

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 925

Introduced by Andersen, 49.

Read first time January 09, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to public health and safety; to adopt the Safe
- 2 Parks and Public Spaces Act; to provide severability; and to declare
- 3 an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 7 of this act shall be known and may be
2 cited as the Safe Parks and Public Spaces Act.

3 **Sec. 2.** The purpose of the Safe Parks and Public Spaces Act is to
4 protect the public from the dangers of unauthorized street camping in
5 public parks, rights-of-way, and other public spaces. The Legislature
6 recognizes the risk presented by unauthorized street camping, including
7 conduct that results in the proliferation of drugs and drug
8 paraphernalia, threats of random acts of violence, and the spread of
9 disease and detritus. It is the intention of the Legislature to protect
10 the people of Nebraska in public spaces and rights-of-way by enacting a
11 prohibition on unauthorized street camping.

12 **Sec. 3.** For purposes of the Safe Parks and Public Spaces Act:

13 (1) Camp means to sleep upon, occupy, or otherwise use an area as a
14 substitute for regular shelter, as evidenced by, but not limited to, the
15 erection of a tent or other temporary shelter, the presence of bedding or
16 pillows, or the storage of personal property;

17 (2) Campsite means a regular location of public grounds that is
18 designated as a recreational camping ground, area, or facility and that
19 allows temporary overnight occupancy without a permanently fixed
20 structure;

21 (3) Department means the Department of Health and Human Services;
22 and

23 (4) State funds means funds designated for addressing housing or
24 homelessness and includes state aid and federal funds.

25 **Sec. 4.** (1) It shall be unlawful for any person to knowingly or
26 intentionally camp upon or in any public property or right-of-way that is
27 not designated by the state or the political subdivision controlling such
28 property or right-of-way as:

29 (a) A campsite; or

30 (b) A temporary site for an unsanctioned homeless encampment.

31 (2) A violation of this section is a Class V misdemeanor, except

1 that for a first offense, in lieu of prosecution, the law enforcement
2 officer shall direct the person to the nearest appropriate shelter for
3 homeless individuals.

4 **Sec. 5.** (1) A political subdivision shall not authorize or
5 otherwise allow any person to regularly camp or sleep upon or in any
6 public property or right-of-way in violation of section 4 of this act.

7 (2) A political subdivision shall not prohibit or discourage a law
8 enforcement officer or prosecuting attorney who is employed or otherwise
9 under the direction or control of the political subdivision from
10 enforcing section 4 of this act or any order or ordinance prohibiting
11 camping, sleeping, or obstruction of sidewalks or other rights-of-way.

12 **Sec. 6.** (1) A person described in subsection (2) of this section
13 who is aggrieved by a violation of section 5 of this act may bring a
14 civil action for appropriate relief against the political subdivision
15 violating such section.

16 (2) The following persons may bring an action under this section:

17 (a) A resident of the county in which the violation is occurring;

18 (b) A person who owns a business located in the county in which the
19 violation is occurring; or

20 (c) The Attorney General.

21 (3) In a civil action under this section, appropriate relief
22 includes:

23 (a) Such preliminary and other equitable or declaratory relief as
24 may be appropriate; and

25 (b) For an action brought by a person other than the Attorney
26 General, reasonable expenses incurred in bringing the civil action,
27 including court costs, reasonable attorney's fees, investigative costs,
28 witness fees, and deposition costs.

29 (4) A civil action under this section must be accompanied by an
30 affidavit from the plaintiff attesting that:

31 (a) The plaintiff provided written notice of the alleged violation

1 of section 5 of this act to the governing board of the political
2 subdivision;

3 (b) The political subdivision did not cure the alleged violation
4 within five business days after receiving such notice; and

5 (c) The political subdivision has failed to take all reasonable
6 actions within the limits of its authority to cure the alleged violation
7 within such five-business-day period.

8 **Sec. 7.** (1) If the department determines that a political
9 subdivision is in violation of section 5 of this act, the department
10 shall notify the State Treasurer of such fact. Upon receiving such
11 notice, the State Treasurer shall suspend distribution of state funds to
12 the political subdivision.

13 (2) For each day a political subdivision is found to be out of
14 compliance with section 5 of this act, the political subdivision shall
15 forfeit a pro-rata amount of state funds equal to the amount of state
16 funds awarded or provided to the political subdivision divided by the
17 days in the award or funding period.

18 (3) The State Treasurer shall suspend distribution of state funds to
19 a political subdivision under this section until the department notifies
20 the State Treasurer that the political subdivision is in compliance with
21 section 5 of this act. Any funds held by the State Treasurer for six
22 months or longer shall be forfeited and returned to the General Fund.

23 **Sec. 8.** If any section in this act or any part of any section is
24 declared invalid or unconstitutional, the declaration shall not affect
25 the validity or constitutionality of the remaining portions.

26 **Sec. 9.** Since an emergency exists, this act takes effect when
27 passed and approved according to law.