

## ENGROSSED LEGISLATIVE BILL 935

Introduced by Bosn, 25; Hallstrom, 1.

A BILL FOR AN ACT relating to law; to amend sections 7-203, 7-207, 25-824, 25-1802, 25-1804, 27-804, 29-2204.02, 29-4103, 42-371, 43-1409, 43-1412.01, 84-941.01, and 86-2,103, Reissue Revised Statutes of Nebraska, sections 28-311.08, 29-4315, and 59-1608.04, Revised Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114, 28-101, 28-311.02, 28-311.04, 28-358.01, 28-1205, 28-1206, and 42-927, Revised Statutes Supplement, 2025; to change provisions of the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act; to provide for awards of costs and attorney's fees in certain actions involving political subdivisions; to define, redefine, and eliminate terms; to provide for civil actions against persons for conduct relating to obscene materials, child sexual abuse materials, and child sexual exploitation devices and images; to provide powers for the Attorney General and county attorneys; to provide immunity for Internet utilities, law enforcement officers, courts, attorneys, and agents and employees of courts and attorneys; to provide civil penalties; to change provisions of the Protection Orders Act; to provide for an exclusion from the hearsay rule for a statement offered against a party that wrongfully caused the declarant's unavailability; to prohibit certain conduct relating to mobile tracking devices; to provide penalties; to change penalties for stalking; to change provisions relating to unlawful intrusion; to prohibit operation of an unmanned aircraft system in restricted areas and require operators to present a certificate upon request; to create the offense of swatting and require restitution; to change provisions relating to the requirement that courts impose probation for Class IV felonies; to provide for no-contact periods for victims of domestic assaults and sexual assaults; to provide for docket fees and create a fund; to change provisions relating to liens

arising from child and spousal support orders; to provide for challenges to notarized acknowledgments of paternity based on genetic testing; to provide for a funds transfer from the State Settlement Cash Fund; to change provisions relating to intercepted communications; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

**Section 1.** Section 7-203, Reissue Revised Statutes of Nebraska, is amended to read:

7-203 For purposes of the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act:

(1) Board means the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board;

(2) Designated legal profession shortage area means a rural area located within any county in Nebraska having a population of less than seventy-five thousand inhabitants and determined by the board to be underserved by available legal representation;

(3) Educational loans means loans received as an educational benefit, scholarship, or stipend toward a juris doctorate degree and either (a) made, insured, or guaranteed by a governmental unit or (b) made under a program funded in whole or in part by a governmental unit or nonprofit institution; and

(4) Public legal service means providing legal service to indigent persons while employed by a tax-exempt charitable organization.

**Sec. 2.** Section 7-207, Reissue Revised Statutes of Nebraska, is amended to read:

7-207 (1) The Commission on Public Advocacy shall accept applications for loan repayment assistance on an annual basis from qualified persons and shall present those applications to the board for its consideration. The board shall make recommendations for loans to the commission, and the commission shall certify the eligible recipients and the loan amount per recipient. The loans awarded to the recipients shall come from funds appropriated by the Legislature

and any other funds that may be available from the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund.

(2) Loans under this section awarded on or after July 1, 2026, shall be awarded to recipients in the following order of priority:

(a) Recipients that practice in a county with no other licensed attorney actively practicing in such county;

(b) Recipients that practice in a county with three or fewer licensed attorneys actively practicing in such county; and

(c) Recipients that practice in a county with a population of no more than seventy-five thousand inhabitants.

(3) Nothing in this section shall affect awards previously made to recipients on or before June 30, 2026.

**Sec. 3.** Section 25-824, Reissue Revised Statutes of Nebraska, is amended to read:

25-824 (1) A pleading shall not be used against a party in any criminal prosecution or action or proceeding for a penalty or forfeiture as proof of a fact admitted or alleged in such pleading. If a pleading is frivolous or made in bad faith, it may be stricken. The signature of a party or of an attorney on a pleading constitutes a certificate by him or her that he or she has read the pleading; that to the best of his or her knowledge, information, and belief there is good ground for the filing of the pleading; and that it is not interposed for delay.

(2) Except as provided in subsections (6) and (7) of this section, in any civil action commenced or appealed in any court of record in this state, the court shall award as part of its judgment and in addition to any other costs otherwise assessed reasonable attorney's fees and court costs against any attorney or party who has brought or defended a civil action that alleges a claim or defense which a court determines is frivolous or made in bad faith.

(3) The court shall assess attorney's fees and costs if, upon the motion of any party or the court itself, the court finds that an attorney or party brought or defended an action or any part of an action that was frivolous or

that the action or any part of the action was interposed solely for delay or harassment. If the court finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct, including, but not limited to, abuses of civil discovery procedures, the court shall assess attorney's fees and costs.

(4)(a) For purposes of this subsection:

(i) Claim includes a claim, cross-claim, or counter-claim; and

(ii) Political subdivision means any village, city, county, school district, public power district, community college, natural resources district, or other unit of local government.

(b) It is the policy of the state to deter frivolous or harassing litigation, especially when it involves frivolous claims or defenses against a political subdivision that necessitate the wasteful expenditure of scarce taxpayer resources.

(c) A political subdivision may request an award of costs and attorney's fees as provided in this subsection if:

(i) The political subdivision is defendant against a claim that is frivolous or intended primarily to harass the political subdivision or its public officials; or

(ii) Another party asserts a defense against a claim of the political subdivision and such defense is frivolous or intended primarily to harass the political subdivision or its public officials.

(d) The political subdivision may make such request as a claim or a motion. When a court has determined that judgment will be entered denying a claim or defense against a political subdivision and the political subdivision has filed a claim or motion under this subsection, the court shall conduct a separate hearing as provided in subdivision (4)(e) of this section. Such hearing shall be conducted before entering any order of dismissal or other resolution.

(e) At such hearing the court shall determine whether the other party's claim or defense was frivolous or intended primarily to harass the political

subdivision or its public officials. If the court determines that a claim or defense was frivolous or intended primarily to harass the political subdivision or its public officials, the party asserting such claim or defense shall have the burden to rebut that finding or show the claim was otherwise excused under subsection (6) or (7) of this section. If such party fails to meet its burden, the court shall award reasonable attorney's fees and other expenses to the political subdivision. A court may award fees and expenses pursuant to this subsection in addition to any compensation awarded in a judgment.

(5) When a court determines reasonable attorney's fees or costs should be assessed, it shall allocate the payment of such fees or costs among the offending attorneys and parties as the court determines most just and may charge such amount or portion thereof to any offending attorney or party.

(6) No attorney's fees or costs shall be assessed if a claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in this state or if, after filing suit, a voluntary dismissal is filed as to any claim or action within a reasonable time after the attorney or party filing the dismissal knew or reasonably should have known that he or she would not prevail on such claim or action.

(7) No party who is appearing without an attorney shall be assessed attorney's fees unless the court finds that the party clearly knew or reasonably should have known that his or her action or defense or any part of such action or defense was frivolous or made in bad faith, except that this subsection shall not apply to any situation in which an attorney licensed to practice law in the state is appearing without an attorney, in which case he or she shall be held to the standards for attorneys prescribed in this section.

**Sec. 4.** Section 25-1802, Reissue Revised Statutes of Nebraska, is amended to read:

25-1802 For purposes of sections 25-1802 to 25-1807, unless the context otherwise requires:

(1) Fees and other expenses means reasonable attorney's fees and the reasonable expense of expert witnesses plus court costs, but shall not include

any portion of an attorney's fee or salary paid by a unit of state or federal government in the case;

(2) Political subdivision means any village, city, county, school district, public power district, community college, natural resources district, or other unit of local government;

(3) State means the State of Nebraska, a state agency, or any official of the state acting in his or her official capacity; and

(4) State agency means any state constitutional office, any state administrative department, or any state board or commission established by an act of the Legislature.

