

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 473

Introduced by Bloomfield, 17; Brasch, 16; Kintner, 2; Krist, 10;
Larson, 40; Schumacher, 22; Wallman, 30.

Read first time January 22, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Sexual Predator Residency Restriction Act;
2 to amend section 29-4017, Reissue Revised Statutes of
3 Nebraska, and section 29-4016, Revised Statutes
4 Cumulative Supplement, 2012; to authorize certain
5 residency restrictions near parks as prescribed; to
6 provide an operative date; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4016, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 29-4016 For purposes of the Sexual Predator Residency
4 Restriction Act:

5 (1) Child care facility means a facility licensed
6 pursuant to the Child Care Licensing Act;

7 (2) Park means a parcel of ground or a facility
8 established by a political subdivision for recreational use by the
9 public that covers at least twenty-five hundred square feet;

10 ~~(2)-(3)~~ Political subdivision means a village, a city, a
11 county, a school district, a public power district, or any other unit
12 of local government;

13 ~~(3)-(4)~~ School means a public, private, denominational,
14 or parochial school which meets the requirements for accreditation or
15 approval prescribed in Chapter 79;

16 ~~(4)-(5)~~ Sex offender means an individual who has been
17 convicted of a crime listed in section 29-4003 and who is required to
18 register as a sex offender pursuant to the Sex Offender Registration
19 Act; ~~and~~

20 ~~(5)-(6)~~ Sexual predator means an individual who is
21 required to register under the Sex Offender Registration Act, who has
22 committed an aggravated offense as defined in section 29-4001.01, and
23 who has victimized a person eighteen years of age or younger; ~~and~~ -

24 (7) Sexual predator of children means a sex offender who
25 has been convicted of a crime listed in section 29-4003 which

1 involved the penetration of, direct genital touching of, oral to anal
 2 contact with, or oral to genital contact with a person under thirteen
 3 years of age.

4 Sec. 2. Section 29-4017, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 29-4017 ~~(1)~~ A ~~(1)(a)~~ Except as provided in subsection (2)
 7 of this section, a political subdivision may enact an ordinance,
 8 resolution, or other legal restriction prescribing where sex
 9 offenders may reside ~~only~~ if the restrictions are limited to sexual
 10 predators, extend no more than five hundred feet from a school or
 11 child care facility, and meet the requirements of ~~subsection (2) of~~
 12 this section. subdivision (b) of this subsection.

13 ~~(2)~~ ~~(b)~~ An ordinance, resolution, or other legal
 14 restriction enacted by a political subdivision under this subsection
 15 shall not apply to a sexual predator who:

16 ~~(a)~~ Resides within a prison or a correctional or
 17 treatment facility operated by the state or a political subdivision;

18 ~~(b)~~ ~~(i)~~ Established a residence before July 1, 2006, and
 19 has not moved from that residence; or

20 ~~(c)~~ ~~(ii)~~ Established a residence after July 1, 2006, and
 21 the school or child care facility triggering the restriction was
 22 established after the initial date of the sexual predator's residence
 23 at that location.

24 ~~(3)~~ ~~(c)~~ Any ordinance, resolution, or other legal
 25 restriction prescribing where sex offenders may reside which does not

1 meet the requirements of this section is void, regardless of whether
2 such ordinance, resolution, or legal restriction was adopted prior
3 to, on, or after July 14, 2006.

4 (2)(a) In addition to the restrictions allowed under
5 subsection (1) of this section, a political subdivision also may
6 enact an ordinance, resolution, or other legal restriction
7 prescribing where sex offenders may reside if the restrictions are
8 limited to sexual predators of children, extend no more than five
9 hundred feet from a park, and meet the requirements of subdivision
10 (b) of this subsection.

11 (b) An ordinance, resolution, or other legal restriction
12 enacted under this subsection shall not apply to a sexual predator of
13 children who:

14 (i) Established a residence before the operative date of
15 this act and has not moved from that residence; or

16 (ii) Established a residence after the operative date of
17 this act and the park triggering the restriction was established
18 after the initial date of the residence of the sexual predator of
19 children at that location.

20 (c) Any ordinance, resolution, or other legal restriction
21 prescribing where sex offenders may reside which does not meet the
22 requirements of this section is void, regardless of whether such
23 ordinance, resolution, or legal restriction was adopted prior to, on,
24 or after the operative date of this act.

25 (3) An ordinance, resolution, or other legal restriction

1 enacted under this section shall not apply to a sexual predator of
2 children who resides within a prison or a correctional or treatment
3 facility operated by the state or a political subdivision.

4 Sec. 3. This act becomes operative on October 1, 2013.

5 Sec. 4. Original section 29-4017, Reissue Revised
6 Statutes of Nebraska, and section 29-4016, Revised Statutes
7 Cumulative Supplement, 2012, are repealed.