

ENGROSSED LEGISLATIVE BILL 965

Introduced by Bostar, 29; Hallstrom, 1.

A BILL FOR AN ACT relating to law; to amend sections 28-322.02, 28-322.03, 28-323, 28-508, 28-610, 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946, 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903, 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01, 28-1205, 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes Supplement, 2025; to change provisions relating to penalties for violations of domestic abuse and sexual abuse protection orders; to prohibit sexual abuse of a probationer or problem solving court participant, sexual abuse by a conservator, guardian, or guardian ad litem, and sexual abuse by a child welfare service provider; to define and redefine terms; to change provisions relating to the elements and penalties for the offense of domestic assault and the penalties for the offense of assault by strangulation or suffocation; to transfer and change provisions relating to sexual abuse of an inmate or parolee; to provide immunity to probation employees for administration of opioid overdose reversal medication; to change provisions relating to the offense of possession of burglar's tools; to change provisions related to the offense of incest; to change the penalty for impersonating a police officer; to provide requirements relating to Brady-Giglio disclosures; to prohibit retaliation; to provide confidentiality for officers; to provide duties for prosecuting agencies and public safety agencies; to require registration under the Sex Offender Registration Act; to require courts to appoint county conflict counsel when the public defender is unavailable as prescribed; to change provisions relating to allowance of fees for counsel; to require courts to consider certain evidence in determining the

best interest of the child; to change offenses included with certain victim notification requirements; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

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

Section 1. Section 26-118, Revised Statutes Supplement, 2025, is amended to read:

26-118 (1) Any person, except the petitioner, who knowingly violates a protection order issued pursuant to the Protection Orders Act, after service or notice as described in subsection (4) of section 26-114, or a valid foreign protection order recognized pursuant to section 26-123 or 26-124, shall be guilty of an offense and punished as provided in this section.

(2) For a violation involving a domestic abuse protection order, a sexual assault protection order, a valid foreign domestic abuse protection order recognized pursuant to section 26-123, or a valid foreign sexual assault protection order recognized pursuant to section 26-124, a violation of this section is a:

- (a) Class I misdemeanor for a first offense;
- (b) Class IV felony for a second offense;
- (c) Class IIIA felony for a third offense; and
- (d) Class IIA felony for any fourth or subsequent offense.

(3) For a violation of a harassment protection order or a valid foreign harassment protection order recognized pursuant to section 26-124, a violation of this section is a Class II misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

Sec. 2. Section 27-404, Revised Statutes Cumulative Supplement, 2024, is amended to read:

27-404 (1) Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that he or she acted in conformity therewith on a particular occasion, except:

- (a) Evidence of a pertinent trait of his or her character offered by an

accused, or by the prosecution to rebut the same;

(b) Evidence of a pertinent trait of character of the victim of the crime offered by an accused or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor. In a sexual assault case, reputation, opinion, or other evidence of past sexual behavior of the victim is governed by section 27-412; or

(c) Evidence of the character of a witness as provided in sections 27-607 to 27-609.

(2) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he or she acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(3) When such evidence is admissible pursuant to this section, in criminal cases evidence of other crimes, wrongs, or acts of the accused may be offered in evidence by the prosecution if the prosecution proves to the court by clear and convincing evidence that the accused committed the crime, wrong, or act. Such proof shall first be made outside the presence of any jury.

(4) Regarding the admissibility in a civil or criminal action of evidence of a person's commission of another offense or offenses of sexual assault under sections 28-316.01 and 28-319 to 28-322.05 and sections 12 and 13 of this act, see sections 27-413 to 27-415.

Sec. 3. Section 27-413, Revised Statutes Supplement, 2025, is amended to read:

27-413 For purposes of sections 27-414 and 27-415, offense of sexual assault means:

- (1) Sexual assault under section 28-319 or 28-320;
- (2) Sexual abuse by a school worker under section 28-316.01;
- (3) Sexual assault of a child under section 28-319.01 or 28-320.01;
- (4) Sexual assault by use of an electronic communication device under

section 28-320.02;

(5) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant under sections 28-322.01 to 28-322.03;

(6) Sexual abuse of a protected individual under section 28-322.04;

(7) Sexual abuse of a detainee under section 28-322.05;

(8) Sexual abuse by a conservator, guardian, or guardian ad litem under section 12 of this act;

(9) Sexual abuse by a child welfare service provider under section 13 of this act;

(10) An attempt or conspiracy to commit any of the crimes listed in this section; or

(11) The commission of or conviction for a crime in another jurisdiction that is substantially similar to any crime listed in this section.

Sec. 4. 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 12 and 13 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 5. Section 28-115, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-115 (1) Except as provided in subsection (2) of this section, any person who commits any of the following criminal offenses against a pregnant woman shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense:

(a) Assault in the first degree, section 28-308;

(b) Assault in the second degree, section 28-309;

(c) Assault in the third degree, section 28-310;

(d) Assault by strangulation or suffocation, section 28-310.01;

(e) Sexual assault in the first degree, section 28-319;

(f) Sexual assault in the second or third degree, section 28-320;

- (g) Sexual assault of a child in the first degree, section 28-319.01;
- (h) Sexual assault of a child in the second or third degree, section 28-320.01;
- (i) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the first degree, section 28-322.02;
- (j) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the second degree, section 28-322.03;
- (k) Sexual abuse of a protected individual in the first or second degree, section 28-322.04;
- (l) Sexual abuse of a detainee in the first or second degree, section 28-322.05;
- (m) Sexual abuse by a conservator, guardian, or guardian ad litem in the first or second degree, section 12 of this act;
- (n) Sexual abuse by a child welfare service provider in the first or second degree, section 13 of this act;
- (o) Domestic assault in the first, second, or third degree, section 28-323;
- (p) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree, section 28-929;
- (q) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree, section 28-930;
- (r) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree, section 28-931;
- (s) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle, section 28-931.01;
- (t) Assault by a confined person, section 28-932;
- (u) Confined person committing offenses against another person, section

28-933; and

(v) Proximately causing serious bodily injury while operating a motor vehicle, section 60-6,198.

(2) The enhancement in subsection (1) of this section does not apply to any criminal offense listed in subsection (1) of this section that is already punishable as a Class I, IA, or IB felony. If any criminal offense listed in subsection (1) of this section is punishable as a Class I misdemeanor, the penalty under this section is a Class IIIA felony.

(3) The prosecution shall allege and prove beyond a reasonable doubt that the victim was pregnant at the time of the offense.

Sec. 6. Section 28-310.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-310.01 (1) A person commits the offense of assault by strangulation or suffocation if the person knowingly and intentionally:

(a) Impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person; or

(b) Impedes the normal breathing of another person by covering the mouth and nose of the person.

(2) An offense is committed under this section regardless of whether a visible injury resulted.

(3) Except as provided in subsection (4) of this section, a violation of this section is a Class IIIA felony.

(4) A violation of this section is a Class IIA felony if:

(a) The person used or attempted to use a dangerous instrument while committing the offense;

(b) The person caused serious bodily injury to the other person while committing the offense; or

(c) The person has been previously convicted:

(i) Of a violation of this section; or

(ii) In any other state or federal court of a criminal offense with essentially the same elements as a violation of this section.

(5) It is an affirmative defense that an act constituting strangulation or suffocation was the result of a legitimate medical procedure.

Sec. 7. Section 28-318, Revised Statutes Supplement, 2025, is amended to read:

28-318 As used in sections 28-317 to 28-322.05 and sections 12 and 13 of this act, unless the context otherwise requires:

(1) Actor means a person accused of sexual assault;

(2) Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;

(3) Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

(4) Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact includes only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact also includes the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual abuse by a school worker under section 28-316.01 or sexual assault of a child under sections 28-319.01 and 28-320.01;

(6) Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical, nonhealth, or nonlaw enforcement purposes.