**Sec. 5.** Section 25-1804, Reissue Revised Statutes of Nebraska, is amended to read:

25-1804 (1) A party seeking an award for fees and other expenses pursuant to sections 25-1802 to 25-1807 shall, not later than thirty days after the entry of the final judgment in the action, submit to the court an application which provides evidence of eligibility for an award pursuant to such sections and which specifies the amount sought. If the amount sought includes an attorney's fee or the fee for an expert witness, the application shall include an itemized statement for each such fee indicating the actual time expended in service to the applicant and the rate at which the fees were computed.

(2) Notwithstanding any other provision of such sections, fees and other expenses shall be awarded as provided in such sections only to those prevailing parties who are:

(a) Natural persons;

(b) Political subdivisions; or

(c) A sole proprietorship, partnership, limited liability company, corporation, association, or public or private organization:

(i) That had an average daily employment of fifty persons or less for the twelve months preceding the filing of such action; and

(ii) Whose gross receipts for the twelve-month period preceding the filing of the action was two million dollars or less or whose average gross receipts

for the three twelve-month periods preceding the filing of such appeal pursuant to the Administrative Procedure Act was two million dollars or less, whichever amount is greater.

**Sec. 6.** (1) For purposes of this section:

(a) Child sexual abuse material has the same meaning as in section 28-1802;

(b) Internet utility has the same meaning as in section 87-1002;

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

(d) Prohibited content means any depiction or content that:

(i) Is child sexual abuse material;

(ii) Promotes child sexual abuse material; or

(iii) Is obscene.

(2) A person shall not knowingly and intentionally:

(a) Allow or facilitate access to prohibited content on a publicly available Internet website;

(b) Issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means on an Internet website any prohibited content; or

(c) Create or develop prohibited content that is made available on an Internet website.

(3)(a) Except as provided in subdivision (3)(b) of this section, an individual depicted in or exposed to prohibited content may bring a civil action for appropriate relief against any person who violates subsection (2) of this section with respect to such prohibited content.

(b) This subsection does not authorize a civil action by an adult whose exposure to child sexual abuse material was caused by such adult's intentional viewing of such material.

(c) Appropriate relief in an action under this subsection includes:

(i) Such preliminary and other equitable relief as may be appropriate; and

(ii) Actual damages, both economic and noneconomic.

(d) If the plaintiff prevails in an action brought under this subsection, the court shall award to the plaintiff reasonable attorney's fees and other

litigation costs reasonably incurred.

(e) In an action under this subsection, the doctrine of contributory negligence shall not apply, and no plaintiff shall be allocated fault under Chapter 25. A person who violates subsection (2) of this section shall be jointly and severally liable for damages caused by such violation.

(4)(a) A person who violates subsection (2) of this section shall be subject to a civil penalty of not more than ten thousand dollars per violation. The Attorney General or a county attorney may seek recovery of such civil penalties in a civil action.

(b) The Attorney General or a county attorney may also bring a civil action against a person who violates subsection (2) of this section to restrain or enjoin such violation and for such other equitable relief as the court deems appropriate to carry out the purposes of this section.

(c) If the Attorney General or county attorney prevails in an action brought under this subsection, the court shall award to the Attorney General or county attorney reasonable attorney's fees and other litigation costs reasonably incurred.

(d) Any civil penalties collected under this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(5) Any violation of subsection (2) of this section shall, additionally and separately, constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act.

(6) This section shall not be construed to affect the liability for any action that otherwise violates the Uniform Deceptive Trade Practices Act.

(7) An Internet utility does not violate subsection (2) of this section solely by providing access or connection to or from a website or other information or content on the Internet or a facility, system, or network not under the Internet utility's control, including providing access or transmitting, downloading, or storing data, to the extent that such Internet utility is not responsible, in whole or in part, for the creation or

development of prohibited content.

(8) This section is intended to create a new statutory cause of action that is in addition to any other remedy that may exist under the law. The duties and liabilities created under this section apply whether or not the violator would be considered a publisher or distributor of prohibited content under any other statutory or common law cause of action.

(9) Sovereign immunity shall not be an affirmative defense in a civil action brought pursuant to this section.

(10) Any remedy available under this section may be awarded without regard to whether the conduct giving rise to the remedy resulted in a criminal conviction.

**Sec. 7.** (1) For purposes of this section:

(a) Law enforcement officer has the same meaning as in section 81-1401; and

(b) Prohibited content has the same meaning as in section 6 of this act.

(2) There shall be no civil or criminal liability for the viewing or possession of prohibited content by:

(a) A judge who does so in good faith and for purposes of a proceeding before the court;

(b) An attorney who does so in good faith in the course of representing a client or potential client;

(c) An agent or employee of a judge or attorney who does so in good faith and for a legitimate purpose while acting within the scope of such agency or employment; or

(d) A law enforcement officer who does so in good faith in the course of his or her official duties.

**Sec. 8.** (1) For purposes of this section:

(a) Child sexual exploitation device or image means an anatomically correct mannequin, robot, doll, device, or image that:

(i) Has the features of, or features that resemble those of, a minor; and

(ii) Is intended for use in sexual acts; and

(b) Minor means an individual under eighteen years of age.

(2) A person shall not:

(a) Knowingly buy, sell, deliver, or distribute any child sexual exploitation device or image;

(b) Knowingly possess a child sexual exploitation device or image that has been bought, sold, delivered, or distributed; or

(c) Possess a child sexual exploitation device or image with the intent to engage in any conduct prohibited by subdivision (2)(a) of this section.

(3)(a) A minor whose features are represented by, or intended by the violator to be represented by, a child sexual exploitation device or image, may bring a civil action for appropriate relief against any person who violates subsection (2) of this section with respect to such device or image.

(b) Appropriate relief in an action under this subsection includes:

(i) Such preliminary and other equitable relief as may be appropriate; and

(ii) Actual damages, both economic and noneconomic.

(c) If the plaintiff prevails in an action brought under this subsection, the court shall award to the plaintiff reasonable attorney's fees and other litigation costs reasonably incurred.

(4)(a) A person who violates subsection (2) of this section shall be subject to a civil penalty of not more than ten thousand dollars per violation. The Attorney General or a county attorney may seek recovery of such civil penalties in a civil action.

(b) The Attorney General or a county attorney may also bring a civil action against a person who violates subsection (2) of this section to restrain or enjoin such violation and for such other equitable relief as the court deems appropriate to carry out the purposes of this section.

(c) If the Attorney General or county attorney prevails in an action brought under this subsection, the court shall award to the Attorney General or county attorney reasonable attorney's fees and other litigation costs reasonably incurred.

(d) Any civil penalties collected under this section shall be remitted to

the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(5) Any violation of subsection (2) of this section shall, additionally and separately, constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act.

(6) This section shall not be construed to affect the liability for any action that otherwise violates the Uniform Deceptive Trade Practices Act.

**Sec. 9.** Section 26-102, Revised Statutes Supplement, 2025, is amended to read:

26-102 For purposes of the Protection Orders Act:

(1) Abuse has the same meaning as in section 42-903;

(2) Family or household members has the same meaning as in section 42-903;

(3) Harass has the same meaning as in section 28-311.02;

(4) Household pet means any animal maintained for companionship or pleasure but does not include any animal kept primarily for commercial purposes or for consumption or any livestock animal as defined in section 54-902;

(5) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(6) Sexual assault offense means:

(a) Conduct amounting to sexual assault under section 28-319 or 28-320, sexual abuse by a school worker under section 28-316.01, sexual assault of a child under section 28-319.01 or 28-320.01, a violation of section 28-311.08, or an attempt to commit any of such offenses; or

(b) Subjecting or attempting to subject another person to sexual contact or sexual penetration without such person's consent, as such terms are defined in section 28-318.

