

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 383

FINAL READING

Introduced by Storer, 43; at the request of the Governor; Ballard, 21; Bosn, 25; Clouse, 37; Dover, 19; Hardin, 48; Holdcroft, 36; Ibach, 44; Kauth, 31; Lippincott, 34; Meyer, 17; Prokop, 27; Murman, 38.

Read first time January 17, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to minors; to amend sections 25-21,291,
2 25-21,302, 27-1301, 28-116, 28-320.02, 28-813.02, 28-833,
3 28-1463.01, 28-1463.02, 28-1463.06, 28-1601, 28-1602, 83-174.02,
4 84-205, and 87-302, Reissue Revised Statutes of Nebraska, and
5 sections 28-813.01, 28-1354, 28-1463.03, 28-1463.05, 28-1701,
6 29-110, 29-119, 29-4003, 29-4309, and 29-4316, Revised Statutes
7 Cumulative Supplement, 2024; to adopt the Parental Rights in Social
8 Media Act; change the name of the Child Pornography Prevention Act
9 to the Child Sexual Abuse Material Prevention Act; to prohibit
10 conduct involving computer-generated child pornography; to prohibit
11 receipt of child pornography; to transfer provisions of the Nebraska
12 Criminal Code and the Child Pornography Prevention Act; to provide
13 enhanced penalties; to define and redefine terms; to eliminate
14 obsolete provisions; to harmonize provisions; to provide operative
15 dates; to provide severability; to repeal the original sections; and
16 to outright repeal section 28-1463.04, Reissue Revised Statutes of
17 Nebraska.
18 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-1463.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 ~~28-1463.01~~ Sections 1 to 6 of this act ~~28-1463.01 to 28-1463.06~~
4 shall be known and may be cited as the Child Sexual Abuse Material Child
5 Pornography Prevention Act.

6 **Sec. 2.** Section 28-1463.02, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~28-1463.02~~ As used in the Child Sexual Abuse Material Pornography
9 Prevention Act, unless the context otherwise requires:

10 (1) Child ~~, in the case of a participant,~~ means an individual any
11 person under the age of eighteen years other than the defendant and, in
12 the case of a portrayed observer, means any person under the age of
13 sixteen years;

14 (2) Child sexual abuse material means any visual depiction of
15 sexually explicit conduct that:

16 (a) Depicts a child as a participant or portrayed observer,
17 regardless of whether the visual depiction is obscene;

18 (b) Depicts a person with identifiable physical features of a child
19 as a participant or portrayed observer, regardless of whether the visual
20 depiction is obscene; or

21 (c) Is obscene and depicts a person or a computer-generated person
22 as a participant or portrayed observer, and such person:

23 (i) Is a child;

24 (ii) Would appear to a reasonable person to be a child; or

25 (iii) Is depicted with physical features of a child;

26 (3) Computer-generated means that a visual depiction has been
27 created, adapted, or modified by using a computer, digital program or
28 process, artificial intelligence, or any similar device or means;

29 (4) Computer-generated person means a computer-generated image that
30 appears to depict a human being, or a human being whose image has been
31 morphed, altered, or modified, whether or not that human being exists or

1 existed in the natural world;

2 (5)(a) Conviction or convicted includes a plea or verdict of guilty
3 or a conviction following a plea of nolo contendere.

4 (b) Conviction or convicted includes a conviction that has been set
5 aside under section 29-2264.

6 (c) Conviction or convicted does not include a conviction for which
7 a pardon has been obtained;

8 (6) Covered offense means a violation of section 28-308, 28-309,
9 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01,
10 28-833, or section 3, 4, or 5 of this act, or subsection (1) or (2) of
11 section 28-320;

12 (7) Electronic communication device has the same meaning as in
13 section 28-833;

14 (8) {2} Erotic fondling means touching a person's clothed or
15 unclothed genitals or pubic area, breasts if the person is a female, or
16 developing breast area if the person is a female child, for the purpose
17 of real or simulated overt sexual gratification or sexual stimulation of
18 one or more persons involved. Erotic fondling shall not be construed to
19 include physical contact, even if affectionate, which is not for the
20 purpose of real or simulated overt sexual gratification or sexual
21 stimulation of one or more of the persons involved;

22 (9) {3} Erotic nudity means the display of the human male or female
23 genitals or pubic area, the human female breasts, or the developing
24 breast area of the human female child, for the purpose of real or
25 simulated overt sexual gratification or sexual stimulation of one or more
26 of the persons involved in the visual depiction or for the sexual
27 gratification or stimulation of the viewer;

28 (10) Obscene has the same meaning as in section 28-807;

29 (11) Person, with respect to the subject of a visual depiction,
30 includes an actual person or any visual depiction that appears to be such
31 person or an actual person whose image has been morphed, altered, or

1 modified;

2 ~~(12)~~ ~~(4)~~ Sadomasochistic abuse means flagellation or torture by or
3 upon a nude person or a person clad in undergarments, a mask, or bizarre
4 costume, or the condition of being fettered, bound, or otherwise
5 physically restrained when performed to predominantly appeal to the
6 morbid interest;

7 ~~(13)~~ ~~(5)~~ Sexually explicit conduct means: (a) Real or simulated
8 intercourse, whether genital-genital, oral-genital, anal-genital, or
9 oral-anal between persons of the same or opposite sex or between a human
10 and an animal or with an artificial genital; (b) real or simulated
11 masturbation; (c) real or simulated sadomasochistic abuse; (d) erotic
12 fondling; (e) erotic nudity; or (f) real or simulated defecation or
13 urination for the purpose of sexual gratification or sexual stimulation
14 of one or more of the persons involved; and

15 ~~(14)~~ ~~(6)~~ Visual depiction means live performance or photographic
16 representation, whether of actual persons or events, computer-generated
17 persons or events, or any combination thereof, and includes any
18 undeveloped film or videotape or data stored on a computer disk or by
19 other electronic means which is capable of conversion into a visual image
20 and also includes any photograph, film, video, picture, digital image, or
21 computer-displayed image, video, or picture, whether made, ~~or produced,~~
22 morphed, altered, or modified by electronic, mechanical, computer-
23 generated, computer, digital, or other means.

24 **Sec. 3.** Section 28-813.01, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 ~~28-813.01~~ (1) It shall be unlawful for a person nineteen years of
27 age or older to knowingly possess or receive any child sexual abuse
28 material ~~visual depiction of sexually explicit conduct which has a child~~
29 ~~as one of its participants or portrayed observers.~~ Violation of this
30 subsection is a Class IIA felony.

31 ~~(2)(a)~~ ~~(2)~~ It shall be unlawful for a person under nineteen years of

1 age to knowingly and intentionally possess or receive any child sexual
2 abuse material ~~visual depiction of sexually explicit conduct which has a~~
3 ~~child other than the defendant as one of its participants or portrayed~~
4 ~~observers.~~

5 (b) Violation of this subsection is a Class I misdemeanor. A second
6 or subsequent conviction under this subsection is a Class IV felony.

7 (3) For a defendant who was eighteen years of age or older but under
8 nineteen years of age at the time of the offense, it ~~It~~ shall be an
9 affirmative defense to a charge made pursuant to subsection (2) of this
10 section that:

11 ~~(a)(i) The defendant was less than nineteen years of age;~~

12 (a) The visual depiction:

13 (i) Portrays ~~(ii) the visual depiction of sexually explicit conduct~~
14 ~~portrays~~ a child who is fifteen years of age or older;

15 (ii) Was ~~(iii) the visual depiction was~~ knowingly and voluntarily
16 generated by the child depicted therein;

17 (iii) Was ~~(iv) the visual depiction was~~ knowingly and voluntarily
18 provided by such ~~the child depicted in the visual depiction; and~~

19 (iv) Portrays ~~(v) the visual depiction contains only one child other~~
20 than the defendant;

21 (b) The ~~(vi) the~~ defendant has not provided or made available the
22 visual depiction to another person except such ~~the child depicted who~~
23 ~~originally sent the visual depiction to the defendant; and~~

24 (c) The ~~(vii) the~~ defendant did not coerce such ~~the child in the~~
25 ~~visual depiction~~ to either create or send the visual depiction. ~~;~~ ~~or~~

26 (4) For a defendant who was under eighteen years of age at the time
27 of the offense, it shall be an affirmative defense to a charge made
28 pursuant to subsection (2) of this section that:

29 ~~(b)(i) The defendant was less than eighteen years of age;~~

30 (a) The ~~(ii) the~~ difference in age between the defendant and the
31 child portrayed is less than four years;

1 (b) The visual depiction:

2 (i) Was ~~(iii) the visual depiction was~~ knowingly and voluntarily
3 generated by the child depicted therein;

4 (ii) Was ~~(iv) the visual depiction was~~ knowingly and voluntarily
5 provided by such the child depicted in the visual depiction; and

6 (iii) Portrays ~~(v) the visual depiction contains~~ only one child
7 other than the defendant;

8 (c) The ~~(vi) the~~ defendant has not provided or made available the
9 visual depiction to another person except such the child depicted who
10 originally sent the visual depiction to the defendant; and

11 (d) The ~~(vii) the~~ defendant did not coerce such the child in the
12 ~~visual depiction~~ to either create or send the visual depiction.

13 (5) Except as provided in subdivision (2)(b) of this section, any
14 ~~(4) Any~~ person who violates subsection (1) or (2) of this section and who
15 has previously been convicted of a covered offense ~~violation of this~~
16 ~~section or section 28-308, 28-309, 28-310, 28-311, 28-313, 28-314,~~
17 ~~28-315, 28-319, 28-319.01, 28-320.01, 28-833, 28-1463.03, or 28-1463.05~~
18 ~~or subsection (1) or (2) of section 28-320~~ shall be guilty of a Class IC
19 felony for each offense.

20 ~~(5) In addition to the penalties provided in this section, a~~
21 ~~sentencing court may order that any money, securities, negotiable~~
22 ~~instruments, firearms, conveyances, or electronic communication devices~~
23 ~~as defined in section 28-833 or any equipment, components, peripherals,~~
24 ~~software, hardware, or accessories related to electronic communication~~
25 ~~devices be forfeited as a part of the sentence imposed if it finds by~~
26 ~~clear and convincing evidence adduced at a separate hearing in the same~~
27 ~~prosecution, conducted pursuant to section 28-1601, that any or all such~~
28 ~~property was derived from, used, or intended to be used to facilitate a~~
29 ~~violation of this section.~~

30 ~~(6) The definitions in section 28-1463.02 shall apply to this~~
31 ~~section.~~

1 **Sec. 4.** Section 28-1463.05, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 ~~28-1463.05~~ (1) It shall be unlawful for a person to knowingly
4 possess with intent to rent, sell, deliver, distribute, trade, or provide
5 to any person any child sexual abuse material ~~visual depiction of~~
6 ~~sexually explicit conduct which has a child other than the defendant as~~
7 ~~one of its participants or portrayed observers.~~

8 (2)(a) Any person who is under nineteen years of age at the time he
9 or she violates this section shall be guilty of a Class IIIA felony for
10 each offense.

11 (b) Any person who is nineteen years of age or older at the time he
12 or she violates this section shall be guilty of a Class II ~~IIA~~ felony for
13 each offense.

14 (c) Any person who violates this section and who has previously been
15 convicted of a covered offense ~~violation of this section or section~~
16 ~~28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,~~
17 ~~28-319.01, 28-320.01, 28-813, 28-833, or 28-1463.03 or subsection (1) or~~
18 ~~(2) of section 28-320~~ shall be guilty of a Class IC felony for each
19 offense.