Sexual penetration shall not require emission of semen;

(7) Victim means the person alleging to have been sexually assaulted;

(8) Without consent means:

(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

Sec. 8. Section 28-322, Revised Statutes Supplement, 2025, is amended to read:

28-322 For purposes of sections 28-322 to 28-322.03:

(1) Department means the Department of Correctional Services;

(2) Inmate means any individual confined in a facility operated by the department or a jail;

(3) Jail means any jail or correctional facility of a city or county;

(4) Office means the Office of Probation Administration;

(5) Parolee means any individual under parole supervision;

(6) Person means:

(a) Any individual employed by the department, including any individual

working in central administration of the department, any individual working under contract with the department, and any individual to whom the department has authorized or delegated control over an inmate or an inmate's activities;

(b) Any individual employed by a jail, including any individual working in central administration of the jail, any individual working under contract with the jail, and any individual to whom the jail has authorized or delegated control over an inmate or an inmate's activities; and

(c) Any individual employed by the office, including, but not limited to:

(i) Any probation officer, chief probation officer, juvenile probation officer, or juvenile intake probation officer, as those terms are defined in section 29-2246; or

(ii) Any individual:

(A) Working in probation administration or for any probation district;

(B) Working within any problem solving court under the purview of the office; or

(C) To whom the office or a problem solving court has authorized or delegated control over a probationer or problem solving court participant, or such person's activities, whether by contract or otherwise;

(7) Probationer means:

(a) Any individual under probation supervision, including, but not limited to, as a result of a sentence of probation or post-release supervision, pursuant to a deferred judgment, or pursuant to the Nebraska Juvenile Code; or

(b) Any individual subject to a presentence or predisposition investigation being completed by the office or subject to a probation intake; and

(8) Problem solving court participant means a criminal defendant or juvenile participating in any problem solving court program.

Sec. 9. Section 28-322.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-322.01 (1) A person commits the offense of sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant if such person

subjects an inmate, a parolee, a probationer, or a problem solving court participant to sexual penetration or sexual contact.

(2) It is not a defense to a charge under this section that the inmate, parolee, probationer, or problem solving court participant consented to such sexual penetration or sexual contact.

(3) An otherwise lawful pat-down or body cavity search by a person is not a violation of this section.

(4) Sexual contact or sexual penetration between spouses is not a violation of this section.

Sec. 10. Section 28-322.02, Reissue Revised Statutes of Nebraska, is amended to read:

28-322.02 Any person who subjects an inmate, a parolee, a probationer, or a problem solving court participant to sexual penetration in violation of section 28-322.01 is guilty of sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the first degree. Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the first degree is a Class IIA felony.

Sec. 11. Section 28-322.03, Reissue Revised Statutes of Nebraska, is amended to read:

28-322.03 Any person who subjects an inmate, a parolee, a probationer, or a problem solving court participant to sexual contact in violation of section 28-322.01 is guilty of sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the second degree. Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the second degree is a Class IIIA felony.

Sec. 12. (1) A conservator, guardian, or guardian ad litem shall not subject any individual whom he or she has been appointed to serve as a conservator, guardian, or guardian ad litem to sexual penetration or sexual contact.

(2) It is not a defense to a charge under this section that such individual consented to such sexual penetration or sexual contact.

(3) Sexual contact or sexual penetration between spouses is not a violation of this section.

(4) A conservator, guardian, or guardian ad litem who subjects an individual to sexual penetration in violation of this section is guilty of sexual abuse by a conservator, guardian, or guardian ad litem in the first degree. Such offense is a Class IIA felony.

(5) A conservator, guardian, or guardian ad litem who subjects an individual to sexual contact in violation of this section is guilty of sexual abuse by a conservator, guardian, or guardian ad litem in the second degree. Such offense is a Class IIIA felony.

Sec. 13. (1) For purposes of this section:

(a) Child welfare service provider means any:

(i) Individual or entity providing child welfare services, including, but not limited to, any person with a contract or agreement with the Department of Health and Human Services to provide child welfare services; and

(ii) An agent or employee of an individual or entity described in subdivision (1)(a)(i) of this section; and

(b) Minor means an individual who is under nineteen years of age.

(2) A child welfare service provider shall not subject any minor receiving child welfare services from such provider or who is otherwise in such provider's care, custody, or control to sexual penetration or sexual contact.

(3) It is not a defense to a charge under this section that such minor consented to such sexual penetration or sexual contact.

(4) A child welfare service provider who subjects a minor to sexual penetration in violation of this section is guilty of sexual abuse by a child welfare service provider in the first degree. Such offense is a Class IIA felony.

(5) A child welfare service provider who subjects a minor to sexual contact in violation of this section is guilty of sexual abuse by a child welfare service provider in the second degree. Such offense is a Class IIIA felony.

Sec. 14. Section 28-323, Reissue Revised Statutes of Nebraska, is amended to read:

28-323 (1) A person commits the offense of domestic assault in the third degree if he or she:

(a) Intentionally, knowingly, or recklessly causes bodily injury to his or her intimate partner; or

(b) Threatens an intimate partner with imminent bodily injury.

(2) A person commits the offense of domestic assault in the second degree if he or she:

(a) Intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument; or

(b) Recklessly causes serious bodily injury to his or her intimate partner with a dangerous instrument.

(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

(4) A violation of subsection (1) of this section is a Class I misdemeanor, except that such violation shall be punished as a:

(a) Class IIIA felony if the person has one previous conviction for a violation of subsection (1), (2), or (3) of this section or a substantially equivalent offense; or

(b) Class IIA felony if the person has previously been convicted two or more times for any violation of subsection (1), (2), or (3) of this section or any substantially equivalent offense.

(5) A violation of subsection (2) of this section is a Class IIA felony, except that such violation shall be punished as a Class II felony if such person has one or more previous convictions for a violation of subsection (2) or (3) of this section or a substantially equivalent offense.

(6) A violation of subsection (3) of this section is a Class ID felony, except that such violation shall be punished as a Class IB felony with a mandatory minimum sentence of fifteen years' imprisonment if such person has

one or more previous convictions for a violation of subsection (3) of this section or a substantially equivalent offense.

(7) For purposes of this section:

(a) Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context;

(b) Intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship; and

(c) Substantially equivalent offense means a violation of law that:

(i) Is a criminal offense under federal law or the law of another state; and

(ii) Has essentially the same elements as the violation of this section to which it is being compared.

Sec. 15. Section 28-470, Revised Statutes Supplement, 2025, is amended to read:

28-470 (1) A health professional who is authorized to prescribe or dispense an opioid overdose reversal medication, if acting with reasonable care, may prescribe, administer, or dispense such medication to any of the following persons without being subject to administrative action or criminal prosecution:

(a) A person who is apparently experiencing or who is likely to experience an opioid-related overdose; or

(b) A family member, friend, or other person in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose.

(2) A family member, friend, or any other person, including school personnel, who is in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose, other than an emergency responder or peace officer, is not subject to actions under

the Uniform Credentialing Act, administrative action, or criminal prosecution if the person, acting in good faith:

(a) Obtains an opioid overdose reversal medication from a health professional, pursuant to a prescription, or over the counter; and

(b) Administers such medication to a person who is apparently experiencing an opioid-related overdose.

(3) An emergency responder who, acting in good faith, obtains an opioid overdose reversal medication from the emergency responder's emergency medical service organization and administers such medication to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the emergency responder caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission. This subdivision shall not affect the liability of such emergency medical service organization for the emergency responder's acts of commission or omission.