**Sec. 10.** Section 26-114, Revised Statutes Supplement, 2025, is amended to read:

26-114 (1)(a) Upon the issuance of a temporary ex parte protection order or final protection order, the clerk of the court shall forthwith provide, free

of charge:

(i) The petitioner with two certified copies of such order;

(ii) The local police department or local law enforcement agency and the local sheriff's office with one copy each of such order and one copy each of the sheriff's return thereon; and

(iii) A copy of the protection order to the sheriff's office in the county where the respondent may be personally served, together with instructions for service.

(b) Upon receipt of the order and instructions for service, the sheriff's office in the county where the respondent may be personally served shall forthwith serve the protection order upon the respondent and file its return thereon with the clerk of the court which issued the protection order within fourteen days of the issuance of the protection order.

(2) If any protection order is dismissed or modified by the court, the clerk of the court shall forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification.

(3) Any document required to be provided under this section, including certified copies of protection orders, may be provided electronically.

(4) If the respondent was present at a hearing convened pursuant to section 26-108 or 26-109 and the court entered a final protection order at such hearing, the respondent shall be deemed to have notice of the protection order and further service of notice described in this section is not required for purposes of prosecution under section 26-118.

**Sec. 11.** Section 27-804, Reissue Revised Statutes of Nebraska, is amended to read:

27-804 (1) Unavailability as a witness includes situations in which the declarant:

(a) Is exempted by ruling of the judge on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or

(b) Persists in refusing to testify concerning the subject matter of the

declarant's statement despite an order of the judge to do so; or

(c) Testifies to lack of memory of the subject matter of the declarant's statement; or

(d) Is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(e) Is absent from the hearing and the proponent of the declarant's statement has been unable to procure the declarant's attendance by process or other reasonable means.

A declarant is not unavailable as a witness if the declarant's exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of the declarant's statement for the purpose of preventing the declarant from attending or testifying.

(2) Subject to the provisions of section 27-403, the following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(a) Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or a different proceeding, at the instance of or against a party with an opportunity to develop the testimony by direct, cross, or redirect examination, with motive and interest similar to those of the party against whom now offered;

(b) A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be the declarant's impending death;

(c) A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless such person believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement;

(d)(i) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (ii) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared;

(e) A statement offered against a party that wrongfully caused, or intentionally aided another in wrongfully causing, the declarant's unavailability as a witness, and did so intending that result; or

(f) A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (i) the statement is offered as evidence of a material fact, (ii) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts, and (iii) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party, sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant.

**Sec. 12.** Section 28-101, Revised Statutes Supplement, 2025, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701 and sections 13 to 16, 23, and 24 of this act shall be known and may be cited as the Nebraska Criminal Code.

**Sec. 13.** For purposes of sections 13 to 16 of this act:

(1) Business entity means any form of corporation, company, partnership, association, cooperative, joint venture, business trust, or sole proprietorship

that conducts business in this state;

(2) Mobile tracking device means any physical device, digital application, software, firmware, account setting, or technological configuration that is used to collect, transmit, record, or disclose information regarding the position or movement of an individual;

(3) Private investigator means a person licensed under sections 71-3201 to 71-3213;

(4) Protection order means any protection order issued or recognized under the Protection Orders Act;

(5) Senior adult has the same meaning as in section 28-366.01; and

(6) Vulnerable adult has the same meaning as in section 28-371.

**Sec. 14.** (1) Except as otherwise provided in section 15 of this act, a person shall not knowingly:

(a) Install a mobile tracking device on another person's property without the other person's consent;

(b) Cause a mobile tracking device to track the position or movement of another person or another person's property without the other person's consent;  
or

(c) Fail to remove or ensure the removal of a mobile tracking device that has been installed on another person's property with such person's consent when such consent has been revoked.

(2) For purposes of this section, if a person has given consent for another person to install a mobile tracking device on the consenting person's property, such consent shall be deemed to have been revoked if any of the following applies:

(a) The consenting person communicates to the person to whom consent was given that such consent is revoked;

(b) The consenting person and the person to whom consent was given are married and one of them files an action for divorce, annulment, or separate maintenance; or

(c) The consenting person receives a protection order against the person

to whom consent was given. Revocation under this subdivision (2)(c) is effective when the person to whom consent was given has notice of such protection order.

**Sec. 15.** Section 14 of this act does not apply to any of the following:

(1) A mobile tracking device installed and used in compliance with sections 86-271 to 86-2,115;

(2) A mobile tracking device installed and used pursuant to a court order, including, but not limited to, as a condition of pretrial release, probation, parole, or post-release supervision;

(3) A parent or legal guardian of a minor child who installs or uses a mobile tracking device to track the minor child if any of the following applies:

(a) The parents or legal guardians of the child are lawfully married to each other and are not separated or otherwise living apart, and either of those parents or legal guardians consents to the installation of the tracking device or tracking application;

(b) The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child;

(c) The parent or legal guardian of the child has sole custody of the child; or

(d) The parents or legal guardians of the child are divorced, separated, or otherwise living apart and neither parent has sole custody of the child, and both consent to the installation of the mobile tracking device;

(4) A caregiver of a vulnerable adult or senior adult, if such adult's treating physician certifies that the installation or use of a mobile tracking device on such adult's property is necessary to ensure the safety of such adult;

(5) A person acting in good faith on behalf of a business entity for a legitimate business purpose or a governmental entity for a legitimate government purpose. This subdivision (5) does not apply to a private investigator;

(6)(a) A private investigator who is acting in the normal course of the business of private investigation on behalf of another person and who has the consent of the owner of the property upon which the mobile tracking device is installed, for the purpose of obtaining information with reference to any of the following:

(i) Criminal offenses committed, threatened, or suspected against the United States, a territory of the United States, a state, or any person or legal entity;

(ii) Locating an individual known to be a fugitive from justice;

(iii) Locating lost or stolen property or other assets that have been awarded by the court; or

(iv) Investigating claims related to workers' compensation.

(b) This subdivision (6) does not apply if the person on whose behalf the private investigator is working is the subject of a protection order or if the private investigator knows or reasonably should know that the person on whose behalf the private investigator is working seeks the investigator's services to aid in the commission of a crime;

(7) An owner or lessee of a motor vehicle who installs, or directs the installation of, a mobile tracking device on the motor vehicle during the period of ownership or lease, if any of the following applies:

(a) The mobile tracking device is removed before the motor vehicle's title is transferred or the motor vehicle's lease expires;

(b) The new owner of the motor vehicle, in the case of a sale, or the lessor of the motor vehicle, in the case of an expired lease, consents in writing to the nonremoval of the mobile tracking device; or

(c) The owner of the motor vehicle at the time of the installation of the mobile tracking device was the original manufacturer of the motor vehicle; or

(8) A person or business entity that installs a mobile tracking device on any fixed-wing aircraft or rotorcraft operated or managed by the person or business entity pursuant to 14 C.F.R. part 91 or part 135 to track the position or movement of the fixed-wing aircraft or rotorcraft.

**Sec. 16.** A violation of section 14 of this act is a Class IIIA felony.

**Sec. 17.** Section 28-311.02, Revised Statutes Supplement, 2025, is amended to read:

28-311.02 (1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections 28-311.02 to 28-311.05:

(a) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

(b) Family or household member has the same meaning as in section 42-903; and

(c) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.

**Sec. 18.** Section 28-311.04, Revised Statutes Supplement, 2025, is amended to read:

28-311.04 A violation of section 28-311.03 is a Class IIIA felony.

**Sec. 19.** Section 28-311.08, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-311.08 (1) It shall be unlawful for any person to knowingly intrude upon any other person without his or her consent in a place of solitude or seclusion. Violation of this subsection is a Class I misdemeanor. A second or subsequent violation of this subsection is a Class IV felony.

