

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 329**

Introduced by von Gillern, 4.

Read first time January 16, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-316.01, Revised Statutes Cumulative Supplement, 2024; to define
- 3 and redefine terms; to change provisions relating to sexual abuse by
- 4 a school employee; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 28-316.01, Revised Statutes Cumulative  
2 Supplement, 2024, is amended to read:

3           28-316.01 (1) For purposes of this section:

4           (a) Sexual contact has the same meaning as in section 28-318;

5           (b) Sexual penetration has the same meaning as in section 28-318;

6           (c) School contract worker means a person nineteen years of age or  
7 older who, as part of such person's employment, spends time working at a  
8 public, private, denominational, or parochial school approved or  
9 accredited by the State Department of Education but is not employed by  
10 such a school, including, but not limited to, a school resource officer,  
11 a construction worker, or a school consultant or independent contractor;

12           (d) ~~(e)~~ School employee means (i) a person nineteen years of age or  
13 older who is employed by a public, private, denominational, or parochial  
14 school approved or accredited by the State Department of Education or  
15 (ii) a school contract worker; and

16           (e) ~~(d)~~ Student means a person at least sixteen but not more than  
17 nineteen years of age enrolled in or attending a public, private,  
18 denominational, or parochial school approved or accredited by the State  
19 Department of Education, or who was such a person enrolled in or who  
20 attended such a school within ninety days of any violation of this  
21 section.

22           (2) A person commits the offense of sexual abuse by a school  
23 employee if a school employee subjects a student in the school to which  
24 such employee is assigned for work to sexual penetration or sexual  
25 contact, or engages in a pattern or scheme of conduct to subject a  
26 student in the school to which such employee is assigned for work to  
27 sexual penetration or sexual contact. It is not a defense to a charge  
28 under this section that the student consented to such sexual penetration  
29 or sexual contact.

30           (3) Any school employee who engages in sexual penetration with a  
31 student is guilty of sexual abuse by a school employee in the first

1 degree. Sexual abuse by a school employee in the first degree is a Class  
2 IIA felony.

3 (4) Any school employee who engages in sexual contact with a student  
4 is guilty of sexual abuse by a school employee in the second degree.  
5 Sexual abuse by a school employee in the second degree is a Class IIIA  
6 felony.

7 (5) Any school employee who engages in a pattern or scheme of  
8 conduct with the intent to subject a student to sexual penetration or  
9 sexual contact is guilty of sexual abuse by a school employee in the  
10 third degree. Sexual abuse by a school employee in the third degree is a  
11 Class IV felony.

12 **Sec. 2.** Original section 28-316.01, Revised Statutes Cumulative  
13 Supplement, 2024, is repealed.