(4) A peace officer or law enforcement employee who, acting in good faith, obtains an opioid overdose reversal medication from the peace officer's or employee's law enforcement agency and administers such medication to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the peace officer or employee caused damage or injury by his or her

willful, wanton, or grossly negligent act of commission or omission. This subdivision shall not affect the liability of such law enforcement agency for the peace officer's or employee's acts of commission or omission.

(5) A probation employee who, acting in good faith, obtains an opioid overdose reversal medication in accordance with the policies of the Office of Probation Administration and administers such medication to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the employee caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission. This subdivision shall not affect the liability of the office for such employee's acts of commission or omission.

(6) For purposes of this section:

(a) Administer has the same meaning as in section 38-2806;

(b) Dispense has the same meaning as in section 38-2817;

(c) Emergency responder means an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic licensed under the Emergency Medical Services Practice Act or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

(d) Health professional means a physician, physician assistant, nurse practitioner, or pharmacist licensed under the Uniform Credentialing Act;

(e) Law enforcement agency means a police department, a town marshal, the office of sheriff, or the Nebraska State Patrol;

(f) Law enforcement employee means an employee of a law enforcement agency, a contractor of a law enforcement agency, or an employee of such contractor who regularly, as part of his or her duties, handles, processes, or

is likely to come into contact with any evidence or property which may include or contain opioids;

(g) Opioid overdose reversal medication means any lifesaving medication approved by the United States Food and Drug Administration for reversing an opioid overdose, whether obtained by prescription, from a health professional, or over the counter, and includes, but is not limited to, naloxone and nalmeffene;

(h) Peace officer has the same meaning as in section 49-801; and

(i) Probation employee means a probation officer, chief probation officer, juvenile probation officer, or juvenile intake probation officer, as those terms are defined in section 29-2246.

Sec. 16. Section 28-508, Reissue Revised Statutes of Nebraska, is amended to read:

28-508 (1) A person commits the offense of possession of burglar's tools if such person:

(a) Knowingly possesses any explosive, tool, instrument, key or lock adopted by a postal service for any box or other authorized receptacle for the deposit or delivery of mail, or other article adapted, designed, or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking; and

(b) Intends to use the explosive, tool, instrument, key, lock, or article, or knows some person intends ultimately to use it, in the commission of an offense of the nature described in subdivision (1)(a) of this section.

(2) Possession of burglar's tools is a Class IV felony.

Sec. 17. Section 28-610, Reissue Revised Statutes of Nebraska, is amended to read:

28-610 (1) A person commits the offense of impersonating a peace officer if he or she falsely pretends to be a peace officer and performs any act in that pretended capacity.

(2) Impersonating a peace officer is a Class IV felony.

Sec. 18. Section 28-703, Reissue Revised Statutes of Nebraska, is amended

to read:

28-703 (1) A person commits the offense of incest if he or she knowingly:

(a) Intermarries or engages in sexual penetration or sexual contact with any person who falls within the degrees of consanguinity set forth in section 28-702;

(b) Engages in sexual penetration or sexual contact with his or her stepchild who is under nineteen years of age; or

(c) Engages in sexual penetration or sexual contact with his or her adopted child or foster child.

(2) Incest is a Class III felony, except that incest with a person who is under eighteen years of age is a Class IIA felony.

(3) For purposes of this section, the definitions found in section 28-318 shall be used.

(4) The testimony of a victim shall be entitled to the same weight as the testimony of victims of other crimes under this code.

Sec. 19. Section 28-712.01, Revised Statutes Supplement, 2025, is amended to read:

28-712.01 (1)(a) The department may assign a report for alternative response consistent with the Child Protection and Family Safety Act.

(b) No report involving any of the following shall be assigned to alternative response but shall be immediately forwarded to law enforcement or the county attorney:

(i) Murder in the first or second degree as defined in section 28-303 or 28-304 or manslaughter as defined in section 28-305;

(ii) Assault in the first, second, or third degree or assault by strangulation or suffocation as defined in section 28-308, 28-309, 28-310, or 28-310.01;

(iii) Sexual abuse, including acts prohibited by section 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-707 or section 12 or 13 of this act;

(iv) Labor trafficking of a minor or sex trafficking of a minor as defined

in section 28-830;

(v) Neglect of a minor child that results in serious bodily injury as defined in section 28-109, requires hospitalization of the child, or results in an injury to the child that requires ongoing medical care, behavioral health care, or physical or occupational therapy, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(vi) Physical abuse to the head or torso of a child or physical abuse that results in bodily injury;

(vii) An allegation that requires a forensic interview at a child advocacy center or coordination with the child abuse and neglect investigation team pursuant to section 28-728;

(viii) Out-of-home child abuse or neglect;

(ix) An allegation being investigated by a law enforcement agency at the time of the assignment;

(x) A history of termination of parental rights;

(xi) Absence of a caretaker without having given an alternate caregiver authority to make decisions and grant consents for necessary care, treatment, and education of a child or without having made provision to be contacted to make such decisions or grant such consents;

(xii) Domestic violence involving a caretaker in situations in which the alleged perpetrator has access to the child or caretaker;

(xiii) A household member illegally manufactures methamphetamine or opioids;

(xiv) A child has had contact with methamphetamine or other nonprescribed opioids, including a positive drug screening or test; or

(xv) For a report involving an infant, a household member tests positive for methamphetamine or nonprescribed opioids at the birth of such infant.

(c) The department may adopt and promulgate rules and regulations to (i) provide additional ineligibility criteria for assignment to alternative response and (ii) establish additional criteria requiring review by the Review,

Evaluate, and Decide Team.

(d) A report that includes any of the following may be eligible for alternative response but shall first be reviewed by the Review, Evaluate, and Decide Team prior to assignment to alternative response:

(i) Domestic assault as defined in section 28-323 or domestic violence in the family home;

(ii) Use of alcohol or controlled substances as defined in section 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to care and provide safety for the child; or

(iii) A family member residing in the home or a caregiver that has been the subject of a report accepted for traditional response or assigned to alternative response in the past six months.

(2) The Review, Evaluate, and Decide Team shall convene to review reports pursuant to the department's rules, regulations, and policies, to evaluate the information, and to determine assignment for alternative response or traditional response. The team shall utilize consistent criteria to review the severity of the allegation of child abuse or neglect, access to the perpetrator, vulnerability of the child, family history including previous reports, parental cooperation, parental or caretaker protective factors, and other information as deemed necessary. At the conclusion of the review, the report shall be assigned to either traditional response or alternative response. Decisions of the team shall be made by consensus. If the team cannot come to consensus, the report shall be assigned for a traditional response.

(3) In the case of an alternative response, the department shall complete a comprehensive assessment. The department shall transfer the case being given alternative response to traditional response if the department determines that a child is unsafe or if the concern for the safety of the child is due to a temporary living arrangement. Upon completion of the comprehensive assessment, if it is determined that the child is safe, participation in services offered to the family receiving an alternative response is voluntary, the case shall not be transferred to traditional response based upon the family's failure to

enroll or participate in such services, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718.

(4) The department shall, by the next working day after receipt of a report of child abuse or neglect, enter into the tracking system of child protection cases maintained pursuant to section 28-715 all reports of child abuse or neglect received under this section that are opened for alternative response and any action taken.

(5) The department shall make available to the appropriate investigating law enforcement agency, child advocacy center, and county attorney a copy of all reports relative to a case of suspected child abuse or neglect. Aggregate, nonidentifying data regarding reports of child abuse or neglect receiving an alternative response shall be made available quarterly to requesting agencies outside the department. Such alternative response data shall include, but not be limited to, the nature of the initial child abuse or neglect report, the age of the child or children, the nature of services offered, the location of the cases, the number of cases per month, and the number of alternative response cases that were transferred to traditional response. Other than the office of Inspector General of Nebraska Child Welfare, the Public Counsel, law enforcement agency personnel, child advocacy center employees, and county attorneys, no other agency or individual shall be provided specific, identifying reports of child abuse or neglect being given alternative response. The office of Inspector General of Nebraska Child Welfare shall have access to all reports relative to cases of suspected child abuse or neglect subject to traditional response and those subject to alternative response. The department and the office shall develop procedures allowing for the Inspector General's review of cases subject to alternative response. The Inspector General shall include in the report pursuant to section 50-1818 a summary of all cases reviewed pursuant to this subsection.