(2) It shall be unlawful for any person to knowingly and intentionally photograph, film, or otherwise record an image or video of the intimate area of

any other person without his or her knowledge and consent when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place. Violation of this subsection is a Class IV felony.

(3) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person recorded in violation of subsection (2) of this section without that person's consent. A first or second violation of this subsection is a Class IIA felony. A third or subsequent violation of this subsection is a Class II felony.

(4) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct (a) if the other person had a reasonable expectation that the image would remain private, (b) knowing the other person did not consent to distributing or making public the image or video, and (c) if distributing or making public the image or video serves no legitimate purpose. Violation of this subsection is a Class I misdemeanor. A second or subsequent violation of this subsection is a Class IV felony.

(5) It shall be unlawful for any person to threaten to distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct with the intent to intimidate, threaten, or harass any person. Violation of this subsection is a Class I misdemeanor.

(6) As part of sentencing following a conviction for a violation of subsection (1), (2), or (3) of this section, the court shall make a finding as to the ages of the defendant and the victim at the time the offense occurred. If the defendant is found to have been nineteen years of age or older and the victim is found to have been less than eighteen years of age at such time, then the defendant shall be required to register under the Sex Offender Registration Act.

(7) No person shall be prosecuted under this section unless the indictment

for such offense is found by a grand jury or a complaint filed before a magistrate within three years after the later of:

(a) The commission of the crime;

(b) Law enforcement's or a victim's receipt of actual or constructive notice of either the existence of a video or other electronic recording made in violation of this section or the distribution of images, video, or other electronic recording made in violation of this section; or

(c) The youngest victim of a violation of this section reaching the age of twenty-one years.

(8) For purposes of this section:

(a) Intimate area means the naked or undergarment-clad genitalia, pubic area, buttocks, or female breast of an individual;

(b) Intrude means either:

(i) Viewing another person in a state of undress as it is occurring, whether directly or through electronic or other remote means, including, but not limited to, by unmanned aircraft; or

(ii) Recording another person in a state of undress by video, photographic, digital, or other electronic means including, but not limited to, by unmanned aircraft;

(c) Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room; and

(d) Unmanned aircraft means an aircraft, including an aircraft commonly known as a drone, which is operated without the possibility of direct human intervention from within or on the aircraft.

**Sec. 20.** Section 28-358.01, Revised Statutes Supplement, 2025, is amended to read:

28-358.01 (1) Isolation means intentional acts (a) committed for the purpose of preventing, and which do prevent, a vulnerable adult or senior adult

from having contact with family, friends, or concerned persons; (b) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls; (c) of physical or chemical restraint of a vulnerable adult or senior adult committed for purposes of preventing contact with visitors, family, friends, or other concerned persons; or (d) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons.

(2) Isolation does not include (a) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult; (b) action taken in compliance with a protection order issued under the Protection Orders Act, a valid foreign protection order recognized pursuant to section 26-123 or 26-124, or an order excluding a person from certain premises issued pursuant to section 42-357; (c) action authorized by an administrator of a nursing home pursuant to section 71-6021; or (d) action taken in compliance with a no-contact period required under section 27 of this act.

**Sec. 21.** Section 28-1205, Revised Statutes Supplement, 2025, is amended to read:

28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of use of a deadly weapon to commit a felony.

(b) Use of a deadly weapon, other than a firearm, to commit a felony is a Class II felony.

(c) Use of a deadly weapon, which is a firearm, to commit a felony is a Class IC felony.

(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.

(b) Possession of a deadly weapon, other than a firearm, during the

commission of a felony is a Class III felony.

(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a Class II felony.

(3)(a) Any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor.

(b) A violation of this subsection is a:

(i) Class I misdemeanor for a first or second offense; and

(ii) A Class IV felony for any third or subsequent offense.

(4) A violation of this section shall be treated as a separate and distinct offense from the underlying crimes being committed, and a sentence imposed under this section shall be consecutive to any other sentence imposed.

(5) Possession of a deadly weapon may be proved through evidence demonstrating either actual or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.

(6) For purposes of this section:

(a) Dangerous misdemeanor means a misdemeanor violation of any of the following offenses:

(i) Knowing violation of any protection order issued under the Protection Orders Act;

(ii) Domestic assault under section 28-323;

(iii) Assault of an unborn child in the third degree under section 28-399;

(iv) Theft by shoplifting under section 28-511.01;

(v) Unauthorized use of a propelled vehicle under section 28-516;

(vi) Criminal mischief under section 28-519 if such violation arises from an incident involving the commission of a misdemeanor crime of domestic violence;

(vii) Impersonating a police officer under section 28-610;

(viii) Resisting arrest under section 28-904;

(ix) Operating a motor vehicle or vessel to avoid arrest under section

28-905;

(x) Obstructing a peace officer under section 28-906; or

(xi) Any attempt under section 28-201 to commit an offense described in subdivisions (6)(a)(i) through (x) of this section;

(b) Destructive device has the same meaning as in section 28-1213;

(c) Misdemeanor crime of domestic violence has the same meaning as in section 28-1206; and

(d) Use of a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

**Sec. 22.** Section 28-1206, Revised Statutes Supplement, 2025, is amended to read:

28-1206 (1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she:

(a) Possesses a firearm, a knife, or brass or iron knuckles and he or she:

(i) Has previously been convicted of a felony;

(ii) Is a fugitive from justice;

(iii) Is the subject of a current and valid protection order issued under the Protection Orders Act or a current and valid foreign protection order recognized under section 26-123 or 26-124 and is knowingly violating such order; or

(iv) Is on probation pursuant to a deferred judgment for a felony under section 29-2292 or 29-4803; or

(b) Possesses a firearm or brass or iron knuckles and he or she has been convicted within the past seven years of a misdemeanor crime of domestic

violence.

(2) The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3)(a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.

(b) Possession of a deadly weapon which is a firearm by a prohibited person is a Class ID felony for a first offense and a Class IB felony for a second or subsequent offense.

(4) Subdivision (1)(a)(i) of this section shall not prohibit:

(a) Possession of archery equipment for lawful purposes; or

(b) If in possession of a recreational license, possession of a knife for purposes of butchering, dressing, or otherwise processing or harvesting game, fish, or furs.

(5)(a) For purposes of this section, misdemeanor crime of domestic violence means a crime that:

(i) Is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;

(ii) Has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and

(iii) Is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in section 28-323.

(b) For purposes of this section, misdemeanor crime of domestic violence also includes the following offenses, if committed by a person against his or her spouse, his or her former spouse, a person with whom he or she is or was involved in a dating relationship as defined in section 28-323, or a person with whom he or she has a child in common whether or not they have been married or lived together at any time:

- (i) Assault in the third degree under section 28-310;
- (ii) False imprisonment in the second degree under section 28-315;
- (iii) First offense domestic assault in the third degree under subsection (1) of section 28-323; or

- (iv) Any attempt or conspiracy to commit any of such offenses.

(c) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless:

- (i) The person was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and

- (ii) In the case of a prosecution for a misdemeanor crime of domestic violence for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:

- (A) The case was tried to a jury; or

- (B) The person knowingly and intelligently waived the right to have the case tried to a jury.

(6) In addition, for purposes of this section:

(a) Archery equipment means:

- (i) A longbow, recurve bow, compound bow, or nonelectric crossbow that is drawn or cocked with human power and released by human power; and

- (ii) Target or hunting arrows, including arrows with broad, fixed, or removable heads or that contain multiple sharp cutting edges; and

(b) Recreational license means a state-issued license, certificate, registration, permit, tag, sticker, or other similar document or identifier evidencing permission to hunt, fish, or trap for furs in the State of Nebraska.

