

E AND R AMENDMENTS TO LB 935

Introduced by Guereca, 7, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

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

5 7-203 For purposes of the Legal Education for Public Service and
6 Rural Practice Loan Repayment Assistance Act:

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

9 (2) Designated legal profession shortage area means a rural area
10 located within any county in Nebraska having a population of less than
11 ~~seventy-five~~ fifteen thousand inhabitants and not included within a
12 metropolitan statistical area as defined by the United States Department
13 of Commerce, Bureau of the Census, and determined by the board to be
14 underserved by available legal representation;

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

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

22 **Sec. 2.** Section 25-824, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 25-824 (1) A pleading shall not be used against a party in any
25 criminal prosecution or action or proceeding for a penalty or forfeiture
26 as proof of a fact admitted or alleged in such pleading. If a pleading is
27 frivolous or made in bad faith, it may be stricken. The signature of a

1 party or of an attorney on a pleading constitutes a certificate by him or
2 her that he or she has read the pleading; that to the best of his or her
3 knowledge, information, and belief there is good ground for the filing of
4 the pleading; and that it is not interposed for delay.

5 (2) Except as provided in subsections (6) ~~(5)~~ and (7) ~~(6)~~ of this
6 section, in any civil action commenced or appealed in any court of record
7 in this state, the court shall award as part of its judgment and in
8 addition to any other costs otherwise assessed reasonable attorney's fees
9 and court costs against any attorney or party who has brought or defended
10 a civil action that alleges a claim or defense which a court determines
11 is frivolous or made in bad faith.

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

17 (3) (4) The court shall assess attorney's fees and costs if, upon
18 the motion of any party or the court itself, the court finds that an
19 attorney or party brought or defended an action or any part of an action
20 that was frivolous or that the action or any part of the action was
21 interposed solely for delay or harassment. If the court finds that an
22 attorney or party unnecessarily expanded the proceedings by other
23 improper conduct, including, but not limited to, abuses of civil
24 discovery procedures, the court shall assess attorney's fees and costs.

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

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

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

30 (b) It is the policy of the state to deter frivolous or harassing
31 litigation, especially when it involves frivolous claims or defenses

1 against a political subdivision that necessitate the wasteful expenditure
2 of scarce taxpayer resources.

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

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

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

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

18 (e) At such hearing the court shall determine whether the other
19 party's claim or defense was frivolous or intended primarily to harass
20 the political subdivision or its public officials. If the court
21 determines that a claim or defense was frivolous or intended primarily to
22 harass the political subdivision or its public officials, the party
23 asserting such claim or defense shall have the burden to rebut that
24 finding or show the claim was otherwise excused under subsection (6) or
25 (7) of this section. If such party fails to meet its burden, the court
26 shall award reasonable attorney's fees and other expenses to the
27 political subdivision. A court may award fees and expenses pursuant to
28 this subsection in addition to any compensation awarded in a judgment.

29 (5) When a court determines reasonable attorney's fees or costs
30 should be assessed, it shall allocate the payment of such fees or costs
31 among the offending attorneys and parties as the court determines most

1 just and may charge such amount or portion thereof to any offending
2 attorney or party.

3 (6) ~~(5)~~ No attorney's fees or costs shall be assessed if a claim or
4 defense was asserted by an attorney or party in a good faith attempt to
5 establish a new theory of law in this state or if, after filing suit, a
6 voluntary dismissal is filed as to any claim or action within a
7 reasonable time after the attorney or party filing the dismissal knew or
8 reasonably should have known that he or she would not prevail on such
9 claim or action.

10 (7) ~~(6)~~ No party who is appearing without an attorney shall be
11 assessed attorney's fees unless the court finds that the party clearly
12 knew or reasonably should have known that his or her action or defense or
13 any part of such action or defense was frivolous or made in bad faith,
14 except that this subsection shall not apply to any situation in which an
15 attorney licensed to practice law in the state is appearing without an
16 attorney, in which case he or she shall be held to the standards for
17 attorneys prescribed in this section.

18 **Sec. 3.** Section 25-1802, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 25-1802 For purposes of sections 25-1802 to 25-1807, unless the
21 context otherwise requires:

22 (1) Fees and other expenses means ~~shall mean~~ reasonable attorney's
23 fees and the reasonable expense of expert witnesses plus court costs, but
24 shall not include any portion of an attorney's fee or salary paid by a
25 unit of ~~local~~, state, or federal government in the case;

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

29 (3) ~~(2)~~ State means ~~shall mean~~ the State of Nebraska, a state
30 agency, or any official of the state acting in his or her official
31 capacity; and

1 ~~(4)~~ ~~(3)~~ State agency means ~~shall mean~~ any state constitutional
2 office, any state administrative department, or any state board or
3 commission established by an act of the Legislature.

4 **Sec. 4.** Section 25-1804, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 25-1804 (1) A party seeking an award for fees and other expenses
7 pursuant to sections 25-1802 to 25-1807 shall, not later than thirty days
8 after the entry of the final judgment in the action, submit to the court
9 an application which provides evidence of eligibility for an award
10 pursuant to such sections and which specifies the amount sought. If the
11 amount sought includes an attorney's fee or the fee for an expert
12 witness, the application shall include an itemized statement for each
13 such fee indicating the actual time expended in service to the applicant
14 and the rate at which the fees were computed.