Sec. 20. 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) Stalking under section 28-311.03;
- (ii) Knowing violation of any protection order issued under the Protection Orders Act;
- (iii) Domestic assault under section 28-323;
- (iv) Assault of an unborn child in the third degree under section 28-399;
- (v) Theft by shoplifting under section 28-511.01;
- (vi) Unauthorized use of a propelled vehicle under section 28-516;
- (vii) Criminal mischief under section 28-519 if such violation arises from an incident involving the commission of a misdemeanor crime of domestic violence;
- (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. 21. Section 28-1701, Revised Statutes Supplement, 2025, is amended to read:

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

(a) Either:

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

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

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

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

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

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

(3) For purposes of this section:

(a) Eligible alcohol or drug offense means:

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

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

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

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

(b) Sexual assault means:

(i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-1805 or section 12 or 13 of this act, sex trafficking or sex trafficking of a minor under section 28-831, or subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or

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

Sec. 22. For purposes of sections 22 to 29 of this act:

(1) Brady-Giglio case law means *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases of the Supreme Court of the United States and the Supreme Court of Nebraska;

(2) Brady-Giglio disclosure means a disclosure made by a prosecuting agency pursuant to Brady-Giglio case law;

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

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

(5) Officer means:

(a) A law enforcement officer; or

(b) A correctional officer employed by a jail or by the Department of Correctional Services;

(6) Prosecuting agency means the Department of Justice, the office of a county attorney or city attorney, or a special prosecutor; and

(7) Public safety agency means:

(a) A law enforcement agency;

(b) A city or county jail;

(c) The Department of Correctional Services; or

(d) Any other agency of state or local government that employs officers.

Sec. 23. (1) An officer shall not be discharged, disciplined, or threatened with discharge or discipline, or subject to revocation or suspension

of a certificate under sections 81-1401 to 81-1414.19, solely because a prosecuting agency has:

(a) Named the officer in a Brady-Giglio disclosure or determined that such officer may be subject to such disclosure; or

(b) Disclosed to any person that the officer is named in a Brady-Giglio disclosure.

(2) This section does not prohibit a dismissal, a suspension, a demotion, or any other disciplinary action against an officer, or against a certificate issued under sections 81-1401 to 81-1414.19, based on the underlying action that resulted in such officer being named in a Brady-Giglio disclosure or being considered for such disclosure.

Sec. 24. (1)(a) This section applies to any county with a population of one hundred thousand or more inhabitants.

(b) For a county which includes a city of the metropolitan or primary class, the county attorney and city attorney of such city shall operate under an interlocal agreement to fulfill the requirements of this section.

(2) Before a prosecuting agency names an officer in a Brady-Giglio disclosure, the prosecuting agency shall fulfill the requirements of this section.

(3)(a) The prosecuting agency shall create an informal advisory committee for evaluating possible Brady-Giglio disclosures. The advisory committee shall provide recommendations to county attorneys, city attorneys, and special prosecutors within the county. Each such prosecuting agency retains ultimate discretion on whether to name an officer in a Brady-Giglio disclosure.

(b)(i) For a county which includes a city of the metropolitan class or primary class, the advisory committee shall be comprised of two prosecutors appointed by the county attorney and two prosecutors appointed by the city attorney for such city.

(ii) For any other county with a population of one hundred thousand or more inhabitants, the advisory committee shall be comprised of four prosecutors appointed by the county attorney, with two of such prosecutors being from

jurisdictions within the county and two prosecutors from jurisdictions in any other Nebraska county or counties.

(4) Each prosecuting agency shall adopt a process for reviewing and making determinations for prospective Brady-Giglio disclosures that includes the following provisions:

(a) The prosecuting agency shall provide an officer with written notice, including the proposed rationale, before determining whether such officer is subject to a prospective Brady-Giglio disclosure. An officer shall have the right to be represented by counsel at every stage of determination under this subsection;

(b) The prosecuting agency shall provide the officer with a reasonable opportunity to respond to the proposed determination;

(c)(i) If an officer in good faith contests the proposed determination, the prosecuting agency shall request the advisory committee to make a recommendation on whether to name the officer in a prospective disclosure.

(ii) The prosecuting agency shall provide the advisory committee with materials that support or corroborate naming the officer in such prospective disclosure and any exculpatory materials provided by the officer.

(iii) The advisory committee may request further information from the officer or prosecuting agency, including oral testimony from the officer, and may conduct an informal hearing.

(iv) The advisory committee shall make a recommendation to the prosecuting agency as to whether a prospective disclosure is required under Brady-Giglio case law and shall provide written notice of such recommendation to the prosecuting agency; and

(d) The prosecuting agency shall consider, but is not bound by, the recommendation of the advisory committee. Upon the prosecuting agency making a final decision on whether to name such officer in a prospective Brady-Giglio disclosure, the prosecuting agency shall provide written notice to the officer of its final decision.

(5) The requirements of this section apply to any officer subject to a

prospective Brady-Giglio disclosure made on or after the operative date of this section. This section applies even if an officer was named in a related or similar Brady-Giglio disclosure prior to the operative date of this section, unless such officer has already received notice and an opportunity to be heard substantially similar to that required under this section.

(6) Evidence presented to an advisory committee under this section shall be kept confidential unless otherwise provided by law.

Sec. 25. (1) This section applies to any county with a population of fewer than one hundred thousand inhabitants.

(2) A prosecuting agency shall provide an officer with written notice, including the proposed rationale, when determining whether the officer is subject to a prospective Brady-Giglio disclosure and shall also provide written notice of the prosecuting agency's final decision on such disclosure.

Sec. 26. (1)(a) An officer aggrieved by a prosecuting agency's final decision to name the officer in a Brady-Giglio disclosure may file a petition in the district court seeking review of such decision.

(b) For an officer in a county with one hundred thousand or more inhabitants:

(i) Prior to filing the petition, the officer shall complete the informal advisory committee process under section 24 of this act; and

(ii) The petition shall be filed within ten days after receiving written notice of the prosecuting agency's final decision under subdivision (4)(d) of section 24 of this act.

(c) For an officer in a county with fewer than one hundred thousand inhabitants, the petition shall be filed within ten days after receiving written notice of the prosecuting agency's final decision under section 25 of this act.

(2) Within ten days after filing the petition, the officer shall provide a complete record to the court, including, but not limited to, a bill of exceptions, transcripts, orders, findings, statements, investigations, any records pertaining to such officer that have been sealed pursuant to section

29-3523, and any other material that led to the prosecuting agency's decision to name the officer in a Brady-Giglio disclosure. Nothing in this section shall give the officer the right to obtain records from a prosecuting agency.

(3) Within ten days after the record being filed, notice of the action shall be provided to any prosecuting agency named in the petition. Any named prosecuting agency may review the record provided to the court and provide an answer to the petition within ten days after being served with the petition.

(4) The prosecuting agency shall provide the court with all materials that led to the decision to name the officer in a Brady-Giglio disclosure, including, if applicable, copies of all materials provided to the advisory committee under section 24 of this act. The prosecuting agency may request the court to direct the officer to provide supplemental records. Upon receipt of the request, the court may direct the officer to supplement the record as requested. If a prosecuting agency requests a supplemental record, the agency shall have ten days from the filing of the supplemental record to file an answer to the petition. If an officer fails to supplement the record as ordered by the court, the court shall dismiss the petition.