**Sec. 23.** (1) For purposes of this section:

(a) Restricted area means an area of airspace within the state that:

- (i) The Federal Aviation Administration has determined to be a restricted area, either by way of a Notice to Airmen, Temporary Flight Restriction, No Drone Zone, or other means; or

- (ii) Is classified as a Class B, C, or D airspace by the Federal Aviation Administration, as such classifications existed on January 1, 2026; and

(b) Unmanned aircraft means an aircraft, including an aircraft commonly known as a drone, which is operated without the possibility of direct human intervention from within or on the aircraft.

(2) Anyone who launches, operates, or causes to be launched or operated, any unmanned aircraft system within the state shall present, immediately upon request by any peace officer, a current certificate of aircraft registration issued by the Federal Aviation Administration or a registered identification number for the unmanned aircraft system.

(3) Except as provided in subsection (4) of this section, no person shall launch, operate, or cause to be launched or operated, any unmanned aircraft system in any restricted area unless such person:

(a) Has received approval from the Federal Aviation Administration to operate an unmanned aircraft system in the restricted area and is complying with all terms and conditions of such approval; and

(b) Prior to such operation, the person has notified all state, county, and municipal law enforcement agencies with jurisdiction in the area that the person will be operating an unmanned aircraft in the restricted area and that such person has approval from the Federal Aviation Administration for such operation.

(4) Subsection (3) of this section does not apply to commercial operation of an unmanned aircraft system when:

(a) The operator holds a remote pilot certificate from the Federal Aviation Administration under 14 C.F.R. part 107;

(b) The unmanned aircraft does not enter any restricted area described in subdivision (1)(a)(i) of this section; and

(c) The operator has received approval for such operation from the Federal Aviation Administration.

(5) A violation of this section is a Class III misdemeanor.

**Sec. 24.** (1) A person commits the offense of swatting if such person:

(a) Knowingly makes, causes to be made, or directs a false or misleading report of criminal activity or a need for emergency medical services or

assistance from firefighters;

(b) Such report is made to a law enforcement agency, public safety answering point, or any other emergency response organization;

(c) The person knows or reasonably should know the report is false or misleading; and

(d) The report results in the dispatch of law enforcement, firefighters, or emergency response personnel.

(2) An offense under this section may be committed by any means of communication, including, but not limited to, direct communication, electronic communication, communication through a third party, or the use of automated or digital systems.

(3)(a) Except as otherwise provided in this subsection, a violation of this section is a Class I misdemeanor.

(b) A violation of this section is a Class II felony if the violation proximately:

(i) Results in serious bodily injury to any person; or

(ii) Causes a law enforcement officer to deploy or threaten to deploy deadly force.

(c) A violation of this section is a Class IB felony if the violation proximately results in the death of any person, including any law enforcement or emergency response personnel.

(4) Upon conviction for a violation of this section, the court shall, in addition to any other punishment imposed, order the defendant to make restitution, in accordance with sections 29-2280 to 29-2289, for all reasonable costs incurred by any victim of the offense and by any government entity as a result of the violation. Such expenses include, but are not limited to, law enforcement, firefighting, and emergency response personnel costs, tactical or specialized unit deployment, medical treatment, and property damage.

(5) A violation of this section may be prosecuted in the county:

(a) In which the defendant made the false report;

(b) In which the recipient of the false report is located;

- (c) Where the recipient responded to the false report; or
  - (d) Where the harm or risk of harm caused by the violation occurred.
- (6) For purposes of this section:

- (a) Law enforcement agency has the same meaning as in section 81-1401; and
- (b) Public safety answering point has the same meaning as in section 86-1052.

**Sec. 25.** Section 29-2204.02, Reissue Revised Statutes of Nebraska, is amended to read:

29-2204.02 (1) Except when a term of probation is required by law as provided in subsection (2) of this section or except as otherwise provided in subsection (4) of this section, in imposing a sentence upon an offender for a Class III, IIIA, or IV felony, the court shall:

(a) Impose a determinate sentence of imprisonment within the applicable range in section 28-105; and

(b) Impose a sentence of post-release supervision, under the jurisdiction of the Office of Probation Administration, within the applicable range in section 28-105.

(2) If the criminal offense is a Class IV felony, the court shall impose a sentence of probation unless:

(a) The defendant is concurrently or consecutively sentenced to imprisonment for any felony other than another Class IV felony;

(b) The defendant was originally charged with a Class I, IA, IB, IC, ID, II, IIA, III, or IIIA felony;

(c) The defendant has been deemed a habitual criminal pursuant to section 29-2221; or

(d) There are substantial and compelling reasons why the defendant cannot effectively and safely be supervised in the community, including, but not limited to, the criteria in subsections (2) and (3) of section 29-2260. Unless other reasons are found to be present, that the offender has not previously succeeded on probation is not, standing alone, a substantial and compelling reason.

(3) If a sentence of probation is not imposed, the court shall state its reasoning on the record, advise the defendant of his or her right to appeal the sentence, and impose a sentence as provided in subsection (1) of this section.

(4) For any sentence of imprisonment for a Class III, IIIA, or IV felony for an offense committed on or after August 30, 2015, imposed consecutively or concurrently with (a) a sentence for a Class III, IIIA, or IV felony for an offense committed prior to August 30, 2015, or (b) a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony, the court shall impose an indeterminate sentence within the applicable range in section 28-105 that does not include a period of post-release supervision, in accordance with the process set forth in section 29-2204.

(5) For any sentence of imprisonment for a misdemeanor imposed consecutively or concurrently with a sentence of imprisonment for a Class III, IIIA, or IV felony for an offense committed on or after August 30, 2015, the court shall impose a determinate sentence within the applicable range in section 28-106 unless the person is also committed to the Department of Correctional Services in accordance with section 29-2204 for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony committed prior to August 30, 2015, or (b) a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony.

(6) If the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

(7)(a) When imposing a determinate sentence upon an offender under this section, the court shall:

(i) Advise the offender on the record the time the offender will serve on his or her term of imprisonment before his or her term of post-release supervision assuming that no good time for which the offender will be eligible is lost;

(ii) Advise the offender on the record the time the offender will serve on his or her term of post-release supervision; and

(iii) When imposing a sentence following revocation of post-release supervision, advise the offender on the record the time the offender will serve on his or her term of imprisonment, including credit for time served, assuming that no good time for which the offender will be eligible is lost.

(b) If a period of post-release supervision is required but not imposed by the sentencing court, the term of post-release supervision shall be the minimum provided by law.

(c) If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(d) If the offender has been sentenced to two or more determinate sentences and one or more terms of post-release supervision, the offender shall serve all determinate sentences before being released on post-release supervision.

**Sec. 26.** For purposes of sections 26 to 32 of this act:

(1) Domestic assault offense means any offense under section 28-323;

(2) Law enforcement agency has the same meaning as in section 81-1401;

(3) Law enforcement officer has the same meaning as in section 81-1401;

(4) No-contact period means the period of time that:

(a) Begins when a person is arrested for a domestic assault offense or sexual assault offense; and

(b) Ends at 11:59 p.m. on the third day after the date of such arrest. If such third day is a Saturday, a Sunday, or a day during which the offices of courts of record may be legally closed as provided in section 25-2221, the no-contact period shall end at 11:59 p.m. on the next day on which such offices will be open;

(5) Sexual assault offense means:

(a) A felony violation of section 28-316.01, 28-319, 28-319.01, 28-320, or

28-320.01 or an attempt to commit any such violation; or

(b) Any other felony that involves subjecting or attempting to subject another person to sexual contact or sexual penetration without such person's consent, as such terms are defined in section 28-318; and

(6) Victim means the person alleged to have been the victim of a domestic assault offense or sexual assault offense.

