

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 168**

Introduced by Hunt, 8; Howard, 9; McCollister, 20; Morfeld, 46; Vargas,  
7; Wishart, 27.

Read first time January 11, 2019

Committee:

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-707, Reissue Revised Statutes of Nebraska, and section 28-101,
- 3 Revised Statutes Cumulative Supplement, 2018; to state legislative
- 4 findings; to define a term; to classify subjecting a child to
- 5 conversion therapy as child abuse; to harmonize provisions; and to
- 6 repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and  
4 sections 2 and 3 of this act shall be known and may be cited as the  
5 Nebraska Criminal Code.

6 Sec. 2. The Legislature finds and declares:

7 (1) Contemporary science recognizes that being lesbian, gay,  
8 bisexual, or transgender (LGBT) is part of a natural spectrum of human  
9 identity and is not a disease, a disorder, or an illness;

10 (2) Conversion therapy poses critical health risks to LGBT people;  
11 and

12 (3) Nebraska has a compelling interest in protecting the physical  
13 and psychological well-being of minors, including LGBT youth, and in  
14 protecting minors against exposure to serious harm caused by conversion  
15 therapy.

16 Sec. 3. (1) Conversion therapy means a practice or treatment by a  
17 mental health or child care practitioner that seeks to change the sexual  
18 orientation or gender identity of a patient or child under his or her  
19 care. Conversion therapy includes any effort to change the behavioral  
20 expression of an individual's sexual orientation, to change an  
21 individual's gender expression, or to eliminate or reduce sexual or  
22 romantic attractions or feelings of an individual toward persons of the  
23 same gender.

24 (2) Conversion therapy does not include a practice by a mental  
25 health or child care practitioner that provides acceptance, support, and  
26 understanding or that facilitates coping, social support, and identity  
27 exploration and development, including sexual orientation-neutral  
28 interventions to prevent or address unlawful conduct or unsafe sexual  
29 practices and that does not seek to change sexual orientation or gender  
30 identity.

31 Sec. 4. Section 28-707, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-707 (1) A person commits child abuse if he or she knowingly,  
3 intentionally, or negligently causes or permits a minor child to be:

4 (a) Placed in a situation that endangers his or her life or physical  
5 or mental health;

6 (b) Cruelly confined or cruelly punished;

7 (c) Deprived of necessary food, clothing, shelter, or care;

8 (d) Placed in a situation to be sexually exploited by allowing,  
9 encouraging, or forcing such minor child to solicit for or engage in  
10 prostitution, debauchery, public indecency, or obscene or pornographic  
11 photography, films, or depictions;

12 (e) Placed in a situation to be sexually abused as defined in  
13 section 28-319, 28-319.01, or 28-320.01; ~~or~~

14 (f) Placed in a situation to be a trafficking victim as defined in  
15 section 28-830; or ~~-~~

16 (g) Placed in a situation to be subjected to conversion therapy as  
17 defined in section 3 of this act.

18 (2) The statutory privilege between patient and physician, between  
19 client and professional counselor, and between husband and wife shall not  
20 be available for excluding or refusing testimony in any prosecution for a  
21 violation of this section.

22 (3) Child abuse is a Class I misdemeanor if the offense is committed  
23 negligently and does not result in serious bodily injury as defined in  
24 section 28-109 or death.

25 (4) Child abuse is a Class IIIA felony if the offense is committed  
26 knowingly and intentionally and does not result in serious bodily injury  
27 as defined in section 28-109 or death.

28 (5) Child abuse is a Class IIIA felony if the offense is committed  
29 negligently and results in serious bodily injury as defined in section  
30 28-109.

31 (6) Child abuse is a Class IIA felony if the offense is committed

1 negligently and results in the death of such child.

2 (7) Child abuse is a Class II felony if the offense is committed  
3 knowingly and intentionally and results in serious bodily injury as  
4 defined in such section.

5 (8) Child abuse is a Class IB felony if the offense is committed  
6 knowingly and intentionally and results in the death of such child.

7 (9) For purposes of this section, negligently refers to criminal  
8 negligence and means that a person knew or should have known of the  
9 danger involved and acted recklessly, as defined in section 28-109, with  
10 respect to the safety or health of the minor child.

11 Sec. 5. Original section 28-707, Reissue Revised Statutes of  
12 Nebraska, and section 28-101, Revised Statutes Cumulative Supplement,  
13 2018, are repealed.