(5) Any petition, answer, or record submitted as part of the review shall be sealed from public view and shall not be a public record.

(6) Within sixty days after the prosecuting agency files an answer, the court shall, without written or oral arguments, conduct an in camera review of the records filed in the case. If the court determines additional evidence or testimony is necessary, the court shall conduct further hearings as necessary, including questioning witnesses in camera or directing the parties to further supplement the record.

(7) The court may modify or disagree with a prosecuting agency's decision to the extent that the court finds, by clear and convincing evidence, that the information or actions of the officer that served as the rationale for the Brady-Giglio disclosure would not be exculpatory evidence in the prosecution of any criminal offense.

(8) If the court determines that the officer has failed to meet his or her

burden of proof, the court shall dismiss the petition.

(9) This section applies even if an officer was named in a related or similar Brady-Giglio disclosure prior to the operative date of this section, unless such officer has already received notice and an opportunity to be heard before the district court within the last five years.

Sec. 27. (1) An officer's personal information, including, but not limited to, the officer's home address, personal telephone number, personal email address, date of birth, social security number, and operator's license number shall be confidential and shall be redacted from any record prior to the record's release to the public by the employing public safety agency.

(2) Nothing in this section prohibits the release of an officer's unredacted personal information to the officer's legal counsel, union representative, or designated employee representative upon the request of the officer or his or her personal representative or legal counsel.

(3) Nothing in this section shall prohibit the release of an officer's or a public safety agency's reports pursuant to subdivision (1)(g) of section 29-1912, pursuant to an order of discovery, or pursuant to any other order of a court.

Sec. 28. An officer shall not be discharged, disciplined, or threatened with discharge or discipline, or subject to revocation or suspension of a certificate under sections 81-1401 to 81-1414.19, in retaliation for exercising the rights of the officer enumerated in sections 22 to 29 of this act.

Sec. 29. The rights enumerated in sections 22 to 29 of this act are in addition to any other rights granted pursuant to a collective-bargaining agreement or other law.

Sec. 30. Section 29-4003, Revised Statutes Supplement, 2025, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(J) Conduct relating to child sexual abuse material under section 28-1805 or subdivision (2)(b) or (c) of section 28-1804;

(K) Knowingly possessing or receiving any child sexual abuse material pursuant to subsection (1) or (5) of section 28-1803;

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

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

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

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

(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable offense under subdivision (1)(a)(i) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that

described under section 29-2264 or any other procedure to nullify a conviction other than by pardon;

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

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

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

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

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

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

(III) Manslaughter pursuant to section 28-305;

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

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

(VI) Assault in the third degree pursuant to section 28-310;

(VII) Stalking pursuant to section 28-311.03;

(VIII) Violation of section 28-311.08 requiring registration under the act pursuant to subsection (6) of section 28-311.08;

(IX) Kidnapping pursuant to section 28-313;

(X) False imprisonment pursuant to section 28-314 or 28-315;

(XI) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the first degree pursuant to section 28-322.02;

(XII) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the second degree pursuant to section 28-322.03;

(XIII) Sexual abuse of a protected individual pursuant to section

28-322.04;

(XIV) Incest pursuant to section 28-703;

(XV) Child abuse pursuant to subdivision (1)(d) or (e) of section 28-707;

(XVI) Enticement by electronic communication device pursuant to section 28-833; or

(XVII) Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed in subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

(B) In order for the Sex Offender Registration Act to apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V), (VI), (VII), (IX), and (X) of this section, a court shall have found that evidence of sexual penetration or sexual contact, as those terms are defined in section 28-318, was present in the record, which shall include consideration of the factual basis for a plea-based conviction and information contained in the presentence report;

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

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

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

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

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

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

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

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

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

(i) Has ever pled guilty to, pled nolo contendere to, or been found guilty of:

(A) Sexual abuse by a conservator, guardian, or guardian ad litem under

section 12 of this act; or

(B) Sexual abuse by a child welfare service provider under section 13 of this act; or

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

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

Sec. 31. (1) For purposes of this section, county conflict counsel means an attorney licensed to practice law in this state who is employed by the county or has a contract with the county to provide legal representation to clients who would normally be represented by the public defender, but for whom the public defender is unable to provide such representation due to conflicting interests or due to other good cause as determined by the court.

(2)(a) In any county with a public defender and a population of one hundred thousand or more inhabitants, the county may employ one or more county conflict counsel.

(b) In any county with a public defender and a population of less than one hundred thousand inhabitants, the county may employ or contract for one or more county conflict counsel.

(3) When a county first employs or contracts for county conflict counsel, the county board shall immediately provide written notice of such employment or contract to:

(a) Each presiding judge of the county court and district court of such county;

(b) Each presiding judge of any separate juvenile court of such county;

(c) Each child support referee appointed in such county; and

(d) The clerk of the district court on behalf of the mental health board with jurisdiction within such county.

(4) It shall be the duty of county conflict counsel to provide representation to indigent individuals in the same manner as the public defender.

(5) In a county with a population of more than one hundred seventy thousand inhabitants, any county conflict counsel shall devote his or her full time to the legal work of representing indigent individuals as provided in this section and shall not engage in the private practice of law.

(6) No county conflict counsel shall solicit or accept any fee, other than compensation from the county, for representing an indigent individual that such counsel has been appointed to represent.

Sec. 32. Section 29-3901, Reissue Revised Statutes of Nebraska, is amended to read:

29-3901 For purposes of sections 29-3901 to 29-3908:

(1) County conflict counsel has the same meaning as in section 31 of this act;

(2) Court means a district court or a county court;

(3) Felony defendant means a person who is charged by complaint, information, or indictment with or who is under arrest for investigation or on suspicion that he or she may have committed any criminal offense which may be punishable by imprisonment in a Department of Correctional Services adult correctional facility;

(4) Indigent means the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. Before a felony defendant's initial court appearance, the determination of his or her indigency shall be made by the public defender, but thereafter it shall be made by the court; and

(5) Judge means a judge of the district court, a judge of the county court, or a clerk magistrate.

Sec. 33. Section 29-3903, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-3903 (1) At a felony defendant's first appearance before a judge, the judge shall advise him or her of the right to court-appointed counsel if such person is indigent. If he or she asserts indigency, the court shall make a reasonable inquiry to determine such person's financial condition and shall require him or her to execute an affidavit of indigency for filing with the clerk of the court.

(2) If the court determines the defendant to be indigent, it shall formally appoint the public defender or county conflict counsel or, in counties not having a public defender, an attorney or attorneys licensed to practice law in this state, not exceeding two, to represent the indigent felony defendant at all future critical stages of the criminal proceedings against such defendant, consistent with the provisions of section 23-3402. Appointed counsel other than the public defender or county conflict counsel must obtain leave of court before being authorized to proceed beyond an initial direct appeal to either the Court of Appeals or the Supreme Court of Nebraska to any further direct, collateral, or postconviction appeals to state or federal courts.

(3) A felony defendant who is not indigent at the time of his or her first appearance before a judge may nevertheless assert his or her indigency at any subsequent stage of felony proceedings, at which time the judge shall consider appointing counsel as otherwise provided in this section.

(4) The judge, upon filing such order for appointment, shall note all appearances of appointed counsel upon the record. If at the time of appointment of counsel the indigent felony defendant and appointed counsel have not had a reasonable opportunity to consult concerning the prosecution, the judge shall continue the arraignment, trial, or other next stage of the felony proceedings for a reasonable period of time to allow for such consultation.