**Sec. 27.** Unless the victim has provided a waiver under section 28 of this act, when a person is arrested for a domestic assault offense or sexual assault offense, the person shall, for the duration of the no-contact period:

(1) Not contact the victim;

(2) Avoid the residence of the victim and, if applicable, any premises temporarily occupied by the victim; and

(3) Avoid causing any person, other than law enforcement officers and attorneys for the arrested person and victim, to contact the victim.

**Sec. 28.** (1) A victim may waive the no-contact period by signing the written waiver in the form provided for in section 29 of this act.

(2) Additionally, at any time during the no-contact period, a victim may waive the no-contact period by contacting the law enforcement agency of the arresting officer, signing a written waiver form, and providing such form to the agency.

**Sec. 29.** (1) When a law enforcement officer arrests a person for a domestic assault offense or a sexual assault offense, the officer shall, if possible, provide the victim with a printed advisement. Such printed advisement shall include a statement in substantially the following form:

Under Nebraska law, [name of person arrested] is required to avoid contact with you until [date and time of expiration of no-contact period]. [Name of person arrested] is also not allowed to cause any other person to contact you, other than their attorney, your attorney, or a law enforcement officer.

You may agree to waive this protection, and allow [name of person arrested] to contact you. You may do so now by signing this form and returning it to the law enforcement officer. You may also do so later by contacting the

officer's law enforcement agency and filling out a written form they will provide.

If you wish to seek continuing protection after [date and time of expiration], you must apply for a protection order from the court. You may seek the advice of an attorney about any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application.

(2) Such form may be provided as a separate document or included as part of another document provided to the victim.

(3) Such form may include any other matters as prescribed by the State Court Administrator.

(4) The State Court Administrator shall develop the form required under this section and the written waiver form described in subsection (2) of section 28 of this act. The administrator shall develop forms in English and may develop forms for other languages spoken by Nebraska residents.

**Sec. 30.** (1)(a) If a person arrested for a domestic assault offense or sexual assault offense is released from custody prior to the expiration of the no-contact period, the person shall be advised of the restrictions of the no-contact period and the penalties under section 31 of this act for violating such restrictions. Such advisement shall be provided orally and in writing.

(b) Such advisement may be provided by a law enforcement officer, a judge, a jail official, or a designee of any such person.

(c) The arrested person shall sign a written acknowledgment stating that such person has received the advisements required by this subsection, understands the restrictions of the no-contact period, and understands the penalties for violating such restrictions.

(d) If the arrested person refuses to sign the acknowledgment, such person shall not be released from custody until after expiration of the no-contact period.

(2) Any statements or information provided by an arrested person while he or she is being given the advisements required by subsection (1) of this

section shall not be admissible in any proceeding, except for a proceeding relating to a violation of section 27 of this act.

(3) Subsection (1) of this section does not apply if:

(a) The victim provides a waiver as provided in section 28 of this act; or

(b) The court orders the discharge of the arrested person under section 29-506 after finding that no domestic assault offense or sexual assault offense has been committed or that there is no probable cause for holding the person to answer for the offense.

**Sec. 31.** (1) Except as provided in subsection (2) of this section, a person who knowingly violates section 27 of this act shall be guilty of an offense and punished as follows:

(a) For a first violation of such section, such person shall be guilty of a Class I misdemeanor; and

(b) For a second or subsequent violation of such section, such person shall be guilty of a Class IV felony.

(2) A person shall not be prosecuted for a violation of section 27 of this act if the person was released from custody during the no-contact period without being given the advisements and without signing the acknowledgment required under section 30 of this act.

**Sec. 32.** A law enforcement officer shall, with or without a warrant, arrest a person if the officer has probable cause to believe that the person has committed a violation of section 27 of this act.

**Sec. 33.** Section 29-4103, Reissue Revised Statutes of Nebraska, is amended to read:

29-4103 For purposes of the DNA Identification Information Act:

(1) Combined DNA Index System means the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;

(2) DNA means deoxyribonucleic acid which is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;

(3) DNA record means the DNA identification information stored in the State DNA Database or the Combined DNA Index System which is derived from DNA typing test results;

(4) DNA sample means a blood, tissue, or bodily fluid sample provided by any person covered by the DNA Identification Information Act for analysis or storage, or both;

(5) DNA typing tests means the laboratory procedures which evaluate the characteristics of a DNA sample which are of value in establishing the identity of an individual;

(6) Law enforcement agency includes a police department, a town marshal, a county sheriff, and the Nebraska State Patrol;

(7) Other specified offense means:

(a) False imprisonment in the second degree pursuant to section 28-315; or

(b) An attempt, conspiracy, or solicitation to commit any of the following offenses: False imprisonment in the first degree pursuant to section 28-314, false imprisonment in the second degree pursuant to section 28-315, knowing and intentional sexual abuse of a vulnerable adult or senior adult pursuant to subdivision (1)(c) of section 28-386, or a violation of the Sex Offender Registration Act pursuant to section 29-4011; and

(8) Released means any release, parole, furlough, work release, prerelease, or release in any other manner from a prison, a jail, or any other detention facility or institution.

**Sec. 34.** Section 29-4315, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-4315 (1) Upon an initial interaction with a victim relating to or arising from a sexual assault of such victim, a health care provider or peace officer, and in the case of a victim under eighteen years of age, the Department of Health and Human Services, shall provide the victim with information that explains the rights of victims under the Sexual Assault Victims' Bill of Rights Act and other relevant law. The information shall be presented in clear language that is comprehensible to a person proficient in

English at the fifth grade level, accessible to persons with visual disabilities, and available in all major languages spoken in this state. This information shall include, but not be limited to:

(a) A clear statement that a victim is not required to participate in the criminal justice system or to undergo a medical evidentiary or physical examination in order to retain the rights provided by the act and other relevant law;

(b) Contact information for appropriate services provided by professionals in the fields of domestic violence and sexual assault, including advocates;

(c) State and federal relief available to victims of crime;

(d) Law enforcement protection available to the victim, including:

(i) No-contact periods under sections 26 to 32 of this act; and

(ii) Domestic violence protection orders, harassment protection orders, and sexual assault protection orders and the process to obtain such protection;

(e) Instructions for requesting information regarding the victim's sexual assault forensic evidence as provided in section 29-4313; and

(f) State and federal compensation funds for medical and other costs associated with the sexual assault and information on any municipal, state, or federal right to restitution for a victim in the event of a conviction.

(2) The information to be provided under subsection (1) of this section shall be developed by the Attorney General and the Nebraska Commission on Law Enforcement and Criminal Justice with input from prosecutors, sexual assault victims, and organizations with a statewide presence with expertise on domestic violence, sexual assault, and child sexual assault.

(3) The information to be provided under subsection (1) of this section shall be made available for viewing and download on the websites of the Department of Health and Human Services and the Nebraska Commission on Law Enforcement and Criminal Justice. Other relevant state agencies are also encouraged to make such information available on their websites.

**Sec. 35.** (1) In addition to all other court costs assessed according to law, a state docket fee shall be taxed as costs in each civil cause of action

or traffic misdemeanor or infraction filed in the district courts and county courts in the following dollar amounts:

Case Category	State Docket Fee
Civil cause of action (district court)	45.00
Civil cause of action (county court) when the amount in controversy is:	
\$1,500 or less	No fee
\$1,500.01 to \$7,500.00	10.00
\$7,500.01 or more	20.00
Dissolution	26.00
Traffic misdemeanor or infraction	36.00
Small claims	16.00

(2) The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of the month. The State Treasurer shall credit the fees to the General Fund.

(3) Notwithstanding section 29-2709, Title IV-D status, or the in forma pauperis status of any litigant, a county, city, or village shall not be required to pay the state docket fee in any case.

**Sec. 36.** In addition to all other court costs assessed according to law, a case management systems software fee of ten dollars shall be taxed as costs in each civil cause of action or traffic misdemeanor or infraction filed in the district courts and county courts. The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of the month. The State Treasurer shall credit the fees to the Case Management Systems Software Cash Fund.