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

18 (a) Natural persons; ~~or~~

19 (b) Political subdivisions; or

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

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

24 (ii) Whose gross receipts for the twelve-month period preceding the
25 filing of the action was two million dollars or less or whose average
26 gross receipts for the three twelve-month periods preceding the filing of
27 such appeal pursuant to the Administrative Procedure Act was two million
28 dollars or less, whichever amount is greater.

29 **Sec. 5.** (1) For purposes of this section:

30 (a) Child sexual abuse material has the same meaning as in section
31 28-1802;

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

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

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

4 (i) Is child sexual abuse material;

5 (ii) Promotes child sexual abuse material; or

6 (iii) Is obscene.

7 (2) A person shall not knowingly and intentionally:

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

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

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

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

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

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

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

25 (ii) Actual damages, both economic and noneconomic.

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

29 (e) In an action under this subsection, the doctrine of contributory
30 negligence shall not apply, and no plaintiff shall be allocated fault
31 under Chapter 25. A person who violates subsection (2) of this section

1 shall be jointly and severally liable for damages caused by such
2 violation.

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

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

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

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

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

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

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

31 (8) This section is intended to create a new statutory cause of

1 action that is in addition to any other remedy that may exist under the
2 law. The duties and liabilities created under this section apply whether
3 or not the violator would be considered a publisher or distributor of
4 prohibited content under any other statutory or common law cause of
5 action.

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

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

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

12 (a) Law enforcement officer has the same meaning as in section
13 81-1401; and

14 (b) Prohibited content has the same meaning as in section 5 of this
15 act.

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

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

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

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

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

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

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

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

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

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

3 (2) A person shall not:

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

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

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

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

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

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

19 (ii) Actual damages, both economic and noneconomic.

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

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

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

31 (c) If the Attorney General or county attorney prevails in an action

1 brought under this subsection, the court shall award to the Attorney
2 General or county attorney reasonable attorney's fees and other
3 litigation costs reasonably incurred.

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

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

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

13 **Sec. 8.** Section 26-102, Revised Statutes Supplement, 2025, is
14 amended to read:

15 26-102 For purposes of the Protection Orders Act:

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

17 ~~(2) Course of conduct has the same meaning as in section 28-311.02;~~

18 (2) ~~(3)~~ Family or household members has the same meaning as in
19 section 42-903;

20 (3) ~~(4)~~ Harass has the same meaning as in section 28-311.02;

21 (4) ~~(5)~~ Household pet means any animal maintained for companionship
22 or pleasure but does not include any animal kept primarily for commercial
23 purposes or for consumption or any livestock animal as defined in section
24 54-902;

25 (5) ~~(6)~~ Law enforcement agency means the police department or town
26 marshal in incorporated municipalities, the office of the sheriff in
27 unincorporated areas, and the Nebraska State Patrol; and

28 (6) ~~(7)~~ Sexual assault offense means:

29 (a) Conduct amounting to sexual assault under section 28-319 or
30 28-320, sexual abuse by a school worker under section 28-316.01, sexual
31 assault of a child under section 28-319.01 or 28-320.01, a violation of

1 section 28-311.08, or an attempt to commit any of such offenses; or

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

5 **Sec. 9.** Section 26-114, Revised Statutes Supplement, 2025, is
6 amended to read:

7 26-114 (1)(a) Upon the issuance of a temporary ex parte protection
8 order or final protection order, the clerk of the court shall forthwith
9 provide, free of charge:

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

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

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

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

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

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

31 (4) If the respondent was present at a hearing convened pursuant to

1 ~~section 26-108 or 26-109 following issuance of an ex parte protection~~
2 ~~order and the court entered a final protection order at such hearing was~~
3 ~~not dismissed~~, the respondent shall be deemed to have notice ~~of by the~~
4 ~~court at such hearing that the protection order will be granted and~~
5 ~~remain in effect~~ and further service of notice described in this section
6 is not required for purposes of prosecution under section 26-118.

7 **Sec. 10.** Section 27-804, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 27-804 (1) Unavailability as a witness includes situations in which
10 the declarant:

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

14 (b) Persists in refusing to testify concerning the subject matter of
15 the declarant's ~~his~~ statement despite an order of the judge to do so; or

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

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

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

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

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

31 (a) Testimony given as a witness at another hearing of the same or a

1 different proceeding, or in a deposition taken in compliance with law in
2 the course of the same or a different proceeding, at the instance of or
3 against a party with an opportunity to develop the testimony by direct,
4 cross, or redirect examination, with motive and interest similar to those
5 of the party against whom now offered;

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

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

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

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

31 (f) (e) A statement not specifically covered by any of the foregoing

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

13 **Sec. 11.** Section 28-101, Revised Statutes Supplement, 2025, is
14 amended to read:

15 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
16 and sections 12 to 15, 22, and 23 of this act shall be known and may be
17 cited as the Nebraska Criminal Code.

