16 that has been bought, sold, delivered, or distributed; or

17 (c) Possess a child sexual exploitation device or image with the
18 intent to engage in any conduct prohibited by subdivision (2)(a) of this
19 section.

20 (3)(a) A minor whose features are represented by, or intended by the
21 violinator to be represented by, a child sexual exploitation device or
22 image, may bring a civil action for appropriate relief against any person
23 who violates subsection (2) of this section with respect to such device
24 or image.

25 (b) Appropriate relief in an action under this subsection includes:

26 (i) Such preliminary and other equitable relief as may be
27 appropriate; and

28 (ii) Actual damages, both economic and noneconomic.

29 (c) If the plaintiff prevails in an action brought under this
30 subsection, the court shall award to the plaintiff reasonable attorney's
31 fees and other litigation costs reasonably incurred.

1 (4)(a) A person who violates subsection (2) of this section shall be
2 subject to a civil penalty of not more than ten thousand dollars per
3 violation. The Attorney General or a county attorney may seek recovery of
4 such civil penalties in a civil action.

5 (b) The Attorney General or a county attorney may also bring a civil
6 action against a person who violates subsection (2) of this section to
7 restrain or enjoin such violation and for such other equitable relief as
8 the court deems appropriate to carry out the purposes of this section.

9 (c) If the Attorney General or county attorney prevails in an action
10 brought under this subsection, the court shall award to the Attorney
11 General or county attorney reasonable attorney's fees and other
12 litigation costs reasonably incurred.

13 (d) Any civil penalties collected under this section shall be
14 remitted to the State Treasurer for distribution in accordance with
15 Article VII, section 5, of the Constitution of Nebraska.

16 (5) Any violation of subsection (2) of this section shall,
17 additionally and separately, constitute a deceptive trade practice under
18 the Uniform Deceptive Trade Practices Act.

19 (6) This section shall not be construed to affect the liability for
20 any action that otherwise violates the Uniform Deceptive Trade Practices
21 Act.

22 **Sec. 45.** Sections 35, 36, and 37 of this act become operative on
23 July 1, 2026. Sections 19, 26, 27, 28, 29, 30, 31, 32, 34, 39, and 47 of
24 this act become operative on January 1, 2027. Sections 1, 2, 3, 4, 5, 6,
25 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 33,
26 38, 42, 43, 44, and 48 of this act become operative three calendar months
27 after the adjournment of this legislative session. The other sections of
28 this act become operative on their effective date.

29 **Sec. 46.** If any section in this act or any part of any section is
30 declared invalid or unconstitutional, the declaration shall not affect
31 the validity or constitutionality of the remaining portions.

1 **Sec. 47.** Original section 29-4315, Revised Statutes Cumulative
2 Supplement, 2024, and sections 28-358.01 and 42-927, Revised Statutes
3 Supplement, 2025, are repealed.

4 **Sec. 48.** Original sections 7-203, 25-824, 25-1802, 25-1804, 27-804,
5 29-2204.02, 29-2308, 29-4103, 42-371, 84-941.01, and 86-2,103, Reissue
6 Revised Statutes of Nebraska, sections 28-311.08 and 59-1608.04, Revised
7 Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114,
8 28-101, 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes
9 Supplement, 2025, are repealed.

10 **Sec. 49.** Original sections 43-1409 and 43-1412.01, Reissue Revised
11 Statutes of Nebraska, are repealed.

12 **Sec. 50.** Since an emergency exists, this act takes effect when
13 passed and approved according to law.