20 **Sec. 5.** Section 28-1463.03, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 ~~28-1463.03~~ (1) It shall be unlawful for a person to knowingly make,
23 ~~publish, direct, create, provide, or in any manner generate any~~ child
24 sexual abuse material ~~visual depiction of sexually explicit conduct which~~
25 ~~has a child other than the defendant as one of its participants or~~
26 ~~portrayed observers.~~

27 (2) It shall be unlawful for a person knowingly to purchase, rent,
28 sell, deliver, distribute, display for sale, advertise, trade, publish,
29 circulate, or provide to any person any child sexual abuse material
30 ~~visual depiction of sexually explicit conduct which has a child other~~
31 ~~than the defendant as one of its participants or portrayed observers.~~

1 (3) It shall be unlawful for a person to knowingly employ, force,
2 authorize, induce, or otherwise cause a child to appear or be depicted in
3 any child sexual abuse material ~~engage in any visual depiction of~~
4 ~~sexually explicit conduct which has a child as one of its participants or~~
5 ~~portrayed observers.~~

6 (4) It shall be unlawful for a parent, stepparent, legal guardian,
7 or any person with custody and control of a child, knowing the content
8 thereof, to consent to such child appearing or being depicted in any
9 child sexual abuse material ~~engaging in any visual depiction of sexually~~
10 ~~explicit conduct which has a child as one of its participants or~~
11 ~~portrayed observers.~~

12 (5) For a defendant who was eighteen years of age or older but under
13 nineteen years of age at the time of the offense, it shall be an
14 affirmative defense to a charge made pursuant to subsection (1) of this
15 section that:

16 (a) The visual depiction:

17 (i) Portrays a child who is fifteen years of age or older;

18 (ii) Was knowingly and voluntarily generated by the child depicted
19 therein;

20 (iii) Was knowingly and voluntarily provided by such child; and

21 (iv) Portrays only one child other than the defendant;

22 (b) The defendant has not provided or made available the visual
23 depiction to another person except such child; and

24 (c) The defendant did not coerce such child to either create or send
25 the visual depiction.

26 (6) For a defendant who was under eighteen years of age at the time
27 of the offense, it shall be an affirmative defense to a charge made
28 pursuant to subsection (1) of this section that:

29 (a) The difference in age between the defendant and the child
30 portrayed is less than four years;

31 (b) The visual depiction:

1 (i) Was knowingly and voluntarily generated by the child depicted
2 therein;

3 (ii) Was knowingly and voluntarily provided by such child; and

4 (iii) Portrays only one child other than the defendant;

5 (c) The defendant has not provided or made available the visual
6 depiction to another person except such child; and

7 (d) The defendant did not coerce such child to either create or send
8 the visual depiction.

9 (7) Any person who is under nineteen years of age at the time he or
10 she violates this section shall be guilty of a Class III felony for each
11 offense.

12 (8) Any person who is nineteen years of age or older at the time he
13 or she violates this section shall be guilty of a Class ID felony for
14 each offense.

15 (9) Any person who violates this section and who has previously been
16 convicted of a covered offense shall be guilty of a Class IC felony for
17 each offense.

18 **Sec. 6.** Section 28-1463.06, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~28-1463.06~~ In addition to the penalties provided in the Child Sexual
21 Abuse Material Child Pornography Prevention Act, a sentencing court may
22 order forfeiture as provided in sections 28-1601 to 28-1603. that any
23 money, securities, negotiable instruments, firearms, conveyances, or
24 electronic communication devices as defined in section 28-833 or any
25 equipment, components, peripherals, software, hardware, or accessories
26 related to electronic communication devices be forfeited as a part of the
27 sentence imposed if it finds by clear and convincing evidence adduced at
28 a separate hearing in the same prosecution, conducted pursuant to section
29 28-1601, that any or all such property was derived from, used, or
30 intended to be used to facilitate a violation of the Child Pornography
31 Prevention Act.

1 **Sec. 7.** Section 25-21,291, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-21,291 For purposes of the Exploited Children's Civil Remedy Act:

4 (1) Access software provider means a provider of software, including
5 client or server software, or enabling tools that do any one or more of
6 the following: (a) Filter, screen, allow, or disallow content; (b) pick,
7 choose, analyze, or digest content; or (c) transmit, receive, display,
8 forward, cache, search, subset, organize, reorganize, or translate
9 content;

10 (2) Aid or assist another with the creation, distribution, or active
11 acquisition of child sexual abuse material ~~child pornography~~ means help a
12 principal in some appreciable manner with the creation, distribution, or
13 active acquisition of a visual depiction of sexually explicit conduct
14 which has a child as one of its participants or portrayed observers. The
15 term also includes knowingly employing, forcing, authorizing, inducing,
16 or otherwise causing a child to engage in any visual depiction of
17 sexually explicit conduct which has a child as one of its participants or
18 portrayed observers. No parent, stepparent, legal guardian, or person
19 with custody and control of a child, knowing the content thereof, may
20 consent to such child engaging in any visual depiction of sexually
21 explicit conduct which has a child as one of its participants or
22 portrayed observers;

23 (3) Cable operator means any person or group of persons (a) who
24 provides cable service over a cable system and directly or through one or
25 more affiliates owns a significant interest in such cable system or (b)
26 who otherwise controls or is responsible for, through any arrangement,
27 the management and operation of such a cable system;

28 (4) Child has the same meaning as in section 2 of this act
29 ~~28-1463.02~~;

30 (5) Create means to knowingly create, make, manufacture, direct,
31 publish, finance, or in any manner generate;

1 (6) Distribute means the actual, constructive, or attempted transfer
2 from one person, source, or location to another person, source, or
3 location. The term includes, but is not limited to, renting, selling,
4 delivering, displaying, advertising, trading, mailing, procuring,
5 circulating, lending, exhibiting, transmitting, transmuting,
6 transferring, disseminating, presenting, or providing any visual
7 depiction of sexually explicit conduct which has a child as one of its
8 participants or portrayed observers;

9 (7) Interactive computer service means any information service
10 system or access software provider that provides or enables computer
11 access by multiple users to a computer server, including specifically a
12 service or system that provides access to the Internet and such systems
13 operated or services offered by libraries or educational institutions;

14 (8) Participant means a child who appears in any visual depiction of
15 sexually explicit conduct and is portrayed or actively engaged in acts of
16 sexually explicit conduct appearing therein;

17 (9) Portrayed observer means a child who appears in any visual
18 depiction where sexually explicit conduct is likewise portrayed or
19 occurring within the child's presence or in the child's proximity;

20 (10) Sexually explicit conduct has the same meaning as in section 2
21 of this act 28-1463.02;

22 (11) Telecommunications service means the offering of
23 telecommunications for a fee directly to the public, or to such classes
24 of users as to be effectively available directly to the public,
25 regardless of the facilities used; and

26 (12) Visual depiction has the same meaning as in section 2 of this
27 act 28-1463.02.

28 **Sec. 8.** Section 25-21,302, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 25-21,302 (1)(a) In addition to any other civil or criminal
31 penalties provided by law, any property used in the commission of a

1 violation of the Child Sexual Abuse Material ~~Child Pornography~~ Prevention
2 Act or section 28-813, 28-831, 28-1102, 28-1103, 28-1104, 28-1105,
3 28-1105.01, or 28-1107 may be forfeited through a proceeding as provided
4 in this section.

5 (b) The following property shall be subject to forfeiture if used or
6 intended for use as an instrumentality in or used in furtherance of a
7 violation of the Child Sexual Abuse Material ~~Child Pornography~~ Prevention
8 Act or section 28-813, 28-831, 28-1102, 28-1103, 28-1104, 28-1105,
9 28-1105.01, or 28-1107:

10 (i) Conveyances, including aircraft, vehicles, or vessels;

11 (ii) Books, records, telecommunication equipment, or computers;

12 (iii) Money or weapons;

13 (iv) Everything of value furnished, or intended to be furnished, in
14 exchange for an act in violation and all proceeds traceable to the
15 exchange;

16 (v) Negotiable instruments and securities;

17 (vi) Any property, real or personal, directly or indirectly acquired
18 or received in a violation or as an inducement to violate;

19 (vii) Any property traceable to proceeds from a violation; and

20 (viii) Any real property, including any right, title, and interest
21 in the whole of or any part of any lot or tract of land, used in
22 furtherance of a violation of the Child Sexual Abuse Material ~~Child~~
23 ~~Pornography~~ Prevention Act or section 28-813, 28-831, 28-1102, 28-1103,
24 28-1104, 28-1105, 28-1105.01, or 28-1107.

25 (c)(i) No property used by any person as a common carrier in the
26 transaction of business as a common carrier is subject to forfeiture
27 under this section unless it appears that the owner or other person in
28 charge of the property is a consenting party or privy to a violation of
29 the Child Sexual Abuse Material ~~Child Pornography~~ Prevention Act or
30 section 28-813, 28-831, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01,
31 or 28-1107.

1 (ii) No property is subject to forfeiture under this section by
2 reason of any act or omission proved by the owner thereof to have been
3 committed or omitted without his or her actual knowledge or consent. If
4 the confiscating authority has reason to believe that the property is
5 leased or rented property, then the confiscating authority shall notify
6 the owner of the property within five days after the confiscation or
7 within five days after forming reason to believe that the property is
8 leased or rented property.

9 (iii) Forfeiture of property encumbered by a bona fide security
10 interest is subject to the interest of the secured party if such party
11 neither had actual knowledge of nor consented to the act or omission.

12 (2) No property shall be forfeited under this section, to the extent
13 of the interest of an owner, by reason of any act or omission established
14 by the owner to have been committed or omitted without his or her actual
15 knowledge or consent.

16 (3) Seizure without process may be made if the seizure is incident
17 to an arrest or a search under a search warrant.

18 (4)(a) When any property is seized under this section, proceedings
19 shall be instituted within a reasonable period of time from the date of
20 seizure or the subject property shall be immediately returned to the
21 party from whom seized.

22 (b) A petition for forfeiture shall be filed by the Attorney General
23 or a county attorney in the name of the State of Nebraska and may be
24 filed in the county in which the seizure is made, the county in which the
25 criminal prosecution is brought, or the county in which the owner of the
26 seized property is found. Forfeiture proceedings may be brought in the
27 district court or the county court. A copy of the petition shall be
28 served upon the following persons by service of process in the same
29 manner as in civil cases:

30 (i) The owner of the property if the owner's address is known;

31 (ii) Any secured party who has registered a lien or filed a

1 financing statement as provided by law if the identity of the secured
2 party can be ascertained by the entity filing the petition by making a
3 good faith effort to ascertain the identity of the secured party;

4 (iii) Any other bona fide lienholder or secured party or other
5 person holding an interest in the property in the nature of a security
6 interest of whom the seizing law enforcement agency has actual knowledge;
7 and

8 (iv) Any person in possession of property subject to forfeiture at
9 the time that it was seized.

10 (5) If the property is a motor vehicle subject to titling under the
11 Motor Vehicle Certificate of Title Act or a vessel subject to titling
12 under the State Boat Act, and if there is any reasonable cause to believe
13 that the motor vehicle or vessel has been titled, inquiry of the
14 Department of Motor Vehicles shall be made as to what the records of the
15 department show as to who is the record owner of the motor vehicle or
16 vessel and who, if anyone, holds any lien or security interest that
17 affects the motor vehicle or vessel.

18 (6) If the property is a motor vehicle or vessel and is not titled
19 in the State of Nebraska, then an attempt shall be made to ascertain the
20 name and address of the person in whose name the motor vehicle or vessel
21 is licensed, and if the motor vehicle or vessel is licensed in a state
22 which has in effect a certificate of title law, inquiry of the
23 appropriate agency of that state shall be made as to what the records of
24 the agency show as to who is the record owner of the motor vehicle or
25 vessel and who, if anyone, holds any lien, security interest, or other
26 instrument in the nature of a security device that affects the motor
27 vehicle or vessel.

28 (7) If the property is of a nature that a financing statement is
29 required by the laws of this state to be filed to perfect a security
30 interest affecting the property and if there is any reasonable cause to
31 believe that a financing statement covering the security interest has

1 been filed under the laws of this state, inquiry shall be made as to what
2 the records show as to who is the record owner of the property and who,
3 if anyone, has filed a financing statement affecting the property.

4 (8) If the property is an aircraft or part thereof and if there is
5 any reasonable cause to believe that an instrument in the nature of a
6 security device affects the property, inquiry shall be made as to what
7 the records of the Federal Aviation Administration show as to who is the
8 record owner of the property and who, if anyone, holds an instrument in
9 the nature of a security device which affects the property.

10 (9) If the answer to an inquiry states that the record owner of the
11 property is any person other than the person who was in possession of it
12 when it was seized or states that any person holds any lien, encumbrance,
13 security interest, other interest in the nature of a security interest,
14 mortgage, or deed of trust that affects the property, the record owner
15 and also any lienholder, secured party, other person who holds an
16 interest in the property in the nature of a security interest, or holder
17 of an encumbrance, mortgage, or deed of trust that affects the property
18 is to be named in the petition of forfeiture and is to be served with
19 process in the same manner as in civil cases.