**Sec. 37.** (1) The Case Management Systems Software Cash Fund is created. The State Court Administrator shall administer the fund. The fund shall consist of money remitted pursuant to section 36 of this act. The Supreme Court may use the fund to aid in defraying the costs of purchasing, implementing, and maintaining electronic case management systems.

(2) Any money in the fund available for investment shall be invested by

the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**Sec. 38.** Section 42-371, Reissue Revised Statutes of Nebraska, is amended to read:

42-371 Under the Uniform Interstate Family Support Act and sections 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

(1)(a) Except as provided in subdivision (1)(b) of this section, all judgments and orders for payment of money shall be liens, as in other actions, upon real property and any personal property registered with any county office and may be enforced or collected by execution and the means authorized for collection of money judgments.

(b) A judgment or order for payment of child support or spousal support creates a lien upon the real or personal property of the judgment debtor which attaches when the payment is due and extinguishes when the payment is made.

(c) For purposes of this section, a current child support or spousal support order payment history from the Title IV-D Division of the Department of Health and Human Services or spousal support order payment history from the clerk of the district court setting forth evidence that all support payments are current, and have been made as ordered for the previous twelve-month period or the total length of time the order has been in effect, whichever is shorter, is prima facie evidence that such payments are in fact current and such evidence operates to release the lien described in subdivision (1)(b) of this section for purposes of transferring a specific parcel of real property;

(2) The judgment creditor may execute a partial or total release of the judgment or a document subordinating the lien of the judgment to any other lien, generally or on specific real or personal property.

Release of a judgment for child support or spousal support or subordination of a lien of a judgment for child support or spousal support may, if all such payments are current and not delinquent or in arrears, be released or subordinated by a release or subordination document executed by the judgment creditor, and such document shall be sufficient to remove or subordinate the

lien. A properly executed, notarized release or subordination document explicitly reciting that all child support payments or spousal support payments are current is prima facie evidence that such payments are in fact current. For purposes of this section, any delinquency or arrearage of support payments shall be determined as provided in subsection (2) of section 42-358.02;

(3) If a judgment creditor refuses to execute a release of the judgment or subordination of a lien as provided in subdivision (2) of this section or the support payments are not current, the person desiring such release or subordination may file an application for the relief desired in the court which rendered the original judgment. A copy of the application and a notice of hearing shall be served on the judgment creditor either personally or by registered or certified mail no later than ten days before the date of hearing. If the court finds that the release or subordination is not requested for the purpose of avoiding payment and that the release or subordination will not unduly reduce the security, the court may issue an order releasing real or personal property from the judgment lien or issue an order subordinating the judgment lien. As a condition for such release or subordination, the court may require the posting of a bond with the clerk in an amount fixed by the court, guaranteeing payment of the judgment. If the court orders a release or subordination, the court may order a judgment creditor who, without a good faith reason, refused to execute a release or subordination to pay the judgment debtor's court costs and attorney's fees involved with the application brought under this subdivision. A showing that all support payments are current shall be evidence that the judgment creditor did not have a good faith reason to refuse to execute such release or subordination. For purposes of this section, a current certified copy of support order payment history from the Title IV-D Division of the Department of Health and Human Services setting forth evidence that all support payments are current is prima facie evidence that such payments are in fact current and is valid for thirty days after the date of certification;

(4) Full faith and credit shall be accorded to a lien arising by operation

of law against real and personal property for amounts overdue relating to a support order owed by a judgment debtor or obligor who resides or owns property in this state when another state agency, party, or other entity seeking to enforce such lien complies with the procedural rules relating to the filing of the lien in this state. The state agency, party, or other entity seeking to enforce such lien shall send a certified copy of the support order with all modifications, the notice of lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E), and the appropriate fee to the clerk of the district court in the jurisdiction within this state in which the lien is sought. Upon receiving the appropriate documents and fee, the clerk of the district court shall accept the documents filed and such acceptance shall constitute entry of the foreign support order for purposes of this section only. Entry of a lien arising in another state pursuant to this section shall result in such lien being afforded the same treatment as liens arising in this state. The filing process required by this section shall not be construed as requiring an application, complaint, answer, and hearing as might be required for the filing or registration of foreign judgments under the Nebraska Uniform Enforcement of Foreign Judgments Act or the Uniform Interstate Family Support Act;

(5) Support order judgments shall cease to be liens on real or registered personal property ten years from the date (a) the youngest child becomes of age or dies or (b) the most recent execution was issued to collect the judgment, whichever is later, and such lien shall not be reinstated;

(6) Alimony and property settlement award judgments, if not covered by subdivision (5) of this section, shall cease to be a lien on real or registered personal property ten years from the date (a) the judgment was entered, (b) the most recent payment was made, or (c) the most recent execution was issued to collect the judgment, whichever is latest, and such lien shall not be reinstated;

(7) The court may in any case, upon application or its own motion, after notice and hearing, order a person required to make payments to post sufficient security, bond, or other guarantee with the clerk to insure payment of both

current and any delinquent amounts. Upon failure to comply with the order, the court may also appoint a receiver to take charge of the debtor's property to insure payment. Any bond, security, or other guarantee paid in cash may, when the court deems it appropriate, be applied either to current payments or to reduce any accumulated arrearage;

(8)(a) The lien of a mortgage or deed of trust which secures a loan, the proceeds of which are used to purchase real property, and (b) any lien given priority pursuant to a subordination document under this section shall attach prior to any lien authorized by this section. Any mortgage or deed of trust which secures the refinancing, renewal, or extension of a real property purchase money mortgage or deed of trust shall have the same lien priority with respect to any lien authorized by this section as the original real property purchase money mortgage or deed of trust to the extent that the amount of the loan refinanced, renewed, or extended does not exceed the amount used to pay the principal and interest on the existing real property purchase money mortgage or deed of trust, plus the costs of the refinancing, renewal, or extension; and

(9) Any lien authorized by this section against personal property registered with any county consisting of a motor vehicle or mobile home shall attach upon notation of the lien against the motor vehicle or mobile home certificate of title and shall have its priority established pursuant to the terms of section 60-164 or a subordination document executed under this section.

**Sec. 39.** Section 42-927, Revised Statutes Supplement, 2025, is amended to read:

42-927 All law enforcement agencies in the state shall provide officers employed by them with an education and training program designed to inform the officers of the problems of domestic abuse, procedures to deal with such problems, no-contact periods under sections 26 to 32 of this act, the Protection from Domestic Abuse Act, the Protection Orders Act, and the services and facilities available to abused family and household members.

**Sec. 40.** Section 43-1409, Reissue Revised Statutes of Nebraska, is amended to read:

43-1409 (1) The signing of a notarized acknowledgment, whether under section 43-1408.01 or otherwise, by the alleged father shall create a rebuttable presumption of paternity as against the alleged father.

(2) The signed, notarized acknowledgment is subject to the right of any signatory to rescind the acknowledgment within the earlier of (a) sixty days or (b) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order in which the signatory is a party.

(3)(a) After the rescission period, a signed, notarized acknowledgment is considered a legal finding of paternity. Such legal finding of paternity may be challenged and set aside only:

(i) On the basis of fraud, duress, or material mistake of fact; or

(ii)(A) By a person who has reason to believe he is the biological father of the child, on the basis of scientifically reliable genetic testing that establishes that such person is the biological father of the child and that the acknowledged father is not the biological father of the child. Such genetic testing shall be performed by a laboratory accredited by the College of American Pathologists or any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than those of the college.

(B) A challenge under subdivision (3)(a)(ii)(A) of this section that is filed on or after the operative date of this section shall only be brought by a person who is also seeking to establish paternity in himself. This requirement does not apply to cases pending on the operative date of this section.

(b) In a challenge under this subsection, the burden of proof shall be upon the challenger, and the legal responsibilities, including the child support obligation, of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

(4) Such a signed and notarized acknowledgment or a certified copy or

certified reproduction thereof shall be admissible in evidence in any proceeding to establish support.

(5) Except as otherwise provided in subdivision (3)(a)(ii)(B) of this section, the changes made to this section by this legislative bill apply to actions under sections 43-1401 to 43-1418 that are pending on the operative date of this section and to cases filed on or after such date.

**Sec. 41.** Section 43-1412.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-1412.01 (1) An individual may file a complaint for relief and the court may set aside a final judgment, court order, administrative order, obligation to pay child support, or any other legal determination of paternity if a scientifically reliable genetic test performed in accordance with sections 43-1401 to 43-1418 establishes the exclusion of the individual named as a father in the legal determination. The court shall appoint a guardian ad litem to represent the interest of the child. The filing party shall pay the costs of such test.

(2) A court that sets aside a determination of paternity in accordance with this section shall order completion of a new birth record and may order any other appropriate relief, including setting aside an obligation to pay child support.

(3) No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending complaint for relief from a determination of paternity under this section, but only from the date that notice of the complaint was served on the nonfiling party.

(4) A court shall not grant relief from determination of paternity if the individual named as father:

(a) Completed a notarized acknowledgment of paternity pursuant to section 43-1408.01, unless such acknowledgement has been set aside under subsection (3) of section 43-1409;

(b) Adopted the child; or

(c) Knew that the child was conceived through artificial insemination.

(5) The changes made to this section by this legislative bill apply to actions under sections 43-1401 to 43-1418 that are pending on the operative date of this section and to cases filed on or after such date.

**Sec. 42.** Section 59-1608.04, Revised Statutes Cumulative Supplement, 2024, is amended to read:

59-1608.04 (1) The State Settlement Cash Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. Except as otherwise provided by law, the fund shall consist of all recoveries received pursuant to the Consumer Protection Act, including any money, funds, securities, or other things of value in the nature of civil damages or other payment, except criminal penalties, whether such recovery is by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, or any other payments received on behalf of the state by the Department of Justice and administered by the Attorney General for the benefit of the state or the general welfare of its citizens, but excluding all funds held in a trust capacity where specific benefits accrue to specific individuals, organizations, or governments. The fund may be expended for any allowable legal purposes as determined by the Attorney General. Transfers from the State Settlement Cash Fund may be made at the direction of the Legislature to the Nebraska Capital Construction Fund, the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund, the Nebraska State Patrol Cash Fund, the Financial Literacy Cash Fund, and the General Fund. To provide necessary financial accountability and management oversight, revenue from individual settlement agreements or other separate sources credited to the State Settlement Cash Fund may be tracked and accounted for within the state accounting system through the use of separate and distinct funds, subfunds, or any other available accounting mechanism specifically approved by the Accounting Administrator for use by the Department of Justice. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any

investment earnings from investment of money in the fund shall be credited to the General Fund.

(2) The State Treasurer shall transfer two million five hundred thousand dollars from the State Settlement Cash Fund to the Nebraska Capital Construction Fund on July 1, 2013, or as soon thereafter as administratively possible.

(3) The State Treasurer shall transfer eight hundred seventy-six thousand nine hundred ninety-eight dollars from the State Settlement Cash Fund to the General Fund on or before June 30, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(4) The State Treasurer shall transfer one million seven hundred fifty-six thousand six hundred thirty-nine dollars from the State Settlement Cash Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(5) The State Treasurer shall transfer one hundred twenty-five thousand dollars from the State Settlement Cash Fund to the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund on or before April 30, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(6) The State Treasurer shall transfer one hundred fifty thousand dollars from the State Settlement Cash Fund to the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund on or before July 9, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(7) The State Treasurer shall transfer ten thousand dollars from the State Settlement Cash Fund to the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund on the operative date of this section, or as soon thereafter as administratively possible.

**Sec. 43.** Section 84-941.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-941.01 Potentially disqualifying conviction includes a conviction for:

(1) Criminal attempt as provided in section 28-201, conspiracy as provided in section 28-202, or aiding and abetting as provided in section 28-206, to commit an offense listed in this section;

(2) Murder as provided in sections 28-303 or 28-304;

(3) Manslaughter as provided in section 28-305;

(4) Motor vehicle homicide as provided in section 28-306;

(5) Assault in the first or second degree as provided in sections 28-308 and 28-309;

(6) Terroristic threats as provided in section 28-311.01;

(7) Stalking as provided in section 28-311.03;

(8) A violation relating to mobile tracking devices under section 14 of this act;

(9) Kidnapping as provided in section 28-313;

(10) False imprisonment as provided in sections 28-314 and 28-315;

(11) A sexual act subject to criminal penalties as provided in sections 28-317 to 28-322.05;

(12) Domestic assault as provided in section 28-323;

(13) Robbery as provided in section 28-324;

(14) Arson as provided in sections 28-502, 28-503, and 28-504;

(15) Fraud subject to criminal penalties as provided in sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

(16) Theft as provided in sections 28-511, 28-512, 28-513, and 28-515;

(17) Forgery as provided in sections 28-602 and 28-603;

(18) Incest as provided in section 28-703;

(19) Child abuse as provided in section 28-707;

(20) Human trafficking, labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor as provided in section 28-831;

- (21) False reporting as provided in section 28-907;
- (22) Swatting under section 24 of this act;
- (23) Perjury as provided in section 28-915;
- (24) Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree as provided in section 28-929;
- (25) Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree as provided in section 28-930;
- (26) Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree as provided in section 28-931;
- (27) Assault on an officer, an emergency responder, certain employees, or a health care professional using a motor vehicle as provided in section 28-931.01;
- (28) An offense that has as an element the threat to inflict serious bodily injury as defined in section 28-109 or death on another person, the intentional infliction of serious bodily injury as defined in section 28-109 on another person, or intentionally causing the death of another person;
- (29) An offense for which registration is required under the Sex Offender Registration Act; or
- (30) Any offense under the laws of another jurisdiction that is substantially equivalent to any of the offenses listed in this section.

**Sec. 44.** Section 86-2,103, Reissue Revised Statutes of Nebraska, is amended to read:

86-2,103 (1) A district court may issue a warrant or other order for the installation of a mobile tracking device, and such order may authorize the use of that device within the jurisdiction of the court and outside that jurisdiction if the device is installed in that jurisdiction.

(2) For purposes of this section, mobile tracking device means any:

(a) Electronic or mechanical device which permits the tracking of the movement of a person or object; or

(b) Software program installed on a person's electronic device which permits the tracking of the movement of a person or object.

**Sec. 45.** Sections 35, 36, and 37 of this act become operative on July 1, 2026. Sections 20, 26, 27, 28, 29, 30, 31, 32, 34, 39, and 47 of this act become operative on January 1, 2027. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 33, 38, 42, 43, 44, and 48 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

**Sec. 46.** If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

**Sec. 47.** Original section 29-4315, Revised Statutes Cumulative Supplement, 2024, and sections 28-358.01 and 42-927, Revised Statutes Supplement, 2025, are repealed.

**Sec. 48.** Original sections 7-203, 7-207, 25-824, 25-1802, 25-1804, 27-804, 29-2204.02, 29-4103, 42-371, 84-941.01, and 86-2,103, Reissue Revised Statutes of Nebraska, sections 28-311.08 and 59-1608.04, Revised Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114, 28-101, 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes Supplement, 2025, are repealed.

**Sec. 49.** Original sections 43-1409 and 43-1412.01, Reissue Revised Statutes of Nebraska, are repealed.

**Sec. 50.** Since an emergency exists, this act takes effect when passed and approved according to law.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 935 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the ..... day of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**