Sec. 34. Section 29-3904, Reissue Revised Statutes of Nebraska, is amended to read:

29-3904 (1) Nothing in sections 23-3402, 29-3902, and 29-3903 shall

prevent any judge from:

(a) Appointing counsel other than the public defender, the Commission on Public Advocacy, county conflict counsel, or other substitute counsel when the public defender, the commission, county conflict counsel, or counsel initially appointed might otherwise be required to represent conflicting interests or for other good cause shown;

(b) Not appointing any counsel for any indigent felony defendant who expressly waives his or her right to such counsel at any stage of felony proceedings; or

(c) Appointing the public defender, the Commission on Public Advocacy, county conflict counsel, or other counsel as may be required or permitted by other applicable law.

(2)(a) This subsection only applies to a county that has county conflict counsel.

(b) In a case in which (i) the public defender is unable to provide representation due to conflicting interests or due to other good cause as determined by the court and (ii) the Commission on Public Advocacy may be appointed, the court may appoint the commission. Otherwise, the court shall appoint county conflict counsel, unless such counsel cannot represent the defendant due to conflicting interests or for other good cause as determined by the court.

(3) In selecting counsel to represent an indigent felony defendant, the prosecuting attorney shall not have any role whatsoever in the selection or appointment process of the counsel by the court, including, but not limited to, any individual appointment suggestions.

Sec. 35. Section 29-3905, Reissue Revised Statutes of Nebraska, is amended to read:

29-3905 Appointed counsel for an indigent felony defendant other than the public defender or county conflict counsel shall apply to the district court which appointed him or her for all expenses reasonably necessary to permit him or her to effectively and competently represent his or her client and for fees

for services performed pursuant to such appointment, except that if the defendant was not bound over for trial in the district court, the application shall be made in the appointing court. The court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to counsel in the full amount determined by the court.

Sec. 36. Section 29-3918, Reissue Revised Statutes of Nebraska, is amended to read:

29-3918 Nothing in sections 29-3910 to 29-3918 shall prevent a court from appointing counsel other than the public defender, the Commission on Public Advocacy, or county conflict counsel as defined in section 31 of this act to represent indigent defendants or other persons by law entitled to legal representation, but appointments of counsel other than the public defender, the commission, or county conflict counsel shall be limited to situations in which there are multiple defendants requiring separate representation or when other exigent circumstances are present which in the opinion of the court require appointment of counsel other than the public defender, the commission, or county conflict counsel. In all such cases of appointments of counsel other than the public defender, the commission, or county conflict counsel, the procedure shall be in accordance with sections 43-272 and 43-273 and the cost of such appointments shall be paid by the county as provided in such sections.

Sec. 37. Section 29-3922, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-3922 For purposes of the County Revenue Assistance Act:

(1) Chief counsel means an attorney appointed to be the primary administrative officer of the commission pursuant to section 29-3928;

(2) Commission means the Commission on Public Advocacy;

(3) Commission staff means attorneys, investigators, and support staff who are performing work for the capital litigation division, appellate division, DNA testing division, and major case resource center;

(4) Contracting attorney means an attorney contracting to act as a public defender pursuant to sections 23-3404 to 23-3408;

(5) Court-appointed attorney means an attorney other than a contracting attorney or a public defender appointed by the court to represent an indigent person;

(6) Indigent defense services means legal services provided to indigent persons by an indigent defense system in capital cases, felony cases, misdemeanor cases, juvenile cases, mental health commitment cases, child support enforcement cases, and paternity establishment cases;

(7) Indigent defense system means a system of providing services, including any services necessary for litigating a case, by a contracting attorney, court-appointed attorney, or public defender;

(8) Indigent person means a person who is indigent and unable to obtain legal counsel as determined pursuant to subdivision (4) of section 29-3901; and

(9) Public defender means an attorney appointed or elected pursuant to sections 23-3401 to 23-3403.

Sec. 38. Section 29-4309, Revised Statutes Supplement, 2025, is amended to read:

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

(1)(a) Advocate means:

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

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

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

(b) If reasonably possible, an advocate shall speak the victim's preferred

language or use the services of a qualified interpreter;

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

(3) Sexual assault means a violation of section 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-1805 or section 12 or 13 of this act, sex trafficking or sex trafficking of a minor under section 28-831, or subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of section 28-707;

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

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

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

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

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

Sec. 39. Section 29-4316, Revised Statutes Supplement, 2025, is amended to read:

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

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

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

(c) Sexual assault means a violation of section 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-1805 or section 12 or 13 of this act or subdivision (1)(c) or (g)

of section 28-386 or subdivision (1)(d), (e), or (f) of section 28-707.

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

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

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

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

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

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

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

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

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

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

(i) As a Title IX coordinator; or

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

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

Sec. 40. Section 43-272, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-272 (1)(a) In counties having a population of less than one hundred fifty thousand inhabitants:

(i) When any juvenile court petition is filed alleging jurisdiction of a juvenile pursuant to subdivision (2) of section 43-247, counsel shall be appointed for such juvenile; and

(ii) In any other instance in which a juvenile is brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel.

(b) In counties having a population of one hundred fifty thousand or more inhabitants, when any juvenile court petition is filed alleging jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or (4) of section 43-247, counsel shall be appointed for such juvenile.

(c) The court shall inform any juvenile described in this subsection and his or her parent or guardian of such juvenile's right to counsel at county expense if none of them is able to afford counsel. If the juvenile or his or her parent or guardian desires to have counsel appointed for such juvenile, or the parent or guardian of such juvenile cannot be located, and the court ascertains that none of such persons are able to afford an attorney, the court shall forthwith appoint an attorney to represent such juvenile for all proceedings before the juvenile court, except that if an attorney is appointed to represent such juvenile and the court later determines that a parent of such juvenile is able to afford an attorney, the court shall order such parent or juvenile to pay for services of the attorney to be collected in the same manner as provided by section 43-290. If the parent willfully refuses to pay any such sum, the court may commit him or her for contempt, and execution may issue at

the request of the appointed attorney or the county attorney or by the court without a request.

(d)(i) For purposes of this subdivision, county conflict counsel has the same meaning as in section 31 of this act.

(ii) This subdivision (d) only applies to a county that has county conflict counsel.

(iii) When appointing counsel other than the public defender to represent a juvenile, the court shall appoint county conflict counsel, unless such counsel cannot represent the juvenile due to conflicting interests or for other good cause shown.

(2) The court, on its own motion or upon application of a party to the proceedings, shall appoint a guardian ad litem for the juvenile: (a) If the juvenile has no parent or guardian of his or her person or if the parent or guardian of the juvenile cannot be located or cannot be brought before the court; (b) if the parent or guardian of the juvenile is excused from participation in all or any part of the proceedings; (c) if the parent is a juvenile or an incompetent; (d) if the parent is indifferent to the interests of the juvenile; or (e) in any proceeding pursuant to the provisions of subdivision (3)(a) of section 43-247.

A guardian ad litem shall have the duty to protect the interests of the juvenile for whom he or she has been appointed guardian, and shall be deemed a parent of the juvenile as to those proceedings with respect to which his or her guardianship extends.

(3) The court shall appoint an attorney as guardian ad litem. A guardian ad litem shall act as his or her own counsel and as counsel for the juvenile, unless there are special reasons in a particular case why the guardian ad litem or the juvenile or both should have separate counsel. In such cases the guardian ad litem shall have the right to counsel, except that the guardian ad litem shall be entitled to appointed counsel without regard to his or her financial ability to retain counsel. Whether such appointed counsel shall be provided at the cost of the county shall be determined as provided in

subsection (1) of this section.

(4) By July 1, 2015, the Supreme Court shall provide by court rule standards for guardians ad litem for juveniles in juvenile court proceedings.