20 (10) If the owner of the property cannot be found and served with a
21 copy of the petition of forfeiture or if no person was in possession of
22 the property subject to forfeiture at the time that it was seized and the
23 owner of the property is unknown, there shall be filed with the clerk of
24 the court in which the proceeding is pending an affidavit to such effect,
25 whereupon the clerk of the court shall publish notice of the hearing
26 addressed to "the Unknown Owner of, " filling in the blank
27 space with a reasonably detailed description of the property subject to
28 forfeiture. Service by publication shall be completed in the same manner
29 as is provided in the code of civil procedure for the service of process
30 in civil actions in the district courts of this state.

31 (11) No proceedings instituted pursuant to this section shall

1 proceed to hearing unless the judge conducting the hearing is satisfied
2 that this section has been complied with. Any answer received from an
3 inquiry required by this section shall be introduced into evidence at the
4 hearing.

5 (12)(a) An owner of property that has been seized shall file an
6 answer within thirty days after the completion of service of process. If
7 an answer is not filed, the court shall hear evidence that the property
8 is subject to forfeiture and forfeit the property to the seizing law
9 enforcement agency. If an answer is filed, a time for hearing on
10 forfeiture shall be set within thirty days after filing the answer or at
11 the succeeding term of court if court would not be in session within
12 thirty days after filing the answer. The court may postpone the
13 forfeiture hearing to a date past the time any criminal action is pending
14 against the owner upon request of any party.

15 (b) If the owner of the property has filed an answer denying that
16 the property is subject to forfeiture, then the burden is on the
17 petitioner to prove that the property is subject to forfeiture. However,
18 if an answer has not been filed by the owner of the property, the
19 petition for forfeiture may be introduced into evidence and is prima
20 facie evidence that the property is subject to forfeiture. The burden of
21 proof placed upon the petitioner in regard to property forfeited under
22 this section shall be by clear and convincing evidence.

23 (c) At the hearing any claimant of any right, title, or interest in
24 the property may prove his or her lien, encumbrance, security interest,
25 other interest in the nature of a security interest, mortgage, or deed of
26 trust to be bona fide and created without actual knowledge or consent
27 that the property was to be used so as to cause the property to be
28 subject to forfeiture.

29 (d) If it is found that the property is subject to forfeiture, then
30 the judge shall forfeit the property. However, if proof at the hearing
31 discloses that the interest of any bona fide lienholder, any secured

1 party, any other person holding an interest in the property in the nature
2 of a security interest, or any holder of a bona fide encumbrance,
3 mortgage, or deed of trust is greater than or equal to the present value
4 of the property, the court shall order the property released to him or
5 her. If the interest is less than the present value of the property and
6 if the proof shows that the property is subject to forfeiture, the court
7 shall order the property forfeited.

8 (13) Unless otherwise provided in this section, all personal
9 property which is forfeited under this section shall be liquidated and,
10 after deduction of court costs and the expense of liquidation, the
11 proceeds shall be remitted to the county treasurer of the county in which
12 the seizure was made. The county treasurer shall remit all such proceeds
13 from property forfeited pursuant to this section to the State Treasurer
14 for distribution in accordance with Article VII, section 5, of the
15 Constitution of Nebraska.

16 (14) All money forfeited under this section shall be remitted in the
17 same manner as provided in subsection (13) of this section.

18 (15) All real estate forfeited under this section shall be sold to
19 the highest bidder at a public auction for cash, the auction to be
20 conducted by the county sheriff or his or her designee at such place, on
21 such notice, and in accordance with the same procedure, as far as
22 practicable, as is required in the case of sales of land under execution
23 at law. The proceeds of the sale shall first be applied to the cost and
24 expense in administering and conducting the sale, then to the
25 satisfaction of all mortgages, deeds of trust, liens, and encumbrances of
26 record on the property. The remaining proceeds shall be remitted in the
27 same manner as provided in subsection (13) of this section.

28 (16) The forfeiture procedure set forth in this section is the sole
29 remedy of any claimant, and no court shall have jurisdiction to interfere
30 therewith by replevin, by injunction, by supersedeas, or by any other
31 manner.

1 **Sec. 9.** Section 27-1301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 27-1301 (1) In any judicial or administrative proceeding, any
4 property or material that constitutes child sexual abuse material a
5 ~~visual depiction of sexually explicit conduct~~, as defined in section 2 of
6 ~~this act 28-1463.02, and which has a child, as defined in such section,~~
7 ~~as one of its participants or portrayed observers,~~ shall remain
8 constantly and continuously in the care, custody, and control of law
9 enforcement, the prosecuting attorney, or the court having properly
10 received it into evidence, except as provided in subsection (3) of this
11 section.

12 (2) All courts and administrative agencies shall unequivocally deny
13 any request by the defendant, his or her attorney, or any other person,
14 agency, or organization, regardless of whether such defendant, attorney,
15 or other person, agency, or organization is a party in interest or not,
16 to acquire possession of, copy, photograph, duplicate, or otherwise
17 reproduce any property or material that constitutes child sexual abuse
18 ~~material~~ a ~~visual depiction of sexually explicit conduct~~, as defined in
19 ~~section 2 of this act 28-1463.02, and which has a child, as defined in~~
20 ~~such section, as one of its participants or portrayed observers,~~ so long
21 as the state makes the property or material reasonably available to the
22 defendant in a criminal proceeding. Nothing in this section shall be
23 deemed to prohibit the review of the proscribed materials or property by
24 a federal court when considering a habeas corpus claim.

25 (3)(a) For purposes of this section, property or material are deemed
26 to be reasonably available to a defendant if the state provides ample
27 opportunity for inspection, viewing, examination, and analysis of the
28 property or material, at a law enforcement or state-operated facility, to
29 the defendant, his or her attorney, and any individual the defendant
30 seeks to use for the purpose of furnishing expert testimony.

31 (b) Notwithstanding the provisions of this subsection, a court may

1 order a copy of the property or material to be delivered to a person
2 identified as a defense expert for the purpose of evaluating the
3 evidence, subject to the same restrictions placed upon law enforcement.
4 The defense expert shall return all copies and materials to law
5 enforcement upon completion of the evaluation.

6 (4) ~~The On or before July 1, 2009, the~~ Supreme Court shall adopt and
7 promulgate rules and regulations regarding the proper control, care,
8 custody, transfer, and disposition of property or material that
9 constitutes child sexual abuse material ~~a visual depiction of sexually~~
10 ~~explicit conduct,~~ as defined in section 2 of this act ~~28-1463.02,~~ and
11 ~~which has a child, as defined in such section, as one of its participants~~
12 ~~or portrayed observers,~~ that has been received into evidence at any
13 judicial or administrative proceeding. Among the issues addressed by
14 these rules and regulations, the Supreme Court should devise procedures
15 regarding the preparation and delivery of bills of exception containing
16 evidence as described in this section, as well as procedures for storing,
17 accessing, and disposing of such bills of exception after preparation and
18 receipt.

19 **Sec. 10.** Section 28-116, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 28-116 The changes made to the sections listed in this section by
22 Laws 2015, LB605, shall not apply to any offense committed prior to
23 August 30, 2015. Any such offense shall be construed and punished
24 according to the provisions of law existing at the time the offense was
25 committed. For purposes of this section, an offense shall be deemed to
26 have been committed prior to August 30, 2015, if any element of the
27 offense occurred prior to such date. The following sections are subject
28 to this provision: Sections 9-262, 9-352, 9-434, 9-652, 23-135.01,
29 28-105, 28-106, 28-201, 28-204, 28-305, 28-306, 28-309, 28-310.01,
30 28-311, 28-311.01, 28-311.04, 28-311.08, 28-320, 28-322.02, 28-322.03,
31 28-322.04, 28-323, 28-393, 28-394, 28-397, 28-416, 28-504, 28-507,

1 28-514, 28-518, 28-519, 28-603, 28-604, 28-611, 28-611.01, 28-620,
2 28-621, 28-622, 28-627, 28-631, 28-638, 28-639, 28-703, 28-707,
3 ~~28-813.01,~~ 28-912, 28-932, 28-1005, 28-1009, 28-1102, 28-1103, 28-1104,
4 28-1212.03, 28-1222, 28-1224, 28-1344, 28-1345, ~~28-1463.05,~~ 29-1816,
5 29-2204, 29-2260, 29-2308, 29-4011, 60-6,197.03, 60-6,197.06, 68-1017,
6 68-1017.01, 71-2228, and 71-2229 and sections 3 and 4 of this act.

7 **Sec. 11.** Section 28-320.02, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-320.02 (1) No person shall knowingly solicit, coax, entice, or
10 lure (a) a child sixteen years of age or younger or (b) a peace officer
11 who is believed by such person to be a child sixteen years of age or
12 younger, by means of an electronic communication device as that term is
13 defined in section 28-833, to engage in an act which would be in
14 violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or
15 (2) of section 28-320. A person shall not be convicted of both a
16 violation of this subsection and a violation of section 28-319,
17 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320 if the
18 violations arise out of the same set of facts or pattern of conduct and
19 the individual solicited, coaxed, enticed, or lured under this subsection
20 is also the victim of the sexual assault under section 28-319, 28-319.01,
21 or 28-320.01 or subsection (1) or (2) of section 28-320.

22 (2) A person who violates this section is guilty of a Class ID
23 felony. If a person who violates this section has previously been
24 convicted of a covered offense as defined in section 2 of this act
25 ~~violation of this section or section 28-308, 28-309, 28-310, 28-311,~~
26 ~~28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01, 28-813.01, 28-833,~~
27 ~~28-1463.03, or 28-1463.05 or subsection (1) or (2) of section 28-320,~~ the
28 person is guilty of a Class IC felony.

29 **Sec. 12.** Section 28-813.02, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-813.02 Any commercial film and photographic print processor who

1 has knowledge of or observes, within the scope of his or her professional
2 capacity or employment, and who participates in an investigation or the
3 making of any report pertaining to any film, photograph, videotape,
4 negative, or slide depicting child sexual abuse material ~~a child under~~
5 ~~the age of eighteen years engaged in an act of sexually explicit conduct,~~
6 as defined in section 2 of this act ~~28-1463.02~~, or participates in a
7 judicial proceeding resulting from such participation shall be immune
8 from any liability, civil or criminal, that might otherwise be incurred
9 or imposed, except for maliciously false statements.

10 **Sec. 13.** Section 28-833, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-833 (1) A person commits the offense of enticement by electronic
13 communication device if he or she is nineteen years of age or over and
14 knowingly and intentionally utilizes an electronic communication device
15 to contact a child under sixteen years of age or a peace officer who is
16 believed by such person to be a child under sixteen years of age and in
17 so doing:

18 (a) Uses or transmits any indecent, lewd, lascivious, or obscene
19 language, writing, or sound;

20 (b) Transmits or otherwise disseminates any visual depiction of
21 sexually explicit conduct ~~as defined in section 28-1463.02~~; or

22 (c) Offers or solicits any indecent, lewd, or lascivious act.

23 (2) Enticement by electronic communication device is a Class IV
24 felony.

25 (3) Enticement by electronic communication device is deemed to have
26 been committed either at the place where the communication was initiated
27 or where it was received.

28 (4) For purposes of this section: 7

29 (a) Electronic ~~electronic~~ communication device means any device
30 which, in its ordinary and intended use, transmits by electronic means
31 writings, sounds, visual images, or data of any nature to another

1 electronic communication device; -

2 (b) Sexually explicit conduct has the same meaning as in section 2
3 of this act; and

4 (c) Visual depiction has the same meaning as in section 2 of this
5 act.

