

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 510

Introduced by McCollister, 20.

Read first time January 22, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend
- 2 section 29-4003, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to applicability of the act to certain juvenile
- 4 adjudications; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4003, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-4003 (1)(a) The Sex Offender Registration Act applies to any
4 person who on or after January 1, 1997:

5 (i) Has ever pled guilty to, pled nolo contendere to, or been found
6 guilty of any of the following:

7 (A) Kidnapping of a minor pursuant to section 28-313, except when
8 the person is the parent of the minor and was not convicted of any other
9 offense in this section;

10 (B) False imprisonment of a minor pursuant to section 28-314 or
11 28-315;

12 (C) Sexual assault pursuant to section 28-319 or 28-320;

13 (D) Sexual assault of a child in the second or third degree pursuant
14 to section 28-320.01;

15 (E) Sexual assault of a child in the first degree pursuant to
16 section 28-319.01;

17 (F) Sexual abuse of a vulnerable adult or senior adult pursuant to
18 subdivision (1)(c) of section 28-386;

19 (G) Incest of a minor pursuant to section 28-703;

20 (H) Pandering of a minor pursuant to section 28-802;

21 (I) Visual depiction of sexually explicit conduct of a child
22 pursuant to section 28-1463.03 or 28-1463.05;

23 (J) Knowingly possessing any visual depiction of sexually explicit
24 conduct which has a child as one of its participants or portrayed
25 observers pursuant to section 28-813.01;

26 (K) Criminal child enticement pursuant to section 28-311;

27 (L) Child enticement by means of an electronic communication device
28 pursuant to section 28-320.02;

29 (M) Debauching a minor pursuant to section 28-805; or

30 (N) Attempt, solicitation, aiding or abetting, being an accessory,
31 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)

1 through (1)(a)(i)(M) of this section;

2 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
3 guilty of any offense that is substantially equivalent to a registrable
4 offense under subdivision (1)(a)(i) of this section by any village, town,
5 city, state, territory, commonwealth, or other jurisdiction of the United
6 States, by the United States Government, by court-martial or other
7 military tribunal, or by a foreign jurisdiction, notwithstanding a
8 procedure comparable in effect to that described under section 29-2264 or
9 any other procedure to nullify a conviction other than by pardon;

10 (iii) Is incarcerated in a jail, a penal or correctional facility,
11 or any other public or private institution or is under probation or
12 parole as a result of pleading guilty to or being found guilty of a
13 registrable offense under subdivision (1)(a)(i) or (ii) of this section
14 prior to January 1, 1997; or

15 (iv) Enters the state and is required to register as a sex offender
16 under the laws of another village, town, city, state, territory,
17 commonwealth, or other jurisdiction of the United States, except that
18 this subdivision does not apply to a person required to register under
19 such laws because of an adjudication as a juvenile if, had such
20 adjudication occurred under the laws of this state, there would be no
21 duty to register.

22 (b) In addition to the registrable offenses under subdivision (1)(a)
23 of this section, the Sex Offender Registration Act applies to any person
24 who on or after January 1, 2010:

25 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
26 section, has ever pled guilty to, pled nolo contendere to, or been found
27 guilty of any of the following:

28 (I) Murder in the first degree pursuant to section 28-303;

29 (II) Murder in the second degree pursuant to section 28-304;

30 (III) Manslaughter pursuant to section 28-305;

31 (IV) Assault in the first degree pursuant to section 28-308;

- 1 (V) Assault in the second degree pursuant to section 28-309;
- 2 (VI) Assault in the third degree pursuant to section 28-310;
- 3 (VII) Stalking pursuant to section 28-311.03;
- 4 (VIII) Violation of section 28-311.08 requiring registration under
5 the act pursuant to subsection (5) of section 28-311.08;
- 6 (IX) Kidnapping pursuant to section 28-313;
- 7 (X) False imprisonment pursuant to section 28-314 or 28-315;
- 8 (XI) Sexual abuse of an inmate or parolee in the first degree
9 pursuant to section 28-322.02;
- 10 (XII) Sexual abuse of an inmate or parolee in the second degree
11 pursuant to section 28-322.03;
- 12 (XIII) Sexual abuse of a protected individual pursuant to section
13 28-322.04;
- 14 (XIV) Incest pursuant to section 28-703;
- 15 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
16 28-707;
- 17 (XVI) Enticement by electronic communication device pursuant to
18 section 28-833; or
- 19 (XVII) Attempt, solicitation, aiding or abetting, being an
20 accessory, or conspiracy to commit an offense listed in subdivisions (1)
21 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
- 22 (B) In order for the Sex Offender Registration Act to apply to the
23 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
24 (VI), (VII), (IX), and (X) of this section, a court shall have found that
25 evidence of sexual penetration or sexual contact, as those terms are
26 defined in section 28-318, was present in the record, which shall include
27 consideration of the factual basis for a plea-based conviction and
28 information contained in the presentence report;
- 29 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
30 guilty of any offense that is substantially equivalent to a registrable
31 offense under subdivision (1)(b)(i) of this section by any village, town,

1 city, state, territory, commonwealth, or other jurisdiction of the United
2 States, by the United States Government, by court-martial or other
3 military tribunal, or by a foreign jurisdiction, notwithstanding a
4 procedure comparable in effect to that described under section 29-2264 or
5 any other procedure to nullify a conviction other than by pardon; or

6 (iii) Enters the state and is required to register as a sex offender
7 under the laws of another village, town, city, state, territory,
8 commonwealth, or other jurisdiction of the United States, except that
9 this subdivision does not apply to a person required to register under
10 such laws because of an adjudication as a juvenile if, had such
11 adjudication occurred under the laws of this state, there would be no
12 duty to register.

13 (2) A person appealing a conviction of a registrable offense under
14 this section shall be required to comply with the act during the appeals
15 process.

16 Sec. 2. Original section 29-4003, Reissue Revised Statutes of
17 Nebraska, is repealed.