

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB383

Hearing Date: Thursday February 06, 2025
Committee On: Judiciary
Introducer: Storer
One Liner: Adopt the Parental Rights in Social Media Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Bosn, Hallstrom, Holdcroft, Rountree, Storer, Storm
Nay:	1	Senator McKinney
Absent:		
Present Not Voting:	1	Senator DeBoer

Testimony:

Proponents:

Senator Tanya Storer
Mike Hilgers
Marie Belin
Thomas Janousek
Jared Hayden
Nate Grasz
Marion Miner

Representing:

Opening Presenter
Nebraska Attorney General
Self
Department of Health & Human Services
Institute for Family Studies
Nebraska Family Alliance
Nebraska Catholic Conference

Opponents:

Ruthie Barko
Hope Ledford
Dylan Severino

Representing:

Technet
Chamber of Progress
ACLU of Nebraska

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 383 adopts the Parental Rights in Social Media Act, which prohibits social media companies from allowing minors to become account holders without parental consent. The act also requires social media platforms to provide parents with oversight tools to monitor and manage a minor's account activity.

Section-by-Section Summary:

Section 1: Provides that sections 1 to 5 of this act shall be the Parental Rights in Social Media Act.



Section 2: Defines terms for purposes of the Parental Rights in Social Media Act.

Section 3: Prohibits social media companies from allowing a minor to become an account holder unless the minor's parent provides express consent through an age verification method. Social media companies must also have a method for a parent who consented to a minor being an account holder to revoke consent and provide a method for a parent to supervise the minor's account.

Section 4: Provides for civil actions brought by persons aggrieved by a violation of section 3 of the act. Relief in such civil actions includes preliminary and other equitable or declaratory relief, actual damages, and, at the court's discretion, reasonable attorney's fees and other litigation costs.

Section 5: Grants the Attorney General authority to enforce the act and impose a penalty of up to \$2,500 per violation.

Section 6: Sets the operative date for the act as January 1, 2026.

Section 7: Severability clause.

Explanation of amendments:

The Committee considered and adopted an amendment which strikes and replaces the original sections and accomplishes the following:

The Standing Committee Amendment (AM 837) includes LB 383 (sections 26 to 30 of AM 837) as introduced and also incorporates LB 172 (sections 1 to 25 of AM 837) as amended by AM 837, including the addition of sections for harmonization purposes.

LB 172 was introduced by Senator Hardin and updates the Child Pornography Prevention Act to include Artificial Intelligence or computer-generated content and reorganizes the sections included in the Act. The bill also criminalizes knowingly receiving child pornography.

LB 172 was amended into LB 383 on a 7-1 vote of the committee:

Aye – Senators Bosn, DeBoer, Hallstrom, Holdcroft, Rountree, Storer, Storm; Nay – Senator McKinney

LB 172 had a public hearing on February 6, 2025, with the following testimony:

Proponents:

Senator Brian Hardin , Opening Presenter
Mike Hilgers, Nebraska Attorney General
Monty Lovelace, Nebraska State Patrol
Dianne Plock, Self
Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers
Tanner Hawthorne Jones, Cicero Action
Nate Grasz, Nebraska Family Alliance
Mark Dishaw, Douglas County Sheriff's Office
Marion Miner, Nebraska Catholic Conference

Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association



Neutral:

Benjamin Riggan, Self

Section-by-Section Summary:

Section 1: Amends section 28-1463.01 to restructure the sections included in the Child Pornography Prevention Act and to change the name of the act to the Child Sexual Abuse Material Prevention Act. (LB 172 as amended by AM 837)

Section 2: Amends section 28-1463.02 to define terms for purposes of the Child Sexual Abuse Material Prevention Act. (LB 172 as amended by AM 837)

Section 3: Amends section 28-813.01 criminalizes knowingly receiving child sexual abuse material. For a person 19 years or older, it is a Class IIA felony to knowingly possess or receive child sexual abuse material. For a person under 19 years, it is a Class I misdemeanor for the first offense and a Class IV felony for a second or subsequent offense. This section also details affirmative defenses for defendants who are between 18 and 19 years and for defendants younger than 18. (LB 172 as amended by AM 837)

Section 4: Harmonizing changes to section 28-1463.05. (LB 172 as amended by AM 837)

Section 5: Amends section 1463.03, which makes it unlawful to knowingly make, direct, create, or in any manner generate child sexual abuse material. The penalty provisions in section 28-1463.04, which is outright repealed, are added to this section. This section also details affirmative defenses for defendants who are between 18 and 19 years and for defendants younger than 18. (LB 172 as amended by AM 837)

Sections 6 to 12: Harmonizing changes to sections 28-1463.06, 25-21,291, 25-21,302, 27-1301, 28-116, 28-320.02, and 28-813.02. (LB 172 as amended by AM 837)

Section 13: Amends section 28-833 to define “sexually explicit” and “visual depiction” for purposes of the crime of enticement by electronic communication device. (LB 172)

Section 14: Harmonizing changes to section 28-1354. (LB 172 as amended by AM 837)

Section 15: Amends section 28-1601 to define “covered offense,” “electronic communication device,” and “gambling device” for purposes of §§ 28-1601 to 28-1603, which deal with the forfeiture and seizure of property used in the commission of certain crimes. This section also contains harmonization changes. (LB 172 as amended by AM 837)

Sections 16 to 18: Harmonizing changes to sections 28-1602, 28-1701, and 29-110. (LB 172)

Section 19: Amends section 29-119 to include parents, guardians, or duly appointed legal representatives of a child but not the perpetrator as victims under the Sex Offender Registry Act. (LB 172 as amended by AM 837)

Section 20: Amends section 29-4003 to make knowingly receiving child pornography a registerable offense under the Sex Offender Registration Act. (LB 172 as amended by AM 837)

Sections 21 to 25: Harmonizing changes to sections 29-4309, 29-4316, 83-174.02, 84-205, and 87-302. (LB 172)

Section 26: Provides that sections 26 to 30 of this act shall be the Parental Rights in Social Media Act. (LB 383)



Section 27: A new section that defines terms for purposes of the Parental Rights in Social Media Act. (LB 383)

Section 28: A new section that prohibits social media companies from allowing a minor to become an account holder unless the minor's parent provides express consent through an age verification method. Social media companies must also have a method for a parent who consented to a minor being an account holder to revoke consent and provide a method for a parent to supervise the minor's account. (LB 383)

Section 29: Provides for civil actions brought by persons aggrieved by a violation of section 28 of the act. Relief in such civil actions includes preliminary and other equitable or declaratory relief, actual damages, and, at the court's discretion, reasonable attorney's fees and other litigation costs. (LB 383)

Section 30: Grants the Attorney General authority to enforce the act and impose a penalty of up to \$2,500 per violation. (LB 383)

Section 31: Operative date. Sections 26 to 30 become operative on January 1, 2026. The other sections become operative three calendar months after the adjournment of this legislative session.

Section 32: Severability clause.

Section 33: Repealer.

Section 34: Repeals section 28-1463.04 outright, the provisions of which are added to section 5 of this act.

Carolyn Bosn, Chairperson