6 **Sec. 14.** Section 28-1354, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 28-1354 For purposes of the Public Protection Act:

9 (1) Enterprise means any individual, sole proprietorship,
10 partnership, corporation, trust, association, or any legal entity, union,
11 or group of individuals associated in fact although not a legal entity,
12 and shall include illicit as well as licit enterprises as well as other
13 entities;

14 (2) Pattern of racketeering activity means a cumulative loss for one
15 or more victims or gains for the enterprise of not less than one thousand
16 five hundred dollars resulting from at least two acts of racketeering
17 activity, one of which occurred after August 30, 2009, and the last of
18 which occurred within ten years, excluding any period of imprisonment,
19 after the commission of a prior act of racketeering activity;

20 (3) Until January 1, 2017, person means any individual or entity, as
21 defined in section 21-2014, holding or capable of holding a legal,
22 equitable, or beneficial interest in property. Beginning January 1, 2017,
23 person means any individual or entity, as defined in section 21-214,
24 holding or capable of holding a legal, equitable, or beneficial interest
25 in property;

26 (4) Prosecutor includes the Attorney General of the State of
27 Nebraska, the deputy attorney general, assistant attorneys general, a
28 county attorney, a deputy county attorney, or any person so designated by
29 the Attorney General, a county attorney, or a court of the state to carry
30 out the powers conferred by the act;

31 (5) Racketeering activity includes the commission of, criminal

1 attempt to commit, conspiracy to commit, aiding and abetting in the
2 commission of, aiding in the consummation of, acting as an accessory to
3 the commission of, or the solicitation, coercion, or intimidation of
4 another to commit or aid in the commission of any of the following:

5 (a) Offenses against the person which include: Murder in the first
6 degree under section 28-303; murder in the second degree under section
7 28-304; manslaughter under section 28-305; assault in the first degree
8 under section 28-308; assault in the second degree under section 28-309;
9 assault in the third degree under section 28-310; terroristic threats
10 under section 28-311.01; kidnapping under section 28-313; false
11 imprisonment in the first degree under section 28-314; false imprisonment
12 in the second degree under section 28-315; sexual assault in the first
13 degree under section 28-319; and robbery under section 28-324;

14 (b) Offenses relating to controlled substances which include: To
15 unlawfully manufacture, distribute, deliver, dispense, or possess with
16 intent to manufacture, distribute, deliver, or dispense a controlled
17 substance under subsection (1) of section 28-416; possession of marijuana
18 weighing more than one pound under subsection (12) of section 28-416;
19 possession of money used or intended to be used to facilitate a violation
20 of subsection (1) of section 28-416 prohibited under subsection (17) of
21 section 28-416; any violation of section 28-418; to unlawfully
22 manufacture, distribute, deliver, or possess with intent to distribute or
23 deliver an imitation controlled substance under section 28-445;
24 possession of anhydrous ammonia with the intent to manufacture
25 methamphetamine under section 28-451; and possession of ephedrine,
26 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
27 methamphetamine under section 28-452;

28 (c) Offenses against property which include: Arson in the first
29 degree under section 28-502; arson in the second degree under section
30 28-503; arson in the third degree under section 28-504; burglary under
31 section 28-507; theft by unlawful taking or disposition under section

1 28-511; theft by shoplifting under section 28-511.01; theft by deception
2 under section 28-512; theft by extortion under section 28-513; theft of
3 services under section 28-515; theft by receiving stolen property under
4 section 28-517; criminal mischief under section 28-519; and unlawfully
5 depriving or obtaining property or services using a computer under
6 section 28-1344;

7 (d) Offenses involving fraud which include: Burning to defraud an
8 insurer under section 28-505; forgery in the first degree under section
9 28-602; forgery in the second degree under section 28-603; criminal
10 possession of a forged instrument under section 28-604; criminal
11 possession of written instrument forgery devices under section 28-605;
12 criminal impersonation under section 28-638; identity theft under section
13 28-639; identity fraud under section 28-640; false statement or book
14 entry under section 28-612; tampering with a publicly exhibited contest
15 under section 28-614; issuing a false financial statement for purposes of
16 obtaining a financial transaction device under section 28-619;
17 unauthorized use of a financial transaction device under section 28-620;
18 criminal possession of a financial transaction device under section
19 28-621; unlawful circulation of a financial transaction device in the
20 first degree under section 28-622; unlawful circulation of a financial
21 transaction device in the second degree under section 28-623; criminal
22 possession of a blank financial transaction device under section 28-624;
23 criminal sale of a blank financial transaction device under section
24 28-625; criminal possession of a financial transaction forgery device
25 under section 28-626; unlawful manufacture of a financial transaction
26 device under section 28-627; laundering of sales forms under section
27 28-628; unlawful acquisition of sales form processing services under
28 section 28-629; unlawful factoring of a financial transaction device
29 under section 28-630; and fraudulent insurance acts under section 28-631;

30 (e) Offenses involving governmental operations which include: Abuse
31 of public records under section 28-911; perjury or subornation of perjury

1 under section 28-915; bribery under section 28-917; bribery of a witness
2 under section 28-918; tampering with a witness or informant or jury
3 tampering under section 28-919; bribery of a juror under section 28-920;
4 assault on an officer, an emergency responder, a state correctional
5 employee, a Department of Health and Human Services employee, or a health
6 care professional in the first degree under section 28-929; assault on an
7 officer, an emergency responder, a state correctional employee, a
8 Department of Health and Human Services employee, or a health care
9 professional in the second degree under section 28-930; assault on an
10 officer, an emergency responder, a state correctional employee, a
11 Department of Health and Human Services employee, or a health care
12 professional in the third degree under section 28-931; and assault on an
13 officer, an emergency responder, a state correctional employee, a
14 Department of Health and Human Services employee, or a health care
15 professional using a motor vehicle under section 28-931.01;

16 (f) Offenses involving gambling which include: Promoting gambling in
17 the first degree under section 28-1102; possession of gambling records
18 under section 28-1105; gambling debt collection under section 28-1105.01;
19 and possession of a gambling device under section 28-1107;

20 (g) Offenses relating to firearms, weapons, and explosives which
21 include: Carrying a concealed weapon under section 28-1202;
22 transportation or possession of machine guns, short rifles, or short
23 shotguns under section 28-1203; unlawful possession of a handgun under
24 section 28-1204; unlawful transfer of a firearm to a juvenile under
25 section 28-1204.01; possession of a firearm by a prohibited juvenile
26 offender under section 28-1204.05; using a deadly weapon to commit a
27 felony, possession of a deadly weapon during the commission of a felony,
28 or carrying a firearm or destructive device during the commission of a
29 dangerous misdemeanor under section 28-1205; possession of a deadly
30 weapon by a prohibited person under section 28-1206; possession of a
31 defaced firearm under section 28-1207; defacing a firearm under section

1 28-1208; unlawful discharge of a firearm under section 28-1212.02;
2 possession, receipt, retention, or disposition of a stolen firearm under
3 section 28-1212.03; unlawful possession of explosive materials in the
4 first degree under section 28-1215; unlawful possession of explosive
5 materials in the second degree under section 28-1216; unlawful sale of
6 explosives under section 28-1217; use of explosives without a permit
7 under section 28-1218; obtaining an explosives permit through false
8 representations under section 28-1219; possession of a destructive device
9 under section 28-1220; threatening the use of explosives or placing a
10 false bomb under section 28-1221; using explosives to commit a felony
11 under section 28-1222; using explosives to damage or destroy property
12 under section 28-1223; and using explosives to kill or injure any person
13 under section 28-1224;

14 (h) Any violation of the Securities Act of Nebraska pursuant to
15 section 8-1117;

16 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
17 section 77-2713;

18 (j) Offenses relating to public health and morals which include:
19 Prostitution under section 28-801; pandering under section 28-802;
20 keeping a place of prostitution under section 28-804; labor trafficking,
21 sex trafficking, labor trafficking of a minor, or sex trafficking of a
22 minor under section 28-831; a violation of section 28-1005; and any act
23 relating to the visual depiction of sexually explicit conduct prohibited
24 in the Child Sexual Abuse Material Child Pornography Prevention Act; and

25 (k) A violation of the Computer Crimes Act;

26 (6) State means the State of Nebraska or any political subdivision
27 or any department, agency, or instrumentality thereof; and

28 (7) Unlawful debt means a debt of at least one thousand five hundred
29 dollars;

30 (a) Incurred or contracted in gambling activity which was in
31 violation of federal law or the law of the state or which is

1 unenforceable under state or federal law in whole or in part as to
2 principal or interest because of the laws relating to usury; or

3 (b) Which was incurred in connection with the business of gambling
4 in violation of federal law or the law of the state or the business of
5 lending money or a thing of value at a rate usurious under state law if
6 the usurious rate is at least twice the enforceable rate.

7 **Sec. 15.** Section 28-1601, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-1601 (1) For purposes of sections 28-1601 to 28-1603:

10 (a) Covered offense means a violation of the Child Sexual Abuse
11 Material Prevention Act, subsection (1) of section 28-416, or section
12 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107;

13 (b) Electronic communication device has the same meaning as in
14 section 28-833; and

15 (c) Gambling device has the same meaning as in section 28-1101.

16 (2) ~~(1)~~ In addition to existing penalties for a violation of a
17 covered offense the Child Pornography Prevention Act, subsection (1) of
18 section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105,
19 28-1105.01, or 28-1107, a court may order forfeiture of any money,
20 securities, negotiable instruments, firearms, conveyances, or electronic
21 communication devices; as defined in section 28-833, any equipment,
22 components, peripherals, software, hardware, or accessories related to
23 electronic communication devices; , or any gambling devices as defined in
24 section 28-1101 if:

25 (a) The owner or possessor of the property has been convicted of a
26 covered offense violation of the Child Pornography Prevention Act,
27 subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,
28 28-1104, 28-1105, 28-1105.01, or 28-1107;

29 (b) The information charging such violation specifically requests
30 the forfeiture of property upon conviction and is prepared pursuant to
31 section 28-1602; and

1 (c) ~~It~~ The property is found by clear and convincing evidence that
2 such property was ~~to have been~~ derived from, used, or intended to be used
3 to facilitate a covered offense ~~violation of the Child Pornography~~
4 ~~Prevention Act, subsection (1) of section 28-416, or section 28-813.01,~~
5 ~~28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

6 (3) ~~(2)~~ Following the filing of an information charging a violation
7 of a covered offense ~~the Child Pornography Prevention Act, subsection (1)~~
8 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~
9 ~~28-1105, 28-1105.01, or 28-1107~~ that specifically seeks forfeiture of any
10 property listed in subsection (2) ~~(1)~~ of this section, the defendant may
11 request a pretrial hearing to determine the existence of probable cause
12 to believe that the property specifically sought to be forfeited was
13 derived from, used, or intended to be used to facilitate a covered
14 offense ~~violation of the Child Pornography Prevention Act, subsection (1)~~
15 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~
16 ~~28-1105, 28-1105.01, or 28-1107.~~ The request for a hearing pursuant to
17 this section must be filed with the district court in which the criminal
18 proceeding is pending within thirty days after the filing of the
19 information.

20 (4)(a) ~~(3)~~ At any time after the filing of the information in
21 district court and prior to final disposition of the criminal case, any
22 person ~~or entity~~, other than the defendant, with a claimed legal interest
23 in the property may petition to intervene in the district court with
24 jurisdiction over the criminal case for the specific and limited purpose
25 of demonstrating such person's ~~his, her, or its~~ legal interest in the
26 property and such person's ~~his, her, or its~~ lack of actual knowledge that
27 such property was derived from, used, or intended to be used to
28 facilitate a covered offense ~~in violation of the Child Pornography~~
29 ~~Prevention Act, subsection (1) of section 28-416, or section 28-813.01,~~
30 ~~28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

31 (b) In the petition to intervene, the intervening person ~~or entity~~

1 shall, at a minimum, state facts demonstrating such person's ~~his, her, or~~
2 ~~its~~ legal interest in the property and such person's ~~his, her, or its~~
3 lack of actual knowledge regarding the use or intended use of the
4 property.

5 (5) Within thirty days after filing a motion to intervene, the
6 district court shall conduct an evidentiary hearing on the matter. At the
7 conclusion of such hearing, the court may order that any or all of the
8 property be returned to the intervening claimant after it is no longer
9 needed as evidence in the criminal case upon a showing by the claimant by
10 a preponderance of the evidence;

11 (a) That the claimant ~~that he, she, or it~~ has a legally recognized
12 interest in the property; and

13 (b) Either ~~either~~ (i) that such property was acquired by the
14 claimant in good faith and the claimant ~~he, she, or it~~ did not have
15 actual knowledge that such property was derived from, used, or intended
16 to be used to facilitate a covered offense ~~violation of the Child~~
17 ~~Pornography Prevention Act, subsection (1) of section 28-416, or section~~
18 ~~28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 or~~
19 (ii) that the property seized was not derived from, used, or intended to
20 be used to facilitate a covered offense ~~violation of the Child~~
21 ~~Pornography Prevention Act, subsection (1) of section 28-416, or section~~
22 ~~28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

23 (6) The court, on its own motion or upon application of the
24 ~~intervening~~ claimant, may permit the claimant ~~such person~~ to proceed in
25 forma pauperis under sections 25-2301 to 25-2310. The court, on its own
26 motion or upon application of the ~~intervening~~ claimant, may appoint
27 counsel to represent the claimant ~~such person~~ if the claimant ~~such person~~
28 is indigent. If the claimant ~~he or she~~ asserts indigency, the court shall
29 make a reasonable inquiry to determine the claimant's ~~such person's~~
30 financial condition and may require the claimant ~~him or her~~ to execute an
31 affidavit of indigency for filing with the clerk of the court.