(5) By July 1, 2017, the Supreme Court shall provide guidelines setting forth standards for all attorneys who practice in juvenile court.

Sec. 41. Section 43-273, Reissue Revised Statutes of Nebraska, is amended to read:

43-273 (1) Counsel and guardians ad litem appointed outside of the guardian ad litem division as provided in section 43-272 shall apply to the court before which the proceedings were had for fees for services performed. The court upon hearing the application shall fix reasonable fees. The county board of the county wherein the proceedings were had shall allow the account, bill, or claim presented by any attorney or guardian ad litem for services performed under section 43-272 in the amount determined by the court. No such account, bill, or claim shall be allowed by the county board until the amount thereof shall have been determined by the court.

(2) This section does not apply to the public defender or to county conflict counsel as defined in section 31 of this act.

Sec. 42. Section 43-2923, Reissue Revised Statutes of Nebraska, is amended to read:

43-2923 The best interests of the child require:

(1) A parenting arrangement and parenting plan or other court-ordered arrangement which provides for a child's safety, emotional growth, health, stability, and physical care and regular and continuous school attendance and progress for school-age children;

(2) When a preponderance of the evidence indicates domestic intimate partner abuse, a parenting and visitation arrangement that provides for the safety of a victim parent;

(3) That the child's families and those serving in parenting roles remain appropriately active and involved in parenting with safe, appropriate, continuing quality contact between children and their families when they have

shown the ability to act in the best interests of the child and have shared in the responsibilities of raising the child;

(4) That even when parents have voluntarily negotiated or mutually mediated and agreed upon a parenting plan, the court shall determine whether it is in the best interests of the child for parents to maintain continued communications with each other and to make joint decisions in performing parenting functions as are necessary for the care and healthy development of the child. If the court rejects a parenting plan, the court shall provide written findings as to why the parenting plan is not in the best interests of the child;

(5) That certain principles provide a basis upon which education of parents is delivered and upon which negotiation and mediation of parenting plans are conducted. Such principles shall include: To minimize the potentially negative impact of parental conflict on children; to provide parents the tools they need to reach parenting decisions that are in the best interests of a child; to provide alternative dispute resolution or specialized alternative dispute resolution options that are less adversarial for the child and the family; to ensure that the child's voice is heard and considered in parenting decisions; to maximize the safety of family members through the justice process; and, in cases of domestic intimate partner abuse or child abuse or neglect, to incorporate the principles of victim safety and sensitivity, offender accountability, and community safety in parenting plan decisions; and

(6) In determining custody and parenting arrangements, the court shall consider the best interests of the minor child, which shall include, but not be limited to, consideration of the foregoing factors and:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing;

(b) The desires and wishes of the minor child, if of an age of comprehension but regardless of chronological age, when such desires and wishes are based on sound reasoning;

(c) The general health, welfare, and social behavior of the minor child;

(d) Credible evidence showing increased intellectual and social growth in children who have equal access to both parents;

(e) Credible evidence of abuse inflicted on any family or household member. For purposes of this subdivision, abuse and family or household member shall have the meanings prescribed in section 42-903; and

(f) Credible evidence of child abuse or neglect or domestic intimate partner abuse. For purposes of this subdivision, the definitions in section 43-2922 shall be used.

Sec. 43. Section 71-946, Reissue Revised Statutes of Nebraska, is amended to read:

71-946 (1) The appointment of counsel under section 71-945 shall be in accordance with this section.

(2) In counties not having a public defender, upon the receipt from the mental health board of a certificate for the appointment of counsel, the clerk of the district court shall notify the district judge or the county judge of the county in which the proceedings are pending of the receipt of such certificate. The judge to whom the certificate was issued shall appoint an attorney to represent the person concerning whom an application is filed before the mental health board, whereupon the clerk of the court shall enter upon the certificate the name of the attorney appointed and deliver the certificate of appointment of counsel to the mental health board. The clerk of the district court or the clerk of the county court shall also keep and maintain a record of all appointments which shall be conclusive evidence thereof. All appointments of counsel under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act may be made at any time or place in the state.

(3) In counties having a public defender, upon receipt from the mental health board of a certificate for the appointment of counsel, the clerk of the district court shall notify the public defender of his or her appointment to represent the person and shall enter upon the certificate the name of the attorney appointed and deliver the certificate of appointment of counsel to the mental health board.

(4)(a) For purposes of this section, county conflict counsel has the same meaning as in section 31 of this act.

(b) This subsection only applies to a county that has county conflict counsel.

(c) When appointing counsel other than the public defender to represent a subject, the court shall appoint county conflict counsel, unless such counsel cannot represent the subject due to conflicting interests or for other good cause shown.

Sec. 44. Section 71-947, Reissue Revised Statutes of Nebraska, is amended to read:

71-947 Counsel appointed as provided in subsection (2) of section 71-946 shall apply to the court in which his or her appointment is recorded for fees for services performed. Such counsel may also apply to the court to secure separate professional examination of the person for whom counsel was appointed and shall be reimbursed for costs incurred in securing such separate examination or examinations or in having other professional persons as witnesses before the mental health board. The court, upon hearing the application, shall fix reasonable fees, including reimbursement of costs incurred. The county board of the county in which the application was filed shall allow the account, bill, or claim presented by the attorney for services performed under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act in the amount determined by the court. No such account, bill, or claim shall be allowed by the county board until the amount thereof has been determined by the court.

Sec. 45. Section 71-948, Reissue Revised Statutes of Nebraska, is amended to read:

71-948 A subject or the subject's counsel shall have the right to employ mental health professionals of his or her choice to independently evaluate the subject's mental condition and testify for and otherwise assist the subject in proceedings under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act. If the subject is indigent, only one such person may be

employed except with leave of the mental health board. Any person so employed by a subject determined by the board to be indigent, except a subject represented by the public defender or county conflict counsel as defined in section 31 of this act, shall apply to the board for expenses reasonably necessary to such person's effective assistance of the subject and for reasonable fees for services performed by such person in assisting the subject. The board shall then fix reasonable fees and expenses, and the county board shall allow payment to such person in the full amount fixed by the board.

Sec. 46. Section 81-1850, Revised Statutes Supplement, 2025, is amended to read:

81-1850 (1) For purposes of this section:

(a) Covered offense means:

(i) Murder in the first degree, section 28-303;

(ii) Murder in the second degree, section 28-304;

(iii) Manslaughter, section 28-305;

(iv) Motor vehicle homicide, section 28-306;

(v) Assault in the first degree, section 28-308;

(vi) Assault in the second degree, section 28-309;

(vii) Assault by strangulation or suffocation, section 28-310.01;

(viii) Terroristic threats, section 28-311.01;

(ix) Stalking, section 28-311.03;

(x) Kidnapping, section 28-313;

(xi) False imprisonment in the first degree, section 28-314;

(xii) Sexual abuse by a school employee, section 28-316.01;

(xiii) Sexual assault in the first degree, section 28-319;

(xiv) Sexual assault of a child in the first degree, section 28-319.01;

(xv) Sexual assault in the second degree, section 28-320;

(xvi) Sexual assault of a child in the second or third degree, section 28-320.01;

(xvii) Child enticement by means of an electronic communication device, section 28-320.02;

(xviii) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the first degree, section 28-322.02;

(xix) Sexual abuse of an inmate, a parolee, a probationer, or a problem solving court participant in the second degree, section 28-322.03;

(xx) Sexual abuse of a protected individual, section 28-322.04;

(xxi) Sexual abuse of a detainee, section 28-322.05;

(xxii) Sexual abuse by a conservator, guardian, or guardian ad litem, section 12 of this act;

(xxiii) Sexual abuse by a child welfare service provider, section 13 of this act;

(xxiv) Domestic assault in the first or second degree, section 28-323;

(xxv) Sex trafficking, sex trafficking of a minor, labor trafficking, or labor trafficking of a minor, section 28-831; or

(xxvi) An attempt, solicitation, or conspiracy to commit an offense listed in subdivision (1)(a) of this section; and

(b) Victim has the same meaning as in section 29-119.