18 **Sec. 12.** For purposes of sections 12 to 15 of this act:

19 (1) Business entity means any form of corporation, company,
20 partnership, association, cooperative, joint venture, business trust, or
21 sole proprietorship that conducts business in this state;

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

26 (3) Private investigator means a person licensed under sections
27 71-3201 to 71-3213;

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

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

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

1 **Sec. 13.** (1) Except as otherwise provided in section 14 of this
2 act, a person shall not knowingly:

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

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

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

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

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

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

20 (c) The consenting person receives a protection order against the
21 person to whom consent was given. Revocation under this subdivision (2)
22 (c) is effective when the person to whom consent was given has notice of
23 such protection order.

24 **Sec. 14.** Section 13 of this act does not apply to any of the
25 following:

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

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

31 (3) A parent or legal guardian of a minor child who installs or uses

1 a mobile tracking device to track the minor child if any of the following
2 applies:

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

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

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

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

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

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

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

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

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

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

3 (iv) Investigating claims related to workers' compensation.

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

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

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

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

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

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

25 **Sec. 15.** A violation of section 13 of this act is a Class IIIA
26 felony.

27 **Sec. 16.** Section 28-311.02, Revised Statutes Supplement, 2025, is
28 amended to read:

29 28-311.02 (1) It is the intent of the Legislature to enact laws
30 dealing with stalking offenses which will protect victims from being
31 willfully harassed, intentionally terrified, threatened, or intimidated

1 by individuals who intentionally follow, detain, stalk, or harass them or
2 impose any restraint on their personal liberty and which will not
3 prohibit constitutionally protected activities.

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

5 ~~(a) Harass means to engage in a knowing and willful course of~~
6 ~~conduct directed at a specific person which seriously terrifies,~~
7 ~~threatens, or intimidates the person and which serves no legitimate~~
8 ~~purpose;~~

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

14 ~~(b) (c)~~ Family or household member has the same meaning as in
15 section 42-903; and means a spouse or former spouse of the victim,
16 children of the victim, a person presently residing with the victim or
17 who has resided with the victim in the past, a person who had a child in
18 common with the victim, other persons related to the victim by
19 consanguinity or affinity, or any person presently involved in a dating
20 relationship with the victim or who has been involved in a dating
21 relationship with the victim. For purposes of this subdivision, dating
22 relationship means frequent, intimate associations primarily
23 characterized by the expectation of affectional or sexual involvement but
24 does not include a casual relationship or an ordinary association between
25 persons in a business or social context; and

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

30 ~~(d) Substantially conforming criminal violation means a guilty plea,~~
31 ~~a nolo contendere plea, or a conviction for a violation of any federal~~

1 ~~law or law of another state or any county, city, or village ordinance of~~
2 ~~this state or another state substantially similar to section 28-311.03.~~
3 ~~Substantially conforming is a question of law to be determined by the~~
4 ~~court.~~

5 **Sec. 17.** Section 28-311.04, Revised Statutes Supplement, 2025, is
6 amended to read:

7 28-311.04 A violation of section 28-311.03 is a Class IIIA felony.
8 ~~(1) Except as provided in subsection (2) of this section, any person~~
9 ~~convicted of violating section 28-311.03 is guilty of a Class I~~
10 ~~misdemeanor.~~

11 ~~(2) Any person convicted of violating section 28-311.03 is guilty of~~
12 ~~a Class IIIA felony if:~~

13 ~~(a) The person has a prior conviction under such section or a~~
14 ~~substantially conforming criminal violation within the last seven years;~~

15 ~~(b) The victim is under sixteen years of age;~~

16 ~~(c) The person possessed a deadly weapon at any time during the~~
17 ~~violation;~~

18 ~~(d) The person was also in violation of any protection order issued~~
19 ~~under the Protection Orders Act or any valid foreign protection order~~
20 ~~recognized pursuant to section 26-123 or 26-124 at any time during the~~
21 ~~violation; or~~

22 ~~(e) The person has been convicted of any felony in this state or has~~
23 ~~been convicted of a crime in another jurisdiction which, if committed in~~
24 ~~this state, would constitute a felony and the victim or a family or~~
25 ~~household member of the victim was also the victim of such previous~~
26 ~~felony.~~

27 **Sec. 18.** Section 28-311.08, Revised Statutes Cumulative Supplement,
28 2024, is amended to read:

29 28-311.08 (1) It shall be unlawful for any person to knowingly
30 intrude upon any other person without his or her consent in a place of
31 solitude or seclusion. Violation of this subsection is a Class I

1 misdemeanor. A second or subsequent violation of this subsection is a
2 Class IV felony.

3 (2) It shall be unlawful for any person to knowingly and
4 intentionally photograph, film, or otherwise record an image or video of
5 the intimate area of any other person without his or her knowledge and
6 consent when his or her intimate area would not be generally visible to
7 the public regardless of whether such other person is located in a public
8 or private place. Violation of this subsection is a Class IV felony.

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

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

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

29 (6) As part of sentencing following a conviction for a violation of
30 subsection (1), (2), or (3) of this section, the court shall make a
31 finding as to the ages of the defendant and the victim at the time the

1 offense occurred. If the defendant is found to have been nineteen years
2 of age or older and the victim is found to have been less than eighteen
3 years of age at such time, then the defendant shall be required to
4 register under the Sex Offender Registration Act.

5 (7) No person shall be prosecuted under this section unless the
6 indictment for such offense is found by a grand jury or a complaint filed
7 before a magistrate within three years after the later of:

8 (a) The commission of the crime;

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

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

16 (8) For purposes of this section:

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

19 (b) Intrude means either:

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

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

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

31 (d) Unmanned aircraft means an aircraft, including an aircraft

1 commonly known as a drone, which is operated without the possibility of
2 direct human intervention from within or on the aircraft.

3 **Sec. 19.** Section 28-358.01, Revised Statutes Supplement, 2025, is
4 amended to read:

5 28-358.01 (1) Isolation means intentional acts (a) committed for the
6 purpose of preventing, and which do prevent, a vulnerable adult or senior
7 adult from having contact with family, friends, or concerned persons; (b)
8 committed to prevent a vulnerable adult or senior adult from receiving
9 his or her mail or telephone calls; (c) of physical or chemical restraint
10 of a vulnerable adult or senior adult committed for purposes of
11 preventing contact with visitors, family, friends, or other concerned
12 persons; or (d) which restrict, place, or confine a vulnerable adult or
13 senior adult in a restricted area for purposes of social deprivation or
14 preventing contact with family, friends, visitors, or other concerned
15 persons.

16 (2) Isolation does not include (a) medical isolation prescribed by a
17 licensed physician caring for the vulnerable adult or senior adult; (b)
18 action taken in compliance with a protection order issued under the
19 Protection Orders Act, a valid foreign protection order recognized
20 pursuant to section 26-123 or 26-124, or an order excluding a person from
21 certain premises issued pursuant to section 42-357; ~~or~~ (c) action
22 authorized by an administrator of a nursing home pursuant to section
23 71-6021; or (d) action taken in compliance with a no-contact period
24 required under section 27 of this act.

25 **Sec. 20.** Section 28-1205, Revised Statutes Supplement, 2025, is
26 amended to read:

27 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
28 knuckles, or any other deadly weapon to commit any felony which may be
29 prosecuted in a court of this state commits the offense of use of a
30 deadly weapon to commit a felony.

31 (b) Use of a deadly weapon, other than a firearm, to commit a felony

1 is a Class II felony.

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

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

8 (b) Possession of a deadly weapon, other than a firearm, during the
9 commission of a felony is a Class III felony.

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

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

16 (b) A violation of this subsection is a:

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

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

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

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

27 (6) For purposes of this section:

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

30 ~~(i) Stalking under section 28-311.03;~~

31 (i) ~~(ii)~~ Knowing violation of any protection order issued under the

1 Protection Orders Act;

2 (ii) ~~(iii)~~ Domestic assault under section 28-323;

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

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

6 (v) ~~(vi)~~ Unauthorized use of a propelled vehicle under section
7 28-516;

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

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

12 (viii) ~~(ix)~~ Resisting arrest under section 28-904;

13 (ix) ~~(x)~~ Operating a motor vehicle or vessel to avoid arrest under
14 section 28-905;

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

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

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

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

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

31 **Sec. 21.** Section 28-1206, Revised Statutes Supplement, 2025, is

1 amended to read:

2 28-1206 (1) A person commits the offense of possession of a deadly
3 weapon by a prohibited person if he or she:

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

6 (i) Has previously been convicted of a felony;

7 (ii) Is a fugitive from justice;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (i) Assault in the third degree under section 28-310;

18 ~~(ii) Stalking under subsection (1) of section 28-311.04;~~

19 ~~(ii) (iii)~~ False imprisonment in the second degree under section
20 28-315;

21 ~~(iii) (iv)~~ First offense domestic assault in the third degree under
22 subsection (1) of section 28-323; or

23 ~~(iv) (v)~~ Any attempt or conspiracy to commit any of such offenses.

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

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

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

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

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

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

4 (a) Archery equipment means:

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

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

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

13 **Sec. 22.** (1) For purposes of this section:

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

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

18 (ii) Is classified as a Class B, C, or D airspace by the Federal
19 Aviation Administration, as such classifications existed on January 1,
20 2026; and

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

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

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

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

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

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

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

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

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

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

18 **Sec. 23.** (1) A person commits the offense of swatting if such
19 person:

20 (a) Knowingly makes, causes to be made, or directs a false or
21 misleading report of criminal activity or a need for emergency medical
22 services or assistance from firefighters;

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

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

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

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

1 of automated or digital systems.

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

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

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

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

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

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

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

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

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

23 (c) Where the recipient responded to the false report; or

24 (d) Where the harm or risk of harm caused by the violation occurred.

25 (6) For purposes of this section:

26 (a) Law enforcement agency has the same meaning as in section
27 81-1401; and

28 (b) Public safety answering point has the same meaning as in section
29 86-1052.

30 **Sec. 24.** Section 29-2204.02, Reissue Revised Statutes of Nebraska,
31 is amended to read:

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

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

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

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

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

14 ~~(b) The defendant has been deemed a habitual criminal pursuant to~~
15 ~~section 29-2221; or~~

16 ~~(c) There are substantial and compelling reasons why the defendant~~
17 ~~cannot effectively and safely be supervised in the community, including,~~
18 ~~but not limited to, the criteria in subsections (2) and (3) of section~~
19 ~~29-2260. Unless other reasons are found to be present, that the offender~~
20 ~~has not previously succeeded on probation is not, standing alone, a~~
21 ~~substantial and compelling reason.~~

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

26 (2) (4) For any sentence of imprisonment for a Class III, IIIA, or
27 IV felony for an offense committed on or after August 30, 2015, imposed
28 consecutively or concurrently with (a) a sentence for a Class III, IIIA,
29 or IV felony for an offense committed prior to August 30, 2015, or (b) a
30 sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA
31 felony, the court shall impose an indeterminate sentence within the

1 applicable range in section 28-105 that does not include a period of
2 post-release supervision, in accordance with the process set forth in
3 section 29-2204.

4 ~~(3) (5)~~ For any sentence of imprisonment for a misdemeanor imposed
5 consecutively or concurrently with a sentence of imprisonment for a Class
6 III, IIIA, or IV felony for an offense committed on or after August 30,
7 2015, the court shall impose a determinate sentence within the applicable
8 range in section 28-106 unless the person is also committed to the
9 Department of Correctional Services in accordance with section 29-2204
10 for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony
11 committed prior to August 30, 2015, or (b) a sentence of imprisonment for
12 a Class I, IA, IB, IC, ID, II, or IIA felony.

13 ~~(4) (6)~~ If the defendant was under eighteen years of age at the time
14 he or she committed the crime for which he or she was convicted, the
15 court may, in its discretion, instead of imposing the penalty provided
16 for the crime, make such disposition of the defendant as the court deems
17 proper under the Nebraska Juvenile Code.

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

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

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

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

31 (b) If a period of post-release supervision is required but not

1 imposed by the sentencing court, the term of post-release supervision
2 shall be the minimum provided by law.

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

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

11 **Sec. 25.** Section 29-2308, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 29-2308 (1) In all criminal cases that now are or may hereafter be
14 pending in the Court of Appeals or Supreme Court, the appellate court may
15 reduce the sentence rendered by the district court against the accused
16 when in its opinion the sentence is excessive, and it shall be the duty
17 of the appellate court to render such sentence against the accused as in
18 its opinion may be warranted by the evidence.

19 (2) No judgment shall be set aside, new trial granted, or judgment
20 rendered in any criminal case on the grounds of misdirection of the jury
21 or the improper admission or rejection of evidence or for error as to any
22 matter of pleading or procedure if the appellate court, after an
23 examination of the entire cause, considers that no substantial
24 miscarriage of justice has actually occurred.

25 ~~(2) In all criminal cases based on offenses subject to determinate~~
26 ~~sentencing under subsection (2) of section 29-2204.02, the appellate~~
27 ~~court may determine that a sentence is excessive because the district~~
28 ~~court did not provide substantial and compelling reasons for imposing a~~
29 ~~sentence other than probation.~~

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

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

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

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

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

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

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

13 (5) Sexual assault offense means:

14 (a) A felony violation of section 28-316.01, 28-319, 28-319.01,
15 28-320, or 28-320.01 or an attempt to commit any such violation; or

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

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

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

25 (1) Not contact the victim;

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

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

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

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

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

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

14 You may agree to waive this protection, and allow [name of person
15 arrested] to contact you. You may do so now by signing this form and
16 returning it to the law enforcement officer. You may also do so later by
17 contacting the officer's law enforcement agency and filling out a written
18 form they will provide.

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

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

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

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

1 residents.

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

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

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

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

17 (2) Any statements or information provided by an arrested person
18 while he or she is being given the advisements required by subsection (1)
19 of this section shall not be admissible in any proceeding, except for a
20 proceeding relating to a violation of section 27 of this act.

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

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

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

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

31 (a) For a first violation of such section, such person shall be

1 guilty of a Class I misdemeanor; and

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

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

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

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

13 29-4103 For purposes of the DNA Identification Information Act:

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

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

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

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

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

31 (6) Law enforcement agency includes a police department, a town

1 marshal, a county sheriff, and the Nebraska State Patrol;

2 (7) Other specified offense means:

3 ~~(a) False misdemeanor stalking pursuant to sections 28-311.02 to~~
4 ~~28-311.05 or false imprisonment in the second degree pursuant to section~~
5 ~~28-315; or~~

6 (b) ~~An~~ an attempt, conspiracy, or solicitation to commit any of the
7 following offenses: False stalking pursuant to sections 28-311.02 to
8 ~~28-311.05, false imprisonment in the first degree pursuant to section~~
9 ~~28-314, false imprisonment in the second degree pursuant to section~~
10 ~~28-315, knowing and intentional sexual abuse of a vulnerable adult or~~
11 ~~senior adult pursuant to subdivision (1)(c) of section 28-386, or a~~
12 ~~violation of the Sex Offender Registration Act pursuant to section~~
13 ~~29-4011; and~~

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

17 **Sec. 34.** Section 29-4315, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 29-4315 (1) Upon an initial interaction with a victim relating to or
20 arising from a sexual assault of such victim, a health care provider or
21 peace officer, and in the case of a victim under eighteen years of age,
22 the Department of Health and Human Services, shall provide the victim
23 with information that explains the rights of victims under the Sexual
24 Assault Victims' Bill of Rights Act and other relevant law. The
25 information shall be presented in clear language that is comprehensible
26 to a person proficient in English at the fifth grade level, accessible to
27 persons with visual disabilities, and available in all major languages
28 spoken in this state. This information shall include, but not be limited
29 to:

30 (a) A clear statement that a victim is not required to participate
31 in the criminal justice system or to undergo a medical evidentiary or

1 physical examination in order to retain the rights provided by the act
2 and other relevant law;

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

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

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

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

9 (ii) Domestic ~~domestic~~ violence protection orders, harassment
10 protection orders, and sexual assault protection orders and the process
11 to obtain such protection;

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

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

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

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

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

1 civil cause of action or traffic misdemeanor or infraction filed in the
2 district courts and county courts in the following dollar amounts:

3 <u>Case Category</u>	<u>State Docket Fee</u>
4 <u>Civil cause of action (district court)</u>	<u>45.00</u>
5 <u>Civil cause of action</u>	
6 <u>(county court) when the amount in controversy is:</u>	
7 <u>\$1,500 or less</u>	<u>No fee</u>
8 <u>\$1,500.01 to \$7,500.00</u>	<u>10.00</u>
9 <u>\$7,500.01 or more</u>	<u>20.00</u>
10 <u>Dissolution</u>	<u>26.00</u>
11 <u>Traffic misdemeanor or infraction</u>	<u>36.00</u>
12 <u>Small claims</u>	<u>16.00</u>

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

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

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

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

1 systems.

2 (2) Any money in the fund available for investment shall be invested
3 by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.

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

7 42-371 Under the Uniform Interstate Family Support Act and sections
8 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

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

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

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

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

31 Release of a judgment for child support or spousal support or

1 subordination of a lien of a judgment for child support or spousal
2 support may, if all such payments are current and not delinquent or in
3 arrears, be released or subordinated by a release or subordination
4 document executed by the judgment creditor, and such document shall be
5 sufficient to remove or subordinate the lien. A properly executed,
6 notarized release or subordination document explicitly reciting that all
7 child support payments or spousal support payments are current is prima
8 facie evidence that such payments are in fact current. For purposes of
9 this section, any delinquency or arrearage of support payments shall be
10 determined as provided in subsection (2) of section 42-358.02;

11 (3) If a judgment creditor refuses to execute a release of the
12 judgment or subordination of a lien as provided in subdivision (2) of
13 this section or the support payments are not current, the person desiring
14 such release or subordination may file an application for the relief
15 desired in the court which rendered the original judgment. A copy of the
16 application and a notice of hearing shall be served on the judgment
17 creditor either personally or by registered or certified mail no later
18 than ten days before the date of hearing. If the court finds that the
19 release or subordination is not requested for the purpose of avoiding
20 payment and that the release or subordination will not unduly reduce the
21 security, the court may issue an order releasing real or personal
22 property from the judgment lien or issue an order subordinating the
23 judgment lien. As a condition for such release or subordination, the
24 court may require the posting of a bond with the clerk in an amount fixed
25 by the court, guaranteeing payment of the judgment. If the court orders a
26 release or subordination, the court may order a judgment creditor who,
27 without a good faith reason, refused to execute a release or
28 subordination to pay the judgment debtor's court costs and attorney's
29 fees involved with the application brought under this subdivision. A
30 showing that all support payments are current shall be evidence that the
31 judgment creditor did not have a good faith reason to refuse to execute

1 such release or subordination. For purposes of this section, a current
2 certified copy of support order payment history from the Title IV-D
3 Division of the Department of Health and Human Services setting forth
4 evidence that all support payments are current is prima facie evidence
5 that such payments are in fact current and is valid for thirty days after
6 the date of certification;

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

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

1 reinstated;

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

8 (7) The court may in any case, upon application or its own motion,
9 after notice and hearing, order a person required to make payments to
10 post sufficient security, bond, or other guarantee with the clerk to
11 insure payment of both current and any delinquent amounts. Upon failure
12 to comply with the order, the court may also appoint a receiver to take
13 charge of the debtor's property to insure payment. Any bond, security, or
14 other guarantee paid in cash may, when the court deems it appropriate, be
15 applied either to current payments or to reduce any accumulated
16 arrearage;

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

30 (9) Any lien authorized by this section against personal property
31 registered with any county consisting of a motor vehicle or mobile home

1 shall attach upon notation of the lien against the motor vehicle or
2 mobile home certificate of title and shall have its priority established
3 pursuant to the terms of section 60-164 or a subordination document
4 executed under this section.

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

7 42-927 All law enforcement agencies in the state shall provide
8 officers employed by them with an education and training program designed
9 to inform the officers of the problems of domestic abuse, procedures to
10 deal with such problems, no-contact periods under sections 26 to 32 of
11 this act, the Protection from Domestic Abuse Act, the Protection Orders
12 Act, and the services and facilities available to abused family and
13 household members.

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

16 43-1409 (1) The signing of a notarized acknowledgment, whether under
17 section 43-1408.01 or otherwise, by the alleged father shall create a
18 rebuttable presumption of paternity as against the alleged father.

19 (2) The signed, notarized acknowledgment is subject to the right of
20 any signatory to rescind the acknowledgment within the earlier of (a) (1)
21 sixty days or (b) (2) the date of an administrative or judicial
22 proceeding relating to the child, including a proceeding to establish a
23 support order in which the signatory is a party.

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

27 (i) On ~~on~~ the basis of fraud, duress, or material mistake of fact;
28 or

29 (ii)(A) By a person who has reason to believe he is the biological
30 father of the child, on the basis of scientifically reliable genetic
31 testing that establishes that such person is the biological father of the

1 child and that the acknowledged father is not the biological father of
2 the child. Such genetic testing shall be performed by a laboratory
3 accredited by the College of American Pathologists or any other national
4 accrediting body or public agency which has requirements that are
5 substantially equivalent to or more comprehensive than those of the
6 college.

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

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

17 (4) Such a signed and notarized acknowledgment or a certified copy
18 or certified reproduction thereof shall be admissible in evidence in any
19 proceeding to establish support.

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

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

27 43-1412.01 (1) An individual may file a complaint for relief and the
28 court may set aside a final judgment, court order, administrative order,
29 obligation to pay child support, or any other legal determination of
30 paternity if a scientifically reliable genetic test performed in
31 accordance with sections 43-1401 to 43-1418 establishes the exclusion of

1 the individual named as a father in the legal determination. The court
2 shall appoint a guardian ad litem to represent the interest of the child.
3 The filing party shall pay the costs of such test.

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

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

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

15 (a) Completed ~~(1) completed~~ a notarized acknowledgment of paternity
16 pursuant to section 43-1408.01, unless such acknowledgement has been set
17 aside under subsection (3) of section 43-1409;

18 (b) Adopted ~~(2) adopted~~ the child; or

19 (c) Knew ~~(3) knew~~ that the child was conceived through artificial
20 insemination.

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

24 **Sec. 42.** Section 59-1608.04, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 59-1608.04 (1) The State Settlement Cash Fund is created. The fund
27 shall be maintained by the Department of Justice and administered by the
28 Attorney General. Except as otherwise provided by law, the fund shall
29 consist of all recoveries received pursuant to the Consumer Protection
30 Act, including any money, funds, securities, or other things of value in
31 the nature of civil damages or other payment, except criminal penalties,

1 whether such recovery is by way of verdict, judgment, compromise, or
2 settlement in or out of court, or other final disposition of any case or
3 controversy, or any other payments received on behalf of the state by the
4 Department of Justice and administered by the Attorney General for the
5 benefit of the state or the general welfare of its citizens, but
6 excluding all funds held in a trust capacity where specific benefits
7 accrue to specific individuals, organizations, or governments. The fund
8 may be expended for any allowable legal purposes as determined by the
9 Attorney General. Transfers from the State Settlement Cash Fund may be
10 made at the direction of the Legislature to the Nebraska Capital
11 Construction Fund, the Legal Education for Public Service and Rural
12 Practice Loan Repayment Assistance Fund, the Nebraska State Patrol Cash
13 Fund, the Financial Literacy Cash Fund, and the General Fund. To provide
14 necessary financial accountability and management oversight, revenue from
15 individual settlement agreements or other separate sources credited to
16 the State Settlement Cash Fund may be tracked and accounted for within
17 the state accounting system through the use of separate and distinct
18 funds, subfunds, or any other available accounting mechanism specifically
19 approved by the Accounting Administrator for use by the Department of
20 Justice. Any money in the fund available for investment shall be invested
21 by the state investment officer pursuant to the Nebraska Capital
22 Expansion Act and the Nebraska State Funds Investment Act. Beginning
23 October 1, 2024, any investment earnings from investment of money in the
24 fund shall be credited to the General Fund.

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

29 (3) The State Treasurer shall transfer eight hundred seventy-six
30 thousand nine hundred ninety-eight dollars from the State Settlement Cash
31 Fund to the General Fund on or before June 30, 2018, on such dates and in

1 such amounts as directed by the budget administrator of the budget
2 division of the Department of Administrative Services.

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

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

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

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

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

26 84-941.01 Potentially disqualifying conviction includes a conviction
27 for:

28 (1) Criminal attempt as provided in section 28-201, conspiracy as
29 provided in section 28-202, or aiding and abetting as provided in section
30 28-206, to commit an offense listed in this section;

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

- 1 (3) Manslaughter as provided in section 28-305;
- 2 (4) Motor vehicle homicide as provided in section 28-306;
- 3 (5) Assault in the first or second degree as provided in sections
- 4 28-308 and 28-309;
- 5 (6) Terroristic threats as provided in section 28-311.01;
- 6 (7) Stalking as provided in section 28-311.03;
- 7 (8) A violation relating to mobile tracking devices under section 13
- 8 of this act;
- 9 (9) ~~(8)~~ Kidnapping as provided in section 28-313;
- 10 (10) ~~(9)~~ False imprisonment as provided in sections 28-314 and
- 11 28-315;
- 12 (11) ~~(10)~~ A sexual act subject to criminal penalties as provided in
- 13 sections 28-317 to 28-322.05;
- 14 (12) ~~(11)~~ Domestic assault as provided in section 28-323;
- 15 (13) ~~(12)~~ Robbery as provided in section 28-324;
- 16 (14) ~~(13)~~ Arson as provided in sections 28-502, 28-503, and 28-504;
- 17 (15) ~~(14)~~ Fraud subject to criminal penalties as provided in
- 18 sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;
- 19 (16) ~~(15)~~ Theft as provided in sections 28-511, 28-512, 28-513, and
- 20 28-515;
- 21 (17) ~~(16)~~ Forgery as provided in sections 28-602 and 28-603;
- 22 (18) ~~(17)~~ Incest as provided in section 28-703;
- 23 (19) ~~(18)~~ Child abuse as provided in section 28-707;
- 24 (20) ~~(19)~~ Human trafficking, labor trafficking, sex trafficking,
- 25 labor trafficking of a minor, or sex trafficking of a minor as provided
- 26 in section 28-831;
- 27 (21) ~~(20)~~ False reporting as provided in section 28-907;
- 28 (22) Swatting under section 23 of this act;
- 29 (23) ~~(21)~~ Perjury as provided in section 28-915;
- 30 (24) ~~(22)~~ Assault on an officer, an emergency responder, certain
- 31 employees, or a health care professional in the first degree as provided

1 in section 28-929;

2 ~~(25) (23)~~ Assault on an officer, an emergency responder, certain
3 employees, or a health care professional in the second degree as provided
4 in section 28-930;

5 ~~(26) (24)~~ Assault on an officer, an emergency responder, certain
6 employees, or a health care professional in the third degree as provided
7 in section 28-931;

8 ~~(27) (25)~~ Assault on an officer, an emergency responder, certain
9 employees, or a health care professional using a motor vehicle as
10 provided in section 28-931.01;

11 ~~(28) (26)~~ An offense that has as an element the threat to inflict
12 serious bodily injury as defined in section 28-109 or death on another
13 person, the intentional infliction of serious bodily injury as defined in
14 section 28-109 on another person, or intentionally causing the death of
15 another person;

16 ~~(29) (27)~~ An offense for which registration is required under the
17 Sex Offender Registration Act; or

18 ~~(30) (28)~~ Any offense under the laws of another jurisdiction that is
19 substantially equivalent to any of the offenses listed in this section.

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

22 86-2,103 (1) A district court may issue a warrant or other order for
23 the installation of a mobile tracking device, and such order may
24 authorize the use of that device within the jurisdiction of the court and
25 outside that jurisdiction if the device is installed in that
26 jurisdiction.

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

28 (a) Electronic ~~an electronic~~ or mechanical device which permits the
29 tracking of the movement of a person or object; or -

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

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

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

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

14 **Sec. 48.** Original sections 7-203, 25-824, 25-1802, 25-1804, 27-804,
15 29-2204.02, 29-2308, 29-4103, 42-371, 84-941.01, and 86-2,103, Reissue
16 Revised Statutes of Nebraska, sections 28-311.08 and 59-1608.04, Revised
17 Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114,
18 28-101, 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes
19 Supplement, 2025, are repealed.

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

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

24 2. On page 1, strike beginning with "civil" in line one through line
25 6 and insert "law; to amend sections 7-203, 25-824, 25-1802, 25-1804,
26 27-804, 29-2204.02, 29-2308, 29-4103, 42-371, 43-1409, 43-1412.01,
27 84-941.01, and 86-2,103, Reissue Revised Statutes of Nebraska, sections
28 28-311.08, 29-4315, and 59-1608.04, Revised Statutes Cumulative
29 Supplement, 2024, and sections 26-102, 26-114, 28-101, 28-311.02,
30 28-311.04, 28-358.01, 28-1205, 28-1206, and 42-927, Revised Statutes
31 Supplement, 2025; to change the definition of designated legal profession

1 shortage area under the Legal Education for Public Service and Rural
2 Practice Loan Repayment Assistance Act; to provide for awards of costs
3 and attorney's fees in certain actions involving political subdivisions;
4 to define, redefine, and eliminate terms; to provide for civil actions
5 against persons for conduct relating to obscene materials, child sexual
6 abuse materials, and child sexual exploitation devices and images; to
7 provide powers for the Attorney General and county attorneys; to provide
8 immunity for Internet utilities, law enforcement officers, courts,
9 attorneys, and agents and employees of courts and attorneys; to provide
10 civil penalties; to change provisions of the Protection Orders Act; to
11 provide for an exclusion from the hearsay rule for a statement offered
12 against a party that wrongfully caused the declarant's unavailability; to
13 prohibit certain conduct relating to mobile tracking devices; to provide
14 penalties; to change penalties for stalking; to change provisions
15 relating to unlawful intrusion; to prohibit operation of an unmanned
16 aircraft system in restricted areas and require operators to present a
17 certificate upon request; to create the offense of swatting and require
18 restitution; to eliminate the requirement that courts impose probation
19 for Class IV felonies; to provide for no-contact periods for victims of
20 domestic assaults and sexual assaults; to provide for docket fees and
21 create a fund; to change provisions relating to liens arising from child
22 and spousal support orders; to provide for challenges to notarized
23 acknowledgments of paternity based on genetic testing; to provide for a
24 funds transfer from the State Settlement Cash Fund; to change provisions
25 relating to intercepted communications; to harmonize provisions; to
26 provide operative dates; to provide severability; to repeal the original
27 sections; and to declare an emergency."