1 ~~(7)~~ (4) After conviction but prior to sentencing for a covered
2 offense violation of the Child Pornography Prevention Act, subsection (1)
3 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,
4 28-1105, 28-1105.01, or 28-1107 in cases in which the prosecuting
5 authority has specifically requested forfeiture of property, the district
6 court shall conduct an evidentiary hearing at which the prosecuting
7 authority must prove by clear and convincing evidence what specific
8 amount or portion of the property specifically enumerated in the criminal
9 information was derived from, used, or intended for use in furtherance of
10 a covered offense violation of the Child Pornography Prevention Act,
11 subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,
12 28-1104, 28-1105, 28-1105.01, or 28-1107. At the conclusion of such
13 hearing, the court shall make specific findings of fact indicating what
14 amount or portion of the property sought to be forfeited by the state was
15 derived from, used, or intended to be used to facilitate a covered
16 offense violation of the Child Pornography Prevention Act, subsection (1)
17 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,
18 28-1105, 28-1105.01, or 28-1107. The court shall order any amount or
19 portion of the property not proven by the state to be derived from, used,
20 or intended to be used to facilitate a covered offense violation of the
21 Child Pornography Prevention Act, subsection (1) of section 28-416, or
22 section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or
23 28-1107 or the fair market value of the legally recognized interest in
24 such property be returned to its rightful and legal owner or interest
25 holder.

26 ~~(8)(a)~~ (5)(a) The court shall order that any amount or portion of
27 property proven by the state by clear and convincing evidence to be
28 derived from, used, or intended to be used to facilitate a covered
29 offense violation of the Child Pornography Prevention Act, subsection (1)
30 of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,
31 28-1105, 28-1105.01, or 28-1107 be forfeited to the state and disposition

1 of such property be conducted in accordance with this subsection and
2 section 28-1439.02 at such time as the property is no longer required as
3 evidence in any criminal proceeding.

4 (b) As part of any disposition of property, the court may order
5 that: (i) Any money, securities, or negotiable instruments be distributed
6 as provided in Article VII, section 5, of the Constitution of Nebraska;
7 (ii) any conveyances be sold or put to official use by the seizing agency
8 for a period of not more than one year and when such property is no
9 longer necessary for official use or at the end of two years, whichever
10 comes first, such property shall be sold. Proceeds from the sale of any
11 conveyance shall be distributed as provided in Article VII, section 5, of
12 the Constitution of Nebraska; (iii) any electronic communication devices
13 ~~as defined in section 28-833~~, any equipment, components, peripherals,
14 software, hardware, or accessories related to electronic communication
15 devices, or any gambling devices ~~as defined in section 28-1101~~ be
16 destroyed by a law enforcement agency; and (iv) the disposition of
17 firearms shall be effectuated pursuant to section 29-820.

18 (c) As used in this subsection, official use means use directly in
19 connection with enforcement of the Child Sexual Abuse Material Child
20 ~~Pornography~~ Prevention Act, the Uniform Controlled Substances Act, or
21 section ~~28-813.01~~, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or
22 28-1107.

23 (9) ~~(6)~~ Any money, securities, negotiable instruments, firearms,
24 conveyances, or electronic communication devices; ~~as defined in section~~
25 ~~28-833~~, any equipment, components, peripherals, software, hardware, or
26 accessories related to electronic communication devices; ~~or any~~
27 gambling devices ~~as defined in section 28-1101~~ may be forfeited pursuant
28 to a plea agreement between the state and the defendant subject to notice
29 to or approval of the court.

30 (10) ~~(7)~~ Subdivision (2)(a) ~~(1)(a)~~ of this section does not apply if
31 the owner or possessor of the property dies or is removed from the United

1 States before charges are filed or a conviction obtained.

2 ~~(11) (8) Subdivision (2)(b) (1)(b) of this section does not apply if~~
3 ~~the owner or possessor of the property dies or is removed from the United~~
4 ~~States before charges are filed so long as the statute of limitations for~~
5 ~~a covered offense violation of the Child Pornography Prevention Act,~~
6 ~~subsection (1) of section 28-416, or section 28-813.01, 28-1102, 28-1103,~~
7 ~~28-1104, 28-1105, 28-1105.01, or 28-1107 has not expired.~~

8 ~~(12) (9) Subdivision (2)(a) (1)(a) of this section does not apply if~~
9 ~~the owner or possessor of the property is unknown or incapable of being~~
10 ~~determined for some legitimate reason or fails to appear in court as~~
11 ~~ordered after prosecution for a covered offense violation of the Child~~
12 ~~Pornography Prevention Act, subsection (1) of section 28-416, or section~~
13 ~~28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107 is~~
14 ~~commenced and is not apprehended within twelve months after the failure~~
15 ~~to appear order was issued by the court.~~

16 ~~(13) (10) If the owner or possessor of the property fails to appear~~
17 ~~in court as ordered after prosecution for a covered offense violation of~~
18 ~~the Child Pornography Prevention Act, subsection (1) of section 28-416,~~
19 ~~or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or~~
20 ~~28-1107 is commenced but appears or is apprehended within twelve months~~
21 ~~after the failure to appear order was issued by the court, the court may~~
22 ~~order the owner or possessor of the property, as a part of any sentence~~
23 ~~imposed for either the failure to appear or the conviction for a covered~~
24 ~~offense of the Child Pornography Prevention Act, subsection (1) of~~
25 ~~section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104, 28-1105,~~
26 ~~28-1105.01, or 28-1107, to pay a storage fee of one hundred dollars per~~
27 ~~month for each month the property was held following the issuance of the~~
28 ~~failure to appear order.~~

29 **Sec. 16.** Section 28-1602, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-1602 (1) The prosecuting authority must specifically plead its

1 intent to seek forfeiture of any property upon a conviction for a covered
2 offense ~~violation of the Child Pornography Prevention Act, subsection (1)~~
3 ~~of section 28-416, or section 28-813.01, 28-1102, 28-1103, 28-1104,~~
4 ~~28-1105, 28-1105.01, or 28-1107~~ in the same criminal information charging
5 the underlying covered offense ~~violation of the Child Pornography~~
6 ~~Prevention Act, subsection (1) of section 28-416, or section 28-813.01,~~
7 ~~28-1102, 28-1103, 28-1104, 28-1105, 28-1105.01, or 28-1107.~~

8 (2) In pleading its intent to seek forfeiture, the information shall
9 specifically (a) state the date the property was seized, (b) state the
10 place the property was seized from, (c) describe the property sought to
11 be forfeited, and (d) if known, state the name of the owner of the
12 property, the name of the person or persons in possession of the property
13 or in physical proximity to the property when it was seized, and the name
14 of any other person or entity that may have a claim or interest in the
15 property.

16 **Sec. 17.** Section 28-1701, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 28-1701 (1) A person shall not be arrested or prosecuted for an
19 eligible alcohol or drug offense if such person witnessed or was the
20 victim of a sexual assault and such person:

21 (a) Either:

22 (i) In good faith, reported such sexual assault to law enforcement;
23 or

24 (ii) Requested emergency medical assistance for the victim of the
25 sexual assault; and

26 (b) Evidence supporting the arrest or prosecution of the eligible
27 alcohol or drug offense was obtained or discovered as a result of such
28 person reporting such sexual assault to law enforcement or requesting
29 emergency medical assistance.

30 (2) A person shall not be arrested or prosecuted for an eligible
31 alcohol or drug offense if:

1 (a) Evidence supporting the arrest or prosecution of the person for
2 the offense was obtained or discovered as a result of the investigation
3 or prosecution of a sexual assault; and

4 (b) Such person cooperates with law enforcement in the investigation
5 or prosecution of the sexual assault.

6 (3) For purposes of this section:

7 (a) Eligible alcohol or drug offense means:

8 (i) A violation of subsection (3) or (13) of section 28-416 or of
9 section 28-441;

10 (ii) A violation of section 53-180.02 committed by a person older
11 than eighteen years of age and under the age of twenty-one years, as
12 described in subdivision (4)(a) of section 53-180.05;

13 (iii) A violation of a city or village ordinance similar to
14 subdivision (3)(a)(i) or (ii) of this section; or

15 (iv) Attempt, conspiracy, solicitation, being an accessory to,
16 aiding and abetting, aiding the consummation of, or compounding a felony
17 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
18 section as the underlying offense; and

19 (b) Sexual assault means:

20 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
21 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
22 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~, sex
23 trafficking or sex trafficking of a minor under section 28-831, or
24 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
25 or (f) of section 28-707; or

26 (ii) Attempt, conspiracy, solicitation, being an accessory to,
27 aiding and abetting, aiding the consummation of, or compounding a felony
28 with any of the offenses listed in subdivision (3)(b)(i) of this section
29 as the underlying offense.

30 **Sec. 18.** Section 29-110, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 29-110 (1) Except as otherwise provided by law, no person shall be
2 prosecuted for any felony unless the indictment is found by a grand jury
3 within three years next after the offense has been done or committed or
4 unless a complaint for the same is filed before the magistrate within
5 three years next after the offense has been done or committed and a
6 warrant for the arrest of the defendant has been issued.

7 (2) Except as otherwise provided by law, no person shall be
8 prosecuted, tried, or punished for any misdemeanor or other indictable
9 offense below the grade of felony or for any fine or forfeiture under any
10 penal statute unless the suit, information, or indictment for such
11 offense is instituted or found within one year and six months from the
12 time of committing the offense or incurring the fine or forfeiture or
13 within one year for any offense the punishment of which is restricted by
14 a fine not exceeding one hundred dollars and to imprisonment not
15 exceeding three months.

16 (3) Except as otherwise provided by law, no person shall be
17 prosecuted for kidnapping under section 28-313, false imprisonment under
18 section 28-314 or 28-315, child abuse under section 28-707, pandering
19 under section 28-802, debauching a minor under section 28-805, or an
20 offense under section 28-813 when the victim is under sixteen years of
21 age at the time of the offense (a) unless the indictment for such offense
22 is found by a grand jury within seven years next after the offense has
23 been committed or within seven years next after the victim's sixteenth
24 birthday, whichever is later, or (b) unless a complaint for such offense
25 is filed before the magistrate within seven years next after the offense
26 has been committed or within seven years next after the victim's
27 sixteenth birthday, whichever is later, and a warrant for the arrest of
28 the defendant has been issued.

29 (4) Except as otherwise provided by law, no person shall be
30 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)
31 unless the indictment for such offense is found by a grand jury within

1 seven years next after the offense has been committed or within seven
2 years next after the victim's eighteenth birthday, whichever is later, or
3 (b) unless a complaint for such offense is filed before the magistrate
4 within seven years next after the offense has been committed or within
5 seven years next after the victim's eighteenth birthday, whichever is
6 later, and a warrant for the arrest of the defendant has been issued.

7 (5) Except as otherwise provided by law, no person shall be
8 prosecuted for an offense under section 3 or 4 of this act ~~28-813.01 or~~
9 ~~28-1463.05~~ (a) unless the indictment for such offense is found by a grand
10 jury within seven years next after the offense has been committed or
11 within seven years next after the victim's eighteenth birthday, whichever
12 is later, or (b) unless a complaint for such offense is filed before the
13 magistrate within seven years next after the offense has been committed
14 or within seven years next after the victim's eighteenth birthday,
15 whichever is later, and a warrant for the arrest of the defendant has
16 been issued.

17 (6) No person shall be prosecuted for a violation of the Securities
18 Act of Nebraska under section 8-1117 unless the indictment for such
19 offense is found by a grand jury within five years next after the offense
20 has been done or committed or unless a complaint for such offense is
21 filed before the magistrate within five years next after the offense has
22 been done or committed and a warrant for the arrest of the defendant has
23 been issued.

24 (7) No person shall be prosecuted for criminal impersonation under
25 section 28-638, identity theft under section 28-639, or identity fraud
26 under section 28-640 unless the indictment for such offense is found by a
27 grand jury within five years next after the offense has been done or
28 committed or unless a complaint for such offense is filed before the
29 magistrate within five years next after the offense has been done or
30 committed and a warrant for the arrest of the defendant has been issued.

31 (8) No person shall be prosecuted for a violation of section 68-1017

1 if the aggregate value of all funds and other benefits obtained or
2 attempted to be obtained is five hundred dollars or more unless the
3 indictment for such offense is found by a grand jury within five years
4 next after the offense has been done or committed or unless a complaint
5 for such offense is filed before the magistrate within five years next
6 after the offense has been done or committed and a warrant for the arrest
7 of the defendant has been issued.

8 (9) No person shall be prosecuted for knowing and intentional abuse,
9 neglect, or exploitation of a vulnerable adult or senior adult under
10 section 28-386 unless the indictment for such offense is found by a grand
11 jury within six years next after the offense has been done or committed
12 or unless a complaint for such offense is filed before the magistrate
13 within six years next after the offense has been done or committed and a
14 warrant for the arrest of the defendant has been issued.

15 (10) Except as otherwise provided by law, no person shall be
16 prosecuted for an offense under section 28-717 (a) unless the indictment
17 for such offense is found by a grand jury within one year and six months
18 next after the offense has been committed or within one year and six
19 months next after the child reaches the age of majority, whichever is
20 later, or (b) unless a complaint for such offense is filed before the
21 magistrate within one year and six months next after the offense has been
22 committed or within one year and six months next after the child reaches
23 the age of majority, whichever is later, and a warrant for the arrest of
24 the defendant has been issued.

25 (11) There shall not be any time limitations for prosecution or
26 punishment for treason, murder, arson, forgery, sexual assault in the
27 first or second degree under section 28-319 or 28-320, sexual assault of
28 a child in the second or third degree under section 28-320.01, incest
29 under section 28-703, sexual assault of a child in the first degree under
30 section 28-319.01, labor trafficking of a minor or sex trafficking of a
31 minor under subsection (1) of section 28-831, or an offense under section

1 5 of this act ~~28-1463.03~~; nor shall there be any time limitations for
2 prosecution or punishment for sexual assault in the third degree under
3 section 28-320 when the victim is under sixteen years of age at the time
4 of the offense.

5 (12) The time limitations prescribed in this section shall include
6 all inchoate offenses pursuant to the Nebraska Criminal Code and
7 compounding a felony pursuant to section 28-301.

8 (13) The time limitations prescribed in this section shall not
9 extend to any person fleeing from justice.

10 (14) When any suit, information, or indictment for any crime or
11 misdemeanor is limited by any statute to be brought or exhibited within
12 any other time than is limited by this section, then the suit,
13 information, or indictment shall be brought or exhibited within the time
14 limited by such statute.

15 (15) If any suit, information, or indictment is quashed or the
16 proceedings set aside or reversed on writ of error, the time during the
17 pendency of such suit, information, or indictment so quashed, set aside,
18 or reversed shall not be reckoned within this statute so as to bar any
19 new suit, information, or indictment for the same offense.

20 (16) The changes made to this section by Laws 2004, LB 943, shall
21 apply to offenses committed prior to April 16, 2004, for which the
22 statute of limitations has not expired as of such date and to offenses
23 committed on or after such date.

24 (17) The changes made to this section by Laws 2005, LB 713, shall
25 apply to offenses committed prior to September 4, 2005, for which the
26 statute of limitations has not expired as of such date and to offenses
27 committed on or after such date.

28 (18) The changes made to this section by Laws 2009, LB 97, and Laws
29 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009,
30 for which the statute of limitations has not expired as of such date and
31 to offenses committed on or after such date.

1 (19) The changes made to this section by Laws 2010, LB809, shall
2 apply to offenses committed prior to July 15, 2010, for which the statute
3 of limitations has not expired as of such date and to offenses committed
4 on or after such date.

5 (20) The changes made to this section by Laws 2016, LB934, shall
6 apply to offenses committed prior to April 19, 2016, for which the
7 statute of limitations has not expired as of such date and to offenses
8 committed on or after such date.

9 (21) The changes made to this section by Laws 2019, LB519, shall
10 apply to offenses committed prior to September 1, 2019, for which the
11 statute of limitations has not expired as of such date and to offenses
12 committed on or after such date.

13 **Sec. 19.** Section 29-119, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 29-119 For purposes of this section and sections 23-1201, 29-120,
16 and 29-2261, unless the context otherwise requires:

17 (1) A plea agreement means that as a result of a discussion between
18 the defense counsel and the prosecuting attorney:

19 (a) A charge is to be dismissed or reduced; or

20 (b) A defendant, if he or she pleads guilty to a charge, may receive
21 less than the maximum penalty permitted by law; and

22 (2)(a) Victim means a person who has had a personal confrontation
23 with an offender as a result of a homicide under sections 28-302 to
24 28-306, a first degree assault under section 28-308, a second degree
25 assault under section 28-309, a third degree assault under section 28-310
26 when the victim is an intimate partner as defined in section 28-323, a
27 first degree false imprisonment under section 28-314, a first degree
28 sexual assault under section 28-319, a sexual assault of a child in the
29 first degree under section 28-319.01, a second or third degree sexual
30 assault under section 28-320, a sexual assault of a child in the second
31 or third degree under section 28-320.01, domestic assault in the first,

1 second, or third degree under section 28-323, or a robbery under section
2 28-324. Victim also includes a person who has suffered serious bodily
3 injury as defined in section 28-109 as a result of a motor vehicle
4 accident when the driver was charged with a violation of section 60-6,196
5 or 60-6,197 or with a violation of a city or village ordinance enacted in
6 conformance with either section.

7 (b) In the case of a homicide, victim means the nearest surviving
8 relative under the law as provided by section 30-2303 but does not
9 include the alleged perpetrator of the homicide.

10 (c) In the case of a violation of the Child Sexual Abuse Material
11 Prevention Act ~~section 28-813.01, 28-1463.03, 28-1463.04, or 28-1463.05,~~
12 victim means a person who was a child as defined in section 2 of this act
13 ~~28-1463.02~~ and a participant or portrayed observer in the child sexual
14 abuse material that visual depiction of sexually explicit conduct which
15 is the subject of the violation and who has been identified and can be
16 reasonably notified and the parents, guardians, or duly appointed legal
17 representative of the child victim but does not include the alleged
18 perpetrator of the crime.

19 (d) In the case of a sexual assault of a child ~~, a possession~~
20 ~~offense of a visual depiction of sexually explicit conduct, or a~~
21 ~~distribution offense of a visual depiction of sexually explicit conduct,~~
22 victim means the child victim and the parents, guardians, or duly
23 appointed legal representative of the child victim but does not include
24 the alleged perpetrator of the crime.

25 (e) Victim also includes a person who was the victim of a theft
26 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the
27 thing involved is five thousand dollars or more and (ii) the victim and
28 perpetrator were intimate partners as defined in section 28-323.

29 (f) Victim also includes a sexual assault victim as defined in
30 section 29-4309.

31 **Sec. 20.** Section 29-4003, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 29-4003 (1)(a) The Sex Offender Registration Act applies to any
3 person who on or after January 1, 1997:

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

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

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

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

12 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

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

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

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

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

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

21 (J) Conduct relating to child sexual abuse material under section 5
22 of this act ~~Visual depiction of sexually explicit conduct of a child~~
23 ~~pursuant to section 28-1463.03~~ or subdivision (2)(b) or (c) of section 4
24 of this act ~~28-1463.05~~;

25 (K) Knowingly possessing or receiving any child sexual abuse
26 material ~~visual depiction of sexually explicit conduct which has a child~~
27 ~~as one of its participants or portrayed observers~~ pursuant to subsection
28 (1) or (5) ~~(4)~~ of section 3 of this act ~~28-813.01~~;

29 (L) Criminal child enticement pursuant to section 28-311;

30 (M) Child enticement by means of an electronic communication device
31 pursuant to section 28-320.02;

1 (N) Debauching a minor pursuant to section 28-805; or

2 (O) Attempt, solicitation, aiding or abetting, being an accessory,
3 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
4 through (1)(a)(i)(N) of this section;

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

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

18 (iv) Enters the state and is required to register as a sex offender
19 under the laws of another village, town, city, state, territory,
20 commonwealth, or other jurisdiction of the United States.

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

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

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

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

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

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

31 (V) Assault in the second degree pursuant to section 28-309;

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

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

5 (iii) Enters the state and is required to register as a sex offender
6 under the laws of another village, town, city, state, territory,
7 commonwealth, or other jurisdiction of the United States.

8 (c) In addition to the registrable offenses under subdivisions (1)
9 (a) and (b) of this section, the Sex Offender Registration Act applies to
10 any person who on or after January 1, 2020:

11 (i) Has ever pled guilty to, pled nolo contendere to, or been found
12 guilty of sexual abuse of a detainee under section 28-322.05; or

13 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
14 guilty of any offense that is substantially equivalent to a registrable
15 offense under subdivision (1)(c)(i) of this section by any village, town,
16 city, state, territory, commonwealth, or other jurisdiction of the United
17 States, by the United States Government, by court-martial or other
18 military tribunal, or by a foreign jurisdiction, notwithstanding a
19 procedure comparable in effect to that described under section 29-2264 or
20 any other procedure to nullify a conviction other than by pardon.

21 (d) In addition to the registrable offenses under subdivisions (1)
22 (a), (b), and (c) of this section, the Sex Offender Registration Act
23 applies to any person who on or after January 1, 2023:

24 (i) Has ever pled guilty to, pled nolo contendere to, or been found
25 guilty of human trafficking under subsection (1) or (2) of section
26 28-831, and the court determines either by notification of sex offender
27 registration responsibilities or notation in the sentencing order that
28 the human trafficking was sex trafficking or sex trafficking of a minor
29 and not solely labor trafficking or labor trafficking of a minor; or

30 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
31 guilty of any offense that is substantially equivalent to a registrable

1 offense under subdivision (1)(d)(i) of this section by any village, town,
2 city, state, territory, commonwealth, or other jurisdiction of the United
3 States, by the United States Government, by court-martial or other
4 military tribunal, or by a foreign jurisdiction, notwithstanding a
5 procedure comparable in effect to that described under section 29-2264 or
6 any other procedure to nullify a conviction other than by pardon.

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

10 **Sec. 21.** Section 29-4309, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 29-4309 For the purposes of the Sexual Assault Victims' Bill of
13 Rights Act:

14 (1)(a) Advocate means:

15 (i) Any employee or supervised volunteer of a domestic violence and
16 sexual assault victim assistance program or of any other agency,
17 business, or organization that is not affiliated with a law enforcement
18 or prosecutor's office, whose primary purpose is assisting domestic
19 violence and sexual assault victims. This includes employees or
20 supervised volunteers of an Indian tribe or a postsecondary educational
21 institution;

22 (ii) A representative from a victim and witness assistance center as
23 established in sections 81-1845 to 81-1847 or a similar entity affiliated
24 with a law enforcement agency or prosecutor's office; or

25 (iii) An advocate who is employed by a child advocacy center that
26 meets the requirements of subsection (2) of section 28-728.

27 (b) If reasonably possible, an advocate shall speak the victim's
28 preferred language or use the services of a qualified interpreter;

29 (2) Health care provider means any individual who is licensed,
30 certified, or registered to perform specified health services consistent
31 with state law;

1 (3) Sexual assault means a violation of section 28-319, 28-319.01,
2 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
3 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~, sex
4 trafficking or sex trafficking of a minor under section 28-831, or
5 subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e),
6 or (f) of section 28-707;

7 (4) Sexual assault forensic evidence means evidence collected by a
8 health care provider contained within any sexual assault forensic
9 evidence collection kit, including a toxicology kit, or any forensic
10 evidence collected by law enforcement through the course of an
11 investigation; and

12 (5)(a) Sexual assault victim or victim means any person who is a
13 victim of sexual assault who reports such sexual assault:

14 (i) To a health care provider, law enforcement, or an advocate,
15 including anonymous reporting as provided in section 28-902; and

16 (ii) In the case of a victim who is under eighteen years of age, to
17 the Department of Health and Human Services.

18 (b) Sexual assault victim or victim also includes, if the victim
19 described in subdivision (5)(a) of this section is incompetent, deceased,
20 or a minor who is unable to consent to counseling services, such victim's
21 parent, guardian, or spouse, unless such person is the reported
22 assailant.

23 **Sec. 22.** Section 29-4316, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 29-4316 (1) For purposes of this section:

26 (a) Criminal justice agency has the same meaning as in section
27 29-3509;

28 (b) Sex trafficking means sex trafficking or sex trafficking of a
29 minor in violation of section 28-831; and

30 (c) Sexual assault means a violation of section 28-319, 28-319.01,
31 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,

1 28-322.05, or 28-703, or section 5 of this act ~~28-1463.03~~ or subdivision
2 (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of
3 section 28-707.

4 (2) Except as provided in subsection (3) of this section, and unless
5 otherwise required by statute, a criminal justice agency and any attorney
6 involved in the investigation or prosecution of an alleged sexual assault
7 or sex trafficking violation shall maintain the confidentiality of the
8 identity and personal identifying information of the alleged victim. Such
9 information may be shared by such criminal justice agencies and between
10 such criminal justice agencies and attorneys as necessary to carry out
11 their duties.

12 (3) The confidentiality required by subsection (2) of this section
13 does not apply:

14 (a) To the extent waived by the alleged victim;

15 (b) If criminal charges involving the alleged sexual assault or sex
16 trafficking are filed;

17 (c) If the victim has died as a result of, or in connection with,
18 the alleged sexual assault or sex trafficking;

19 (d) In cases where personal identifying information or the identity
20 of the victim are released as part of a child abduction alert system used
21 by law enforcement agencies, such as the AMBER Alert system;

22 (e) To a person making a report of suspected child abuse or neglect
23 as required in section 28-711;

24 (f) To the sharing of reports and information regarding child abuse
25 and neglect with a child abuse and neglect investigation team or child
26 abuse and neglect treatment team provided for in section 28-728;

27 (g) To the Department of Health and Human Services and other
28 assisting agencies as necessary to carry out their duties in
29 investigations of child abuse or neglect;

30 (h) To communication with an individual that an educational entity,
31 as defined in section 79-1201.01, has designated:

1 (i) As a Title IX coordinator; or

2 (ii) To receive reports related to sexual assault or sex trafficking
3 or to provide supportive measures related to such reports; or

4 (i) To communication with advocates and health care providers as
5 defined in section 29-4309.

6 **Sec. 23.** Section 83-174.02, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 83-174.02 (1) The Department of Correctional Services shall order an
9 evaluation of the following individuals by a mental health professional
10 to determine whether or not the individual is a dangerous sex offender:

11 (a) Individuals who have been convicted of (i) sexual assault of a
12 child in the first degree pursuant to section 28-319.01 or (ii) sexual
13 assault in the first degree pursuant to section 28-319;

14 (b) Individuals who have been convicted of two or more offenses
15 requiring registration as a sex offender under section 29-4003 if one of
16 the convictions was for any of the following offenses: (i) Kidnapping of
17 a minor pursuant to section 28-313, except when the person is the parent
18 of the minor and was not convicted of any other offense; (ii) sexual
19 assault in the first degree pursuant to section 28-319 or sexual assault
20 in the second degree pursuant to section 28-320; (iii) sexual assault of
21 a child pursuant to section 28-320.01; (iv) sexual assault of a child in
22 the first degree pursuant to section 28-319.01; (v) sexual assault of a
23 child in the second or third degree pursuant to section 28-320.01; (vi)
24 sexual assault of a vulnerable adult or senior adult pursuant to
25 subdivision (1)(c) of section 28-386; (vii) incest of a minor pursuant to
26 section 28-703; (viii) conduct relating to child sexual abuse material
27 under section 5 of this act ~~visual depiction of sexually explicit conduct~~
28 ~~of a child pursuant to section 28-1463.03~~; or (ix) any offense that is
29 substantially equivalent to an offense listed in this section by any
30 state, territory, commonwealth, or other jurisdiction of the United
31 States, by the United States Government, or by court-martial or other

1 military tribunal, notwithstanding a procedure comparable in effect to
2 that described in section 29-2264 or any other procedure to nullify a
3 conviction other than by pardon;

4 (c) Individuals convicted of a sex offense against a minor who have
5 refused to participate in or failed to successfully complete the sex
6 offender treatment program offered by the Department of Correctional
7 Services or the Department of Health and Human Services during the term
8 of incarceration. The failure to successfully complete a treatment
9 program due to time constraints or the unavailability of treatment
10 programming shall not constitute a refusal to participate in treatment;
11 and

12 (d) Individuals convicted of failure to comply with the registration
13 requirements of the Sex Offender Registration Act who have previously
14 been convicted for failure to comply with the registration requirements
15 of the act or a similar registration requirement in another state.

16 (2) The evaluation required by this section shall be ordered at
17 least one hundred eighty days before the scheduled release of the
18 individual. Upon completion of the evaluation, and not later than one
19 hundred fifty days prior to the scheduled release of the individual, the
20 department shall send written notice to the Attorney General, the county
21 attorney of the county where the offender is incarcerated, and the
22 prosecuting county attorney. The notice shall contain an affidavit of the
23 mental health professional describing his or her findings with respect to
24 whether or not the individual is a dangerous sex offender.

25 **Sec. 24.** Section 84-205, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 84-205 The duties of the Attorney General shall be:

28 (1) To appear and defend actions and claims against the state;

29 (2) To investigate, commence, and prosecute any and all actions
30 resulting from violations of sections 32-1401 to 32-1417;

31 (3) To consult with and advise the county attorneys, when requested

1 by them, in all criminal matters and in matters relating to the public
2 revenue. He or she shall have authority to require aid and assistance of
3 the county attorney in all matters pertaining to the duties of the
4 Attorney General in the county of such county attorney and may, in any
5 case brought to the Court of Appeals or Supreme Court from any county,
6 demand and receive the assistance of the county attorney from whose
7 county such case is brought;

8 (4) To give, when required, without fee, his or her opinion in
9 writing upon all questions of law submitted to him or her by the
10 Governor, head of any executive department, Secretary of State, State
11 Treasurer, Auditor of Public Accounts, Board of Educational Lands and
12 Funds, State Department of Education, Public Service Commission, or
13 Legislature;

14 (5) At the request of the Governor, head of any executive
15 department, Secretary of State, State Treasurer, Auditor of Public
16 Accounts, Board of Educational Lands and Funds, State Department of
17 Education, or Public Service Commission, to prosecute any official bond
18 or any contract in which the state is interested which is deposited with
19 any of them and to prosecute or defend for the state all civil or
20 criminal actions and proceedings relating to any matter connected with
21 any of such officers' departments if, after investigation, he or she is
22 convinced there is sufficient legal merit to justify the proceeding. Such
23 officers shall not pay or contract to pay from the funds of the state any
24 money for special attorneys or counselors-at-law unless the employment of
25 such special counsel is made upon the written authorization of the
26 Governor or the Attorney General;

27 (6) To enforce the proper application of money appropriated by the
28 Legislature to the various funds of the state and prosecute breaches of
29 trust in the administration of such funds;

30 (7) To prepare, when requested by the Governor, Secretary of State,
31 State Treasurer, or Auditor of Public Accounts or any other executive

1 department, proper drafts for contracts, forms, or other writings which
2 may be wanted for the use of the state and report to the Legislature,
3 whenever requested, upon any business pertaining to the duties of his or
4 her office. The report submitted to the Legislature shall be submitted
5 electronically;

6 (8) To pay all money received, belonging to the people of the state,
7 immediately upon receipt thereof, into the state treasury;

8 (9) To keep a record in proper books provided for that purpose at
9 the expense of the state, a register of all actions and demands
10 prosecuted or defended by him or her in behalf of the state and all
11 proceedings had in relation thereto, and deliver the same to his or her
12 successor in office;

13 (10) To appear for the state and prosecute and defend all civil or
14 criminal actions and proceedings in the Court of Appeals or Supreme Court
15 in which the state is interested or a party. When requested by the
16 Governor or the Legislature, the Attorney General shall appear for the
17 state and prosecute or defend any action or conduct any investigation in
18 which the state is interested or a party before any court, officer,
19 board, tribunal, or commission;

20 (11) To prepare and promulgate model rules of procedure appropriate
21 for use by as many agencies as possible. The Attorney General shall add
22 to, amend, or revise the model rules as necessary for the proper guidance
23 of agencies;

24 (12) To include within the budget of the office sufficient funding
25 to assure oversight and representation of the State of Nebraska for
26 district court appeals of administrative license revocation proceedings
27 under section 60-498.04;

28 (13)(a) To create a Child Protection Division to be staffed by at
29 least three assistant attorneys general who each have five or more years
30 of experience in the prosecution or defense of felonies or misdemeanors,
31 including two years in the prosecution or defense of crimes against

1 children. Upon the written request of a county attorney, the division
2 shall provide consultation and advise and assist in the preparation of
3 the trial of any case involving a crime against a child, including, but
4 not limited to, the following offenses:

- 5 (i) Murder as defined in sections 28-303 and 28-304;
- 6 (ii) Manslaughter as defined in section 28-305;
- 7 (iii) Kidnapping as defined in section 28-313;
- 8 (iv) False imprisonment as defined in sections 28-314 and 28-315;
- 9 (v) Child abuse as defined in section 28-707;
- 10 (vi) Pandering as defined in section 28-802;
- 11 (vii) Debauching a minor as defined in section 28-805; and
- 12 (viii) Offenses listed in the Child Sexual Abuse Material Prevention
13 Act or section sections 28-813 , ~~28-813.01~~, and ~~28-1463.03~~.

14 (b) Any offense listed in subdivisions (13)(a)(i) through (viii) of
15 this section shall include all inchoate offenses pursuant to the Nebraska
16 Criminal Code and compounding a felony pursuant to section 28-301. Such
17 crimes shall not include matters involving dependent and neglected
18 children, infraction violations, custody, parenting time, visitation, or
19 other access matters, or child support. If the county attorney declines
20 in writing to prosecute a case involving a crime against a child because
21 of an ethical consideration, including the presence or appearance of a
22 conflict of interest, or for any other reason, the division shall, upon
23 the receipt of a written request of the county attorney, the Department
24 of Health and Human Services, the minor child, the parents of the minor
25 child, or any other interested party, investigate the matter and either
26 decline to prosecute the matter or initiate the appropriate criminal
27 proceedings in a court of proper jurisdiction.

28 (c) For purposes of this subdivision (13), child or children shall
29 mean an individual or individuals sixteen years of age or younger; and

30 (14) To enforce the Foreign-owned Real Estate National Security Act.

31 **Sec. 25.** Section 87-302, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 87-302 (a) A person engages in a deceptive trade practice when, in
3 the course of his or her business, vocation, or occupation, he or she:

4 (1) Passes off goods or services as those of another;

5 (2) Causes likelihood of confusion or of misunderstanding as to the
6 source, sponsorship, approval, or certification of goods or services;

7 (3) Causes likelihood of confusion or of misunderstanding as to
8 affiliation, connection, or association with, or certification by,
9 another;

10 (4) Uses deceptive representations or designations of geographic
11 origin in connection with goods or services;

12 (5) Represents that goods or services have sponsorship, approval,
13 characteristics, ingredients, uses, benefits, or quantities that they do
14 not have or that a person has a sponsorship, approval, status,
15 affiliation, or connection that he or she does not have;

16 (6) Represents that goods or services do not have sponsorship,
17 approval, characteristics, ingredients, uses, benefits, or quantities
18 that they have or that a person does not have a sponsorship, approval,
19 status, affiliation, or connection that he or she has;

20 (7) Represents that goods are original or new if they are
21 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,
22 except that sellers may repair damage to and make adjustments on or
23 replace parts of otherwise new goods in an effort to place such goods in
24 compliance with factory specifications;

25 (8) Represents that goods or services are of a particular standard,
26 quality, or grade, or that goods are of a particular style or model, if
27 they are of another;

28 (9) Disparages the goods, services, or business of another by false
29 or misleading representation of fact;

30 (10) Advertises goods or services with intent not to sell them as
31 advertised or advertises the price in any manner calculated or tending to

1 mislead or in any way deceive a person;

2 (11) Advertises goods or services with intent not to supply
3 reasonably expectable public demand, unless the advertisement discloses a
4 limitation of quantity;

5 (12) Makes false or misleading statements of fact concerning the
6 reasons for, existence of, or amounts of price reductions;

7 (13) Uses or promotes the use of or establishes, operates, or
8 participates in a pyramid promotional scheme in connection with the
9 solicitation of such scheme to members of the public. This subdivision
10 shall not be construed to prohibit a plan or operation, or to define a
11 plan or operation as a pyramid promotional scheme, based on the fact that
12 participants in the plan or operation give consideration in return for
13 the right to receive compensation based upon purchases of goods,
14 services, or intangible property by participants for personal use,
15 consumption, or resale so long as the plan or operation does not promote
16 or induce inventory loading and the plan or operation implements an
17 appropriate inventory repurchase program;

18 (14) With respect to a sale or lease to a natural person of goods or
19 services purchased or leased primarily for personal, family, household,
20 or agricultural purposes, uses or employs any referral or chain referral
21 sales technique, plan, arrangement, or agreement;

22 (15) Knowingly makes a false or misleading statement in a privacy
23 policy, published on the Internet or otherwise distributed or published,
24 regarding the use of personal information submitted by members of the
25 public;

26 (16) Uses any scheme or device to defraud by means of:

27 (i) Obtaining money or property by knowingly false or fraudulent
28 pretenses, representations, or promises; or

29 (ii) Selling, distributing, supplying, furnishing, or procuring any
30 property for the purpose of furthering such scheme;

31 (17) Offers an unsolicited check, through the mail or by other

1 means, to promote goods or services if the cashing or depositing of the
2 check obligates the endorser or payee identified on the check to pay for
3 goods or services. This subdivision does not apply to an extension of
4 credit or an offer to lend money;

5 (18) Mails or causes to be sent an unsolicited billing statement,
6 invoice, or other document that appears to obligate the consumer to make
7 a payment for services or merchandise he or she did not order;

8 (19)(i) Installs, offers to install, or makes available for
9 installation or download a covered file-sharing program on a computer not
10 owned by such person without providing clear and conspicuous notice to
11 the owner or authorized user of the computer that files on that computer
12 will be made available to the public and without requiring intentional
13 and affirmative activation of the file-sharing function of such covered
14 file-sharing program by the owner or authorized user of the computer; or

15 (ii) Prevents reasonable efforts to block the installation,
16 execution, or disabling of a covered file-sharing program;

17 (20) Violates any provision of the Nebraska Foreclosure Protection
18 Act;

19 (21) In connection with the solicitation of funds or other assets
20 for any charitable purpose, or in connection with any solicitation which
21 represents that funds or assets will be used for any charitable purpose,
22 uses or employs any deception, fraud, false pretense, false promise,
23 misrepresentation, unfair practice, or concealment, suppression, or
24 omission of any material fact;

25 (22)(i) In the manufacture, production, importation, distribution,
26 promotion, display for sale, offer for sale, attempt to sell, or sale of
27 a substance:

28 (A) Makes a deceptive or misleading representation or designation,
29 or omits material information, about a substance or fails to identify the
30 contents of the package or the nature of the substance contained inside
31 the package; or

1 (B) Causes confusion or misunderstanding as to the effects a
2 substance causes when ingested, injected, inhaled, or otherwise
3 introduced into the human body.

4 (ii) A person shall be deemed to have committed a violation of the
5 Uniform Deceptive Trade Practices Act for each individually packaged
6 product that is either manufactured, produced, imported, distributed,
7 promoted, displayed for sale, offered for sale, attempted to sell, or
8 sold in violation of this section. A violation under this subdivision (a)
9 (22) shall be treated as a separate and distinct violation from any other
10 offense arising out of acts alleged to have been committed while the
11 person was in violation of this section;

12 (23)(i) Manufactures, produces, publishes, distributes, monetizes,
13 promotes, or otherwise makes publicly available any visual depiction of
14 sexually explicit conduct, any obscene material, or any material that is
15 harmful to minors in which any person depicted as a participant or
16 observer:

17 (A) Is under eighteen years of age;

18 (B) Is a trafficking victim;

19 (C) Has not expressly and voluntarily consented to such person's
20 depiction; or

21 (D) Participated in any act depicted without consent.

22 (ii) This subdivision (a)(23) does not apply to any
23 telecommunications service.

24 (iii) For purposes of this subdivision (a)(23):

25 (A) Harmful to minors has the same meaning as in 47 U.S.C. 254, as
26 such section existed on January 1, 2024;

27 (B) Obscene material has the same meaning as in section 28-807;

28 (C) Promote means to use any mechanism or publication, or take any
29 action, that suggests, highlights, advertises, markets, curates,
30 backlinks, hashtags, or otherwise directs, attempts to direct, or
31 encourages traffic toward specific materials, including acts carried out

1 affirmatively, through automation, algorithmically, and via other
2 technical means both known and unknown at this time;

3 (D) Publish means to communicate or make information available to
4 another person via an Internet website, regardless of whether the person
5 consuming, viewing, or receiving the material gives any consideration for
6 the published material;

7 (E) Trafficking victim has the same meaning as in section 28-830;

8 (F) Visual depiction of sexually explicit conduct has the same
9 meaning as in section 2 of this act ~~28-1463.02~~; and

10 (G) Without consent has the same meaning as in section 28-318; or

11 (24) Offers or enters into a right-to-list home sale agreement as
12 defined in section 81-885.01.

13 (b) In order to prevail in an action under the Uniform Deceptive
14 Trade Practices Act, a complainant need not prove competition between the
15 parties.

16 (c) This section does not affect unfair trade practices otherwise
17 actionable at common law or under other statutes of this state.

18 **Sec. 26.** Sections 26 to 30 of this act shall be known and may be
19 cited as the Parental Rights in Social Media Act.

20 **Sec. 27.** For purposes of the Parental Rights in Social Media Act:

21 (1) Account holder means a person who, on or after the operative
22 date of this section, creates an account or profile on a social media
23 platform;

24 (2) Content includes a text, an image, or a video;

25 (3) Digitized identification card means a data file that contains
26 all of the data elements visible on the face and back of a government-
27 issued operator's license or government-issued identification document
28 and displays the current status of the license or document;

29 (4)(a) Interactive computer service means an information service as
30 defined in 47 U.S.C. 153, an information system, or an information access
31 software that:

1 (i) Provides or enables access by multiple users to a computer
2 server; and

3 (ii) Provides access to the Internet.

4 (b) An interactive computer service includes an Internet service, an
5 Internet system, an Internet application, an Internet portal, and a
6 website;

7 (5) Minor means an individual who is:

8 (a) Known or reasonably believed by a social media platform to be
9 under eighteen years of age;

10 (b) Not emancipated; and

11 (c) A resident of this state;

12 (6) Parent means the parent or legal guardian of a minor;

13 (7) Person means an individual or entity;

14 (8) Post means content that an account holder makes available on a
15 social media platform for other account holders and users to view;

16 (9) Reasonable age verification method includes requiring
17 presentation of a digitized identification card or any commercially
18 reasonable age verification method to confirm an individual's age;

19 (10) Social media company means a person that is an interactive
20 computer service and that provides a social media platform;

21 (11)(a) Social media platform means a website or Internet
22 application that:

23 (i) Allows a person to create an account; and

24 (ii) Enables an account holder to communicate with other account
25 holders and users through posts.

26 (b) Social media platform does not include:

27 (i) A broadband Internet access service, as defined in 47 C.F.R.
28 8.1(b);

29 (ii) An email service;

30 (iii) An Internet service, Internet application, or website:

31 (A) That consists primarily of content that is not generated by

1 account holders, but rather is preselected by the service, application,
2 or website provider; and

3 (B) For which interactive functionality is incidental to, directly
4 related to, or dependent upon, such preselected content;

5 (iv) Online shopping, if the interaction with other account holders
6 or users is predominantly limited to the ability to (A) send, receive,
7 request, or settle funds, (B) comment on transactions, (C) display goods
8 for sale, (D) engage as consumers about products and reviews, or (E) post
9 a wish list;

10 (v) An Internet service, Internet application, or website that
11 primarily provides career development opportunities;

12 (vi) A cloud storage or cloud computing service;

13 (vii) An online service, application, or website in which
14 interaction between users is predominately (A) used for technical support
15 or (B) limited to reviewing products offered for sale by means of
16 electronic commerce or commenting on such reviews posted by other users;
17 or

18 (viii) Peer-to-peer payment platforms, if the interaction with other
19 users or account holders is generally limited to the ability to send,
20 receive, or request funds and to like or comment on such transactions, or
21 other functions that are focused on sending, receiving, requesting, or
22 settling payments between users or account holders; and

23 (12) User means a person who consumes posts on a social media
24 platform but who is not an account holder.

25 **Sec. 28.** (1)(a) Except as provided in subsection (2) of this
26 section, a social media company shall not permit a minor to become an
27 account holder. A social media platform shall use a reasonable age
28 verification method to verify the age of an individual seeking to become
29 an account holder on the company's social media platform. A social media
30 company may use a third-party vendor to perform such verification.

31 (b) A social media company or third-party vendor conducting such

1 verification shall not retain any identifying information of an
2 individual after verification is complete.

3 (2) A social media company may allow a minor to become an account
4 holder if the parent of such minor provides express parental consent
5 authorizing such minor to become an account holder. A social media
6 company or third-party vendor shall verify the express parental consent
7 which shall include:

8 (a) Age verification of the parent through a reasonable age
9 verification method; and

10 (b) An oath, affirmation, or form signed by the parent and returned
11 to the social media company or third-party vendor by common carrier,
12 facsimile, or electronic scan stating that the consenting adult is the
13 minor user's parent and authorizes such minor to become an account
14 holder.

15 (3)(a) Once age and parental consent, if applicable, are verified,
16 the social media company may permit the minor to become an account
17 holder. Reverification of an account holder is not required unless
18 parental consent is revoked by a parent.

19 (b) A social media company shall develop a method for a parent to
20 revoke consent for a minor to be an account holder. If consent is
21 revoked, a social media company shall remove the account of such parent's
22 minor and prohibit such minor from becoming an account holder until
23 additional express parental consent is provided.

24 (4) A social media company shall provide a parent of a minor account
25 holder with methods for the parent to supervise the minor's account. Such
26 methods shall include options for the parent to:

27 (a) View all posts the minor account holder makes under the social
28 media platform account;

29 (b) View all responses and messages sent to or by the minor account
30 holder in the social media platform account;

31 (c) Control the minor's privacy and account settings; and

1 (d) Monitor and limit the amount of time the minor account holder
2 spends using the social media platform.

3 **Sec. 29.** (1) A person aggrieved by a violation of section 28 of
4 this act may bring a civil action against the social media company or
5 third-party vendor which engaged in the violation to recover such relief
6 as may be appropriate.

7 (2) In an action under this section, appropriate relief includes:

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

10 (b) Damages under subsection (3) of this section; and

11 (c) At the discretion of the court, reasonable attorney's fees and
12 other litigation costs reasonably incurred.

13 (3)(a) An individual whose information was retained in violation of
14 subdivision (1)(b) of section 28 of this act may recover actual damages
15 caused by such violation.

16 (b) A minor or a parent of such minor aggrieved by any other
17 violation of section 28 of this act may recover actual damages caused by
18 such violation.

19 **Sec. 30.** The Attorney General shall enforce the Parental Rights in
20 Social Media Act and may impose a penalty of up to two thousand five
21 hundred dollars per violation. All penalties collected pursuant to this
22 section shall be remitted to the State Treasurer for distribution in
23 accordance with Article VII, section 5, of the Constitution of Nebraska.

24 **Sec. 31.** Sections 26, 27, 28, 29, and 30 of this act become
25 operative on July 1, 2026. The other sections of this act become
26 operative on their effective date.

27 **Sec. 32.** If any section in this act or any part of any section is
28 declared invalid or unconstitutional, the declaration shall not affect
29 the validity or constitutionality of the remaining portions.

30 **Sec. 33.** Original sections 25-21,291, 25-21,302, 27-1301, 28-116,
31 28-320.02, 28-813.02, 28-833, 28-1463.01, 28-1463.02, 28-1463.06,

1 28-1601, 28-1602, 83-174.02, 84-205, and 87-302, Reissue Revised Statutes
2 of Nebraska, and sections 28-813.01, 28-1354, 28-1463.03, 28-1463.05,
3 28-1701, 29-110, 29-119, 29-4003, 29-4309, and 29-4316, Revised Statutes
4 Cumulative Supplement, 2024, are repealed.

5 **Sec. 34.** The following section is outright repealed: Section
6 28-1463.04, Reissue Revised Statutes of Nebraska.