(2)(a) Except as provided in subdivision (2)(b) of this section, when a person is convicted of a felony, the county attorney shall forward the name and address of any victim of such convicted person to the Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, and the Board of Pardons, as applicable.

(b) A victim may waive the right to notification under this section by notifying the county attorney, in which case the county attorney is not required to comply with subdivision (2)(a) of this section.

(c) The Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, and the Board of Pardons shall include the victim's name in the file of the convicted person, but the name shall not be part of the public record of any parole or pardons hearings of the convicted person.

(d) Any victim, including a victim who has waived his or her right to

notification, may request the notification prescribed in this section, as applicable, by sending a written request to the Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, or the Board of Pardons any time after the convicted person is incarcerated and until the convicted person is no longer under the jurisdiction of the Board of Parole, the county corrections agency, the Department of Correctional Services, or the Board of Pardons or, if the convicted person is under the jurisdiction of the Department of Health and Human Services, within the three-year period after the convicted person is no longer under the jurisdiction of the Board of Parole, the county corrections agency, the Department of Correctional Services, or the Board of Pardons.

(3) A victim whose name appears in the file of the convicted person shall be notified by the Board of Parole:

(a) Within ninety days after conviction of an offender, of the tentative date of release and the earliest parole eligibility date of such offender;

(b) Of any parole hearings or proceedings;

(c) Of any decision of the Board of Parole;

(d) When a convicted person who is on parole is returned to custody because of parole violations; and

(e) If the convicted person has been adjudged a mentally disordered sex offender or is a convicted sex offender, when such convicted person is released from custody or treatment.

Such notification shall be given in person, by telecommunication, or by mail.

(4) A victim whose name appears in the file of the convicted person shall be notified by the Department of Correctional Services or a county corrections agency:

(a) When a convicted person is granted a furlough or release from incarceration for twenty-four hours or longer or any transfer of the convicted person to community status;

(b) When a convicted person is released into community-based programs,

including educational release and work release programs. Such notification shall occur at the beginning and termination of any such program;

(c) When a convicted person escapes or does not return from a granted furlough or release and again when the convicted person is returned into custody;

(d) When a convicted person is discharged from custody upon completion of his or her sentence. Such notice shall be given at least thirty days before discharge, when practicable;

(e) Of the (i) department's calculation of the earliest parole eligibility date of the prisoner with all potential good time or disciplinary credits considered if the sentence exceeds ninety days or (ii) county corrections agency's calculation of the earliest release date of the prisoner. The victim may request one notice of the calculation described in this subdivision. Such information shall be mailed not later than thirty days after receipt of the request;

(f) Of any reduction in the prisoner's minimum sentence; and

(g) Of the victim's right to submit a statement as provided in section 81-1848.

(5) A victim whose name appears in the file of a convicted person shall be notified by the Department of Health and Human Services:

(a) When a person described in subsection (6) of this section becomes the subject of a petition pursuant to the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act prior to his or her discharge from custody upon the completion of his or her sentence or within thirty days after such discharge. The county attorney who filed the petition shall notify the Department of Correctional Services of such petition. The Department of Correctional Services shall forward the names and addresses of victims appearing in the file of the convicted person to the Department of Health and Human Services; and

(b) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection:

(i) Escapes from an inpatient facility providing board-ordered treatment and again when the person is returned to an inpatient facility;

(ii) Is discharged or has a change in disposition from inpatient board-ordered treatment;

(iii) Is granted a furlough or release for twenty-four hours or longer; and

(iv) Is released into educational release programs or work release programs. Such notification shall occur at the beginning and termination of any such program.

(6) Subsection (5) of this section applies to a person convicted of a covered offense which is also alleged to be the recent act or threat underlying the commitment of such person as mentally ill and dangerous or as a dangerous sex offender as defined in section 83-174.01.

(7) A victim whose name appears in the file of a person convicted of a covered offense shall be notified, via certified mail, by the Board of Pardons:

(a) Of any pardon or commutation proceedings at least thirty calendar days prior to the proceedings; and

(b) If a pardon or commutation has been granted, within ten days after such granting.

(8) The Board of Parole, the Department of Correctional Services, the Department of Health and Human Services, and the Board of Pardons shall adopt and promulgate rules and regulations as needed to carry out this section.

(9) The victim's address and telephone number maintained by the Department of Correctional Services, the Department of Health and Human Services, the county corrections agency, the Board of Parole, and the Board of Pardons pursuant to subsection (2) of this section shall be exempt from disclosure under Nebraska public records laws and federal freedom of information laws, as such federal laws existed on January 1, 2004.

Sec. 47. Section 83-4,143, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,143 (1) It is the intent of the Legislature that the Board of Parole

may recommend placement of felony offenders at the incarceration work camp. The offenders recommended by the board shall be offenders currently housed at other Department of Correctional Services adult correctional facilities and shall complete the incarceration work camp programming prior to release on parole.

(2) When the Board of Parole is of the opinion that a felony offender currently incarcerated in a Department of Correctional Services adult correctional facility may benefit from a brief and intensive period of regimented, structured, and disciplined programming immediately prior to release on parole, the board may direct placement of such an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of release on parole. The board may consider such placement if the felony offender (a) is medically and mentally fit to participate, with allowances given for reasonable accommodation as determined by medical and mental health professionals, and (b) has not previously been incarcerated for a violent felony crime. Offenders convicted of a crime under sections 28-319 to 28-322.05 and sections 12 and 13 of this act or of any capital crime are not eligible to be placed in an incarceration work camp.

(3) The Director of Correctional Services may assign a felony offender to an incarceration work camp if he or she believes it is in the best interests of the felony offender and of society, except that offenders convicted of a crime under sections 28-319 to 28-322.05 and sections 12 and 13 of this act or of any capital crime are not eligible to be assigned to an incarceration work camp pursuant to this subsection.

Sec. 48. 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) Kidnapping as provided in section 28-313;
- (9) False imprisonment as provided in sections 28-314 and 28-315;
- (10) A sexual act subject to criminal penalties as provided in sections 28-317 to 28-322.05 and sections 12 and 13 of this act;
- (11) Domestic assault as provided in section 28-323;
- (12) Robbery as provided in section 28-324;
- (13) Arson as provided in sections 28-502, 28-503, and 28-504;
- (14) Fraud subject to criminal penalties as provided in sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- (15) Theft as provided in sections 28-511, 28-512, 28-513, and 28-515;
- (16) Forgery as provided in sections 28-602 and 28-603;
- (17) Incest as provided in section 28-703;
- (18) Child abuse as provided in section 28-707;
- (19) Human trafficking, labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor as provided in section 28-831;
- (20) False reporting as provided in section 28-907;
- (21) Perjury as provided in section 28-915;
- (22) Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree as provided in section 28-929;
- (23) Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree as provided in section 28-930;
- (24) Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree as provided in section 28-931;
- (25) 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;

(26) 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;

(27) An offense for which registration is required under the Sex Offender Registration Act; or

(28) Any offense under the laws of another jurisdiction that is substantially equivalent to any of the offenses listed in this section.

Sec. 49. Sections 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, and 51 of this act become operative on October 1, 2026. The other sections of this act become operative on their effective date.

Sec. 50. 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. 51. Original section 28-610, Reissue Revised Statutes of Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are repealed.

Sec. 52. Original sections 28-322.02, 28-322.03, 28-323, 28-508, 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946, 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903, 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01, 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes Supplement, 2025, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 965 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR