

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 948

Introduced by Lambert, 2; McGill, 26.

Read first time January 11, 2012

Committee:

A BILL

- 1 FOR AN ACT relating to crimes and offenses; to amend section 28-1310,
- 2 Reissue Revised Statutes of Nebraska; to change
- 3 provisions and a penalty relating to intimidation by
- 4 telephone call; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1310, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1310 (1) A person commits the offense of intimidation
4 by telephone ~~call~~ or electronic communication device if, with intent
5 to terrify, intimidate, threaten, harass, annoy, or offend, the
6 person:

7 (a) ~~Telephones~~ Contacts another by telephone or
8 electronic communication device anonymously, whether or not
9 conversation ensues, and disturbs the peace, quiet, and right of
10 privacy of any person at the place where the ~~calls~~ communications are
11 received; or

12 (b) ~~Telephones~~ Contacts another by telephone or
13 electronic communication device and uses indecent, lewd, lascivious,
14 or obscene language or suggests any indecent, lewd, or lascivious
15 act; or

16 (c) ~~Telephones~~ Contacts another by telephone or
17 electronic communication device and threatens to inflict injury to
18 any person or to the property of any person; or

19 (d) ~~Intentionally~~ Contacts another by telephone or
20 electronic communication device and intentionally fails to disengage
21 the connection; or

22 (e) ~~Telephones~~ Contacts another by telephone or
23 electronic communication device and attempts to extort money or other
24 thing of value from any person.

25 (2) The use of indecent, lewd, or obscene language or the

1 making of a threat or lewd suggestion shall be prima facie evidence
2 of intent to terrify, intimidate, threaten, harass, annoy, or offend.

3 (3) The offense shall be deemed to have been committed
4 either at the place where ~~the call~~ such communication was made or
5 where it was received.

6 (4) For purposes of this section, electronic
7 communication device means any device which, in its ordinary and
8 intended use, transmits by electronic means writings, sounds, visual
9 images, or data of any nature to another electronic communication
10 device.

11 ~~(4)~~ (5) Intimidation by telephone call or electronic
12 communication device is a Class III-I misdemeanor.

13 Sec. 2. Original section 28-1310, Reissue Revised
14 Statutes of Nebraska, is repealed.