

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold a rulemaking hearing on Monday, August 24, 2020, beginning at 12:30 p.m. in Room 103 at the Nebraska Department of Transportation, 1500 Nebraska Highway 2, Lincoln, Nebraska.

The purpose of this hearing is to take testimony and evidence concerning adoption of changes to Title 272, Chapter 19 of the Nebraska Administrative Code, entitled Sexual Offender Registration.

NOTE: Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide comments. Interested persons may provide verbal comments by calling 1-877-399-0501; Participant code: 6366586#. Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509-4907 or nsp.regulations@nebraska.gov. Any written comments will be part of the record and will be considered.

DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272	Prepared by: Nicole R. Hutter
Chapter: 19	Date prepared: 1/13/2020
Subject: Sex Offender Registration	Telephone: 402-480-9823

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(x)	(x)	(x)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 19

NEBRASKA STATE PATROL

Sex Offender Registration

Issue Date: XXXXXX

NEBRASKA ADMINISTRATIVE CODE

~~TITLE 272 NAC 19-~~

~~ALPHABETICAL TABLE OF CONTENTS~~

<u>Subject or Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Access to Registry Information	Neb. Rev. Stat. § 29-4009, Neb. Rev. Stat. § 29-4013 Neb. Rev. Stat. § 29-4010	013
Applicability	Neb. Rev. Stat. § 29-4003	003
Change of Information	Neb. Rev. Stat. § 29-4004	010
Definitions	Neb. Rev. Stat. § 29-4013	002
Enforcement of Violations of the Act	Neb. Rev. Stat. § 29-4011	014
Notification of Registration Requirements	Neb. Rev. Stat. § 29-4007	007
Postsecondary Educational Institution Contacts	Neb. Rev. Stat. § 29-4004	011
Registration Fees	Neb. Rev. Stat. § 29-4013	009
Registration Procedure	Neb. Rev. Stat. § 29-4004,	008
Request for Determination of Applicability	Neb. Rev. Stat. § 29-4003 & 29-4013	004
Request for Hearing	Neb. Rev. Stat. § 29-4013	006
Request for Reduction of the 15-Year Registration Period	Neb. Rev. Stat. § 29-4005	005

Scope and Purpose	Neb. Rev. Stat. § 29-4002	001
Verification Procedure	Neb. Rev. Stat. § 29-4006 Neb. Rev. Stat. § 29-4008	012

NEBRASKA ADMINISTRATIVE CODE

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Scope and Purpose	Neb. Rev. Stat. § 29-4002	001
Definitions	Neb. Rev. Stat. § 29-4013	002
Applicability	Neb. Rev. Stat. § 29-4003	003
Request for Determination of Applicability	Neb. Rev. Stat. § 29-4003 & 29-4013	004
Request for Reduction of the 15-Year Registration Period	Neb. Rev. Stat. § 29-4005	005
Request for Hearing	Neb. Rev. Stat. § 29-4013	006
Notification of Registration Requirements	Neb. Rev. Stat. § 29-4007	007
Registration Procedure	Neb. Rev. Stat. § 29-4004, 29-4005 & 29-4006	008
Registration Fees	Neb. Rev. Stat. § 29-4013	009
Change of Information	Neb. Rev. Stat. § 29-4004	010
Postsecondary Educational Institution Contacts	Neb. Rev. Stat. § 29-4004	011
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Enforcement of Violations of the Act	Neb. Rev. Stat. § 29-4011	014

Title 272 - NEBRASKA STATE PATROL

Chapter 19 Sex Offender Registration

001 SCOPE AND PURPOSE

001.01 These regulations are to implement the Sex Offender Registration Act pursuant to Neb. Rev. Stat. §29-4013 as amended by LB 204 passed in 1998, LB 564 passed in 2002, LB 943 passed in 2004, LB 713 passed in 2005, LB 1199 passed in 2006, and LB 285 passed in 2009, LB 292 and 605 passed in 2015, and LB 934 passed in 2016. The Nebraska Sex Offender Registration Act was passed to protect the public, in particular children, from violent sex offenders via a more comprehensive system for registration of convicted sex offenders by implementing standards as outlined in the Adam Walsh Child Protection and Safety Act of 2006. The general objective of this act is to protect people from convicted sex offenders through registration requirements and community notification.

002 DEFINITIONS

002.01 ~~“Aggravated offense” means any registrable offense under Neb. Rev. Stat. § 29-4003 which involves the penetration of, direct genital touching of, oral to anal contact with, or oral to genital contact with (a) a victim age thirteen years or older without the consent of the victim, or (b) a victim under the age of thirteen years, or (c) a victim who the sex offender knew or should have known was mentally or physically incapable of resisting or appraising the nature of his or her conduct. is defined by Neb. Rev. Stat. §29-4001.01(1).~~

002.02 “Attends school” means enrollment in any educational institution in the state on a full-time or a part-time basis regardless of the number of hours or credits involved. This includes vocational as well as academic institutions and both credit and non-credit courses.

002.03 ~~“Blog” shall mean a web site contained on the Internet that is created, maintained and updated in a log, journal, diary, or newsletter format by an individual, group of individuals, or corporate entity for the purpose of conveying information or opinions to Internet users who visit their site.~~

002.04 ~~“Chat Room” shall mean a web site or server space on the Internet or~~

communication network primarily designated for the virtually instantaneous exchange of text or voice transmissions or computer file attachments amongst two or more computers or electronic communication device users.

~~002.05 “Chat room identifiers” shall mean the user name, password, symbol, image or series of symbols, letters, numbers or text characters used by a chat room participant to identify himself/herself in a chat room or to identify the source of any content transmitted from a computer or electronic communications device to the web site or server space upon which the chat room is dedicated.~~

~~002.03 “DNA Sample” shall have the same meaning as defined in is defined by Neb. Rev. Stat. § 29-4103.~~

~~002.07 “Domain name” shall mean a series of text based symbols, letters, numbers, or text characters used to provide recognizable names to numerically addressed Internet resources that are registered by the Internet Corporation for assigned names and numbers.~~

~~002.08 “E-Mail” shall mean the exchange of electronic text messages and computer file attachments between computers or other electronic communication devices over a communications network, such as a local area computer network or the Internet.~~

~~002.09 “E-mail address” shall mean the string of letters, numbers, and symbols used to specify the source or destination of an e-mail message that is transmitted over a communication network.~~

002.04 “Employed or carries on a vocation” means any full-time or part-time employment, with or without compensation, which lasts for a duration of more than fourteen (14) days or for an aggregate period exceeding thirty (30) days in a calendar year. This includes working “at” a postsecondary educational campus in any capacity either for the educational institution or for any other entity which requires a presence on campus.

002.05 “Governmental agency” shall means a unit or subdivision of government established by statute which has employees paid by the state or local subdivision or government. It does not include quasi-governmental organizations or private enterprises having a contractual relationship with a governmental unit.

002.06 “Habitual living location” shall mean any place that an offender may stay for a period of more than three (3) days even though the sex offender maintains a separate permanent address or temporary domicile. is defined by Neb. Rev. Stat.

§29-4001.01(3).

002.07 "Incarcerated" shall mean the physical holding or supervisory control over a person by a jail, penal or correctional facility or by a public or private institution at the direction of a jail, penal or correctional facility or a court. A person shall be considered incarcerated during short periods of supervised release such as work-release.

~~002.014 "Instant messaging" shall mean a direct, dedicated, and private communication service, accessed with a computer or electronic communication device, that enables a user of the service to send and receive virtually instantaneous text transmissions or computer file attachments to other selected users of the service through the Internet or a computer communications network.~~

~~002.015 "Instant messaging identifiers" shall mean the username, password, symbol, image, or series of symbols, letters, numbers, images or text characters used by an instant messaging user to identify their presence to other instant message users or the source of any content sent from their computer or electronic communication device to another instant messaging user.~~

002.08 "Law enforcement agency" shall mean a recognized police department, Sheriff's office, probation or parole officer, or the Nebraska State Patrol having an assigned originating agency identifier (ORI) issued by the Federal Bureau of Investigation.

002.09 "Listed offense" shall mean the offenses listed in section 003.01 of these regulations which are the same as those listed in Neb. Rev. Stat. §29-4003.

002.10 "Mental abnormality" shall mean a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of a criminal sexual act to a degree that makes the person a menace to the health and safety of other persons.

002.11 "Minor" shall mean a person below the age of eighteen (18).

002.12 "Nebraska State Patrol" shall mean the Sex Offender Registration and Community Notification Division of the Nebraska State Patrol, P.O. Box 94907, Lincoln, Nebraska 68509.

002.13 "Other jurisdiction of the United States" shall mean any federal court, tribal court, or any military court of the United States.

002.14 "Person" shall means an individual subject to the registration requirements and does not include corporations or other entities ~~as the term is sometimes used in the legal sense.~~

002.15 "Personnel" as used herein shall means personnel assigned to the ~~Sex Offender-Registration and Community Notification Division of the~~ Nebraska State Patrol and ~~those~~ other employees within the Nebraska State Patrol who are necessary for handling registrations, notifications, or appeal hearings.

002.16 "Postsecondary educational institution" shall means any institution with a formal instructional program whose curriculum is designed primarily for students who have completed the requirements of a high school diploma or its equivalent. This includes programs whose purpose is academic, vocational, and continuing professional education, and includes a vocational and adult basic education programs.

002.17 "Prior sex offense conviction" shall means a conviction for one of the listed offenses (or an offense substantially equivalent) which precedes ~~another conviction for a listed~~ the commission of another registrable offense ~~(or an offense substantially equivalent)~~. The earlier or "prior" conviction can be from any time before the later ~~offense conviction~~ and can be from any state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, or by a court-martial or other military tribunal, notwithstanding a set-aside or similar procedure to nullify the conviction other than a pardon.

002.18 "Sex Offender" shall means an individual who has been convicted of a crime listed in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

002.19 "Sexual predator" shall means an individual who is required to register under the Sex Offender Registration act, who has committed an AGGRAVATED offense, as defined in section 2.01 of this section, and who has victimized a person eighteen years of age or younger.

002.20 "Sexually violent predator" shall means a person determined by a court to be a sexually violent predator at the time of sentencing for one of the listed offenses. ~~The~~ A judge will determine whether this is a person "who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at a stranger or at a person with whom a relationship has been established or promoted, for the primary purpose of

victimization." A person determined to be a sexually violent predator or a sexually violent offender in a federal jurisdiction or in another state will be classified as a sexually violent predator in Nebraska.

~~002.029 "Social networking web site" shall mean a web page or collection of web sites contained on the Internet (a) that enables users or subscribers to create, display, and maintain a profile or Internet domain containing biographical data, personal information, photos or other types of media, (b) that can be searched, viewed, or accessed by other users or visitors to the web site with or without the creator's permission, consent, invitation, or authorization, and (c) that may permit some form of communication, such as direct comment on their profile page, instant messaging, or e-mail, between the creator of the profile and users who have viewed or accessed the creator's profile.~~

002.21 "State DNA database" shall mean the database established pursuant to Neb. Rev. Stat. § 29-4104.

002.22 "Substantially equivalent offense" shall mean a criminal offense from another state, territory, commonwealth or federal jurisdiction which has largely the same basic elements as one of the Nebraska listed offenses.

002.23 "Supervised release" shall mean any release from confinement which is conducted under supervision and exceeds three (3) days in duration. It shall include probation, parole, a work release program, furlough and any other type of release except for an unconditional discharge.

~~002.24 "Temporary domicile" shall mean any place at which the person actually lives or stays for a period of three (3) working days or more even though on a temporary basis and even though he or she may plan to return to their permanent domicile or to another temporary domicile. is defined by Neb. Rev. Stat. §29-4001.01(6).~~

002.25 "The Act" shall mean the Sex Offender Registration Act found in Neb. Rev. Stat. §29-4001 through §29-4013.

002.26 "Victim" shall mean the subject of a sexual assault or other offense listed in section 003.01 of these regulations whether the offense is the one requiring registration, is a prior or subsequent offense, or is an offense which was charged but dismissed through plea negotiations. Victim shall also include the parents or guardians of minors or vulnerable adults.

002.27 "Working days" shall mean Monday through Friday but shall does not include

any day which is a state holiday. State Holidays are: New Years Day, Martin Luther King, Jr. Day, President's Day, Arbor Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

003 APPLICABILITY

003.01 The registration requirement applies to any person who on or after January 1, 1997 has ever pleaded ~~ed~~ guilty ~~or to, plead~~ nolo contendere to, or been found guilty of any of the following offenses (referred to elsewhere as "listed offenses") or has ever pleaded ~~ed~~ guilty ~~or to, plead~~ nolo contendere to, or been found guilty of any offense that is substantially equivalent to any of the listed offenses by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under Neb Rev Stat §29-2264 or any other substantially equivalent procedure to nullify a conviction other than by pardon :

003.01A Kidnapping pursuant to Neb. Rev. Stat. §28-313 when the victim is a minor, except when the person is the parent of the minor and was not convicted of any of the below listed offenses;

003.01B False imprisonment pursuant to Neb. Rev. Stat. §28-314 or Neb. Rev. Stat. §28-315 when the victim is a minor;

003.01C Sexual assault in the first, second or third degree pursuant to Neb. Rev. Stat. §28-319 or Neb. Rev. Stat. §28-320;

003.01D Sexual assault of a child in the first ~~degree~~, second ~~degree~~, or third degree pursuant to Neb. Rev. Stat. §28-319.01 or Neb. Rev. Stat §28-320.01;

003.01E Sexual abuse of a vulnerable adult ~~or senior adult~~ pursuant to ~~subdivision (1)(e) of~~ Neb. Rev. Stat. §28-386(1)(c);

003.01F Incest of a minor pursuant to Neb. Rev. Stat. §28-703;

003.01G Pandering pursuant to Neb. Rev. Stat. §28-802 when the victim is a minor.

- 003.01H Visual depiction of sexually explicit conduct of a child pursuant to Neb. Rev. Stat. §28-1463.03 or Neb. Rev. Stat. §28-1463.05;
- 003.01I Knowingly possessing any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers pursuant to Neb. Rev. Stat. §28-813.01;
- 003.01J Criminal child enticement pursuant to Neb. Rev. Stat. §28-311
- 003.01K Child enticement by means of an electronic communication device pursuant to Neb. Rev. Stat. § 28-320.02;
- 003.01L Debauching a Minor pursuant to Neb. Rev. Stat. §28-805; or
- 003.01M Attempt, solicitation, aiding or abetting, being an accessory or conspiracy to commit an offense listed in subdivisions 003.01(A)-~~through 003.01(L)~~ of this section.

~~003.01.1 IN ADDITION TO THE REGISTRABLE OFFENSES LISTED IN 3.01 (A)-(M) OF THIS SECTION, THE SEX OFFENDER REGISTRATION ACT APPLIES TO ANY PERSON WHO ON OR AFTER JANUARY 1, 2010 PLEADS GUILTY TO, PLEADS NOLO CONTENDERE TO, OR HAS BEEN FOUND GUILTY OF ANY OF THE FOLLOWING CRIMES (003.01(N) THROUGH 003.01(Z)) OR HAS EVER PLED GUILTY TO, PLED NOLO CONTENDERE TO, OR BEEN FOUND GUILTY OF ANY OFFENSE THAT IS SUBSTANTIALLY EQUIVALENT TO THE LISTED OFFENSES.~~

~~003.01.2 SECTIONS 003.01(N) THROUGH 003.01(S) REQUIRE THAT A COURT SHALL HAVE FOUND THAT EVIDENCE OF SEXUAL PENETRATION OR SEXUAL CONTACT OCCURED, AS THOSE TERMS ARE DEFINED IN Neb. Rev. Stat. §28-318, BASED UPON INFORMATION PRESENT IN THE RECORD, WHICH SHALL INCLUDE CONSIDERATION OF THE FACTUAL BASIS FOR A PLEA-BASED CONVICTION AND INFORMATION CONTAINED IN THE PRESENTENCE REPORT;~~

003.01.1 In addition to the registrable offenses listed in 3.01 (A)-(M) of this section, the sex offender registration act applies to any person who on or after January 1, 2010 pleads guilty to, pleads nolo contendere to, or has been found guilty of any of the following crimes (003.01(N)-(Z)) or has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to the listed offenses.

003.01.2 Sections 003.01 (N)-(S) require that a court will have found evidence of sexual penetration or sexual contact, as those terms are defined in Neb. Rev. Stat. §28-318, based upon information present in the record, which will include consideration of the factual basis for a plea-based conviction and information contained in the presentence report;

- 003.01N Murder in the first degree or second degree pursuant to Neb. Rev. Stat. § 28-303 or Neb. Rev. Stat. § 28-304;
- 003.01O Manslaughter pursuant to Neb. Rev. Stat. 28-305;
- 003.01P Assault in the first ~~degree~~, ~~Assault in the~~ second ~~degree~~, or ~~Assault in the~~ third degree pursuant to Neb. Rev. Stat. § 28-308, or Neb. Rev. Stat. § 28-309, or Neb. Rev. Stat. § 28-310;
- 003.01Q Stalking pursuant to Neb. Rev. Stat. § 28-311.03;
- 003.01R Kidnapping pursuant to Neb. Rev. Stat. § 28-313;
- 003.01S False imprisonment pursuant to Neb. Rev. Stat. § 28-314 or Neb. Rev. § Stat 28-315;
- 003.01T ~~Unlawful intrusion on a minor pursuant to~~ Violation of Neb. Rev. Stat. § 28-311.08, Unlawful Intrusion, requiring registration under the act pursuant to subsection (6);
- 003.01U Sexual abuse of an inmate or parolee in the first degree or second degree pursuant to Neb. Rev. Stat. § 28-322.02 or Neb. Rev. Stat. § 28-322.03;
- 003.01V Sexual abuse of a protected individual pursuant to Neb. Rev. Stat. § 28-322.04;
- 003.01W Incest pursuant to Neb. Rev. Stat. § 28-703;
- 003.01X Child abuse pursuant to Neb. Rev. Stat. § 28-707 (1) (d) or (1)(e);
- 003.01Y Enticement by electronic communication device pursuant to Neb. Rev. Stat. § 28-833;

003.01Z Attempt, solicitation, aiding or abetting, being an accessory or conspiracy to commit an offense listed in subdivisions 003.01(N) through 003.01(Y) of this section.

003.02 The registration requirement applies to any person who lives in the State of Nebraska or who is employed, carries on a vocation, or attends school in the State of Nebraska and who:

003.02A Pleads guilty to or nolo contendere or is found guilty of one of the listed offenses in Section 3.01 on or after January 1, 1997 for section 003.01(A) ~~through 003.01(M)~~. Pleads guilty to or nolo contendere or is found guilty of one of the listed offenses in Section 3.01 on or after January 1, 2010 for section 003.01(N) ~~through 003.01(Z)~~;

003.02B Was incarcerated in a jail or other penal facility on or after January 1, 1997 as a result of pleading guilty, nolo contendere or being found guilty of one of the listed offenses in section 003.01(A) ~~through 003.01(M)~~;

003.02C Was incarcerated in a public or private institution on or after January 1, 1997 as a result of pleading guilty to, nolo contendere or being found guilty of one of the listed offenses in section 003.01(A) ~~through 003.01(M)~~ prior to January 1, 1997;

003.02D Was on probation or parole on or after January 1, 1997 as a result of pleading guilty to, nolo contendere or being found guilty of one of the listed offenses in section 003.01(A) ~~through 003.01(M)~~ prior to January 1, 1997;

003.02E Enters the state of Nebraska having, on or after January 1, 1997, ~~plead~~ pleaded guilty, nolo contendere or been found guilty of any offense in any village, town, city, state, territory, commonwealth or other jurisdiction of the United States, by the United States Government, or by court-martial or other military tribunal, or by a foreign jurisdiction that is substantially equivalent to the listed offenses in section 003.01(A) ~~through~~ (M), or on or after January 1, 2010 for the listed offenses in section 003.01 (N) ~~through~~ (Z), notwithstanding a set-aside or procedure substantially similar in effect to that described in Neb. Rev. Stat. §29-2264 or any other procedure to nullify a conviction other than by pardon;

003.02F Enters the state and is required to register as a sex offender for any reason and at any age, under the laws of another state, territory, commonwealth or other jurisdiction of the United States or Foreign Country; or

003.02G Enters the state of Nebraska having been registered at any time as a "sexually violent offender" or "sexually violent predator" or the substantial equivalent in another state, territory, commonwealth or other jurisdiction of the United States or Foreign Country.

003.03 A person ~~shall~~ will be considered incarcerated on or after January 1, 1997 even though he or she may not be physically present in the incarcerating facility due to a temporary furlough, community furlough, house arrest or administrative leave.

003.04 A juvenile who was adjudicated of a sex crime, is not required to register unless he or she enters this state and is required to register as a sex offender by the sentencing state, territory, commonwealth or other jurisdiction of the United States or Foreign Country or, is tried as an adult in this state and either pleaded plead guilty, plead or nolo contendere or is found guilty of a registerable offense in this state. An adjudication of delinquency is not the same as a conviction in adult court even though the conduct on which the adjudication is based would have required registration if the person was tried as an adult in Nebraska.

003.05 The registration requirement does not apply to a person who:

003.05A Is convicted of any offense other than those listed above or the substantial equivalent.

003.05B Is convicted in Nebraska before January 1, 1997 but is not in any penal facility or jail, public or private institution, or on probation or parole for such offense on January 1, 1997 for the crimes listed in 003.01 (A) - through (M); or is convicted in Nebraska before January 1, 2010 for the crimes listed in 003.01 (N) - through (Z).

003.05C Is a juvenile adjudicated "delinquent" or "in need of special supervision" by the juvenile courts in the state of Nebraska;

003.05D Is found Not Guilty by Reason of Insanity, is acquitted, or is placed in pre-trial diversion (without a guilty plea or finding of

guilt) for any of the listed offenses.

003.05E Has received a full pardon for the offense(s) which would otherwise require registration. A person receiving a set-aside for a conviction requiring registration is still required to register.

003.06 A person ~~who is~~ appealing a conviction requiring registration is required to register and comply with ~~other~~ all provisions of the law during the appeals process.

003.07 Any person to whom the Sex Offender Registration Act applies ~~shall~~ will be required to register during any period of incarceration, supervised release, probation or parole and then continue to register for the full registration period as stated below following discharge from incarceration, supervised release, probation or parole, whichever date is most recent. The registration period is;

003.07A **15 YEARS**, for a person who was convicted of a registrable offense under Neb. Rev. Stat § 29-4003 not punishable by imprisonment for more than one (1) year. One (1) year of imprisonment does not refer to the actual sentence received but instead the sentence that may be imposed by statute.

003.07B **25 YEARS**, for a person who was convicted of a registrable offense under Neb. Rev. Stat § 29-4003, punishable by imprisonment for more than one (1) year. More than one (1) year of imprisonment does not refer to the actual sentence but instead the sentence that may be imposed by statute.

003.07C **LIFE**, for a person who was convicted of a registrable offense under Neb. Rev. Stat § 29-4003, punishable by imprisonment for more than one (1) year; ~~(M~~more than one (1) year of imprisonment does not refer to the actual sentence but instead the sentence that may be imposed by statute;) and was convicted of an aggravated offense or has had a prior sex offense conviction or has been determined to be a lifetime registrant in another state, territory, commonwealth, or other jurisdiction of the United States Government, by court-martial, or other military tribunal, or by a foreign jurisdiction. The agency will follow a judicial finding of "aggravated offense."

003.08 A sex offender who is required to register for fifteen (15) years may request a reduction in the registration period ~~from fifteen (15) years~~ to ten (10) years upon completion of ten (10) years of compliance with the registration requirements after the date of discharge from probation, parole, supervised release, or incarceration, whichever date occurred most recently. Any time a person who is required to register under the act knowingly or willfully fails to comply with such registration requirement shall not be counted as completed registration time and shall be used to recalculate the ten year registration period.

003.09 Procedures for requests of reduction of registration duration and requests for hearings are outlined in Section 005 and 006.

003.10 A person entering the state of Nebraska having ~~already previously~~ been registered under a lifetime registration in another state, territory, commonwealth, or other jurisdiction of the United States or meeting the criteria for lifetime registration in this state by having two (2) or more convictions for a registerable offense or the substantial equivalent of a registerable offense or, having been convicted of an aggravated offense or the substantial equivalent of an aggravated offense, ~~shall will~~ be required to register for the remainder of ~~his or her~~ their life.

003.11 A person required to register only because ~~he or she is~~ they are employed, carrying on a vocation, or attending school in the state of Nebraska will be required to register with the Sheriff of the county in which ~~he or she~~ they works or attends school and will likely be required to register in the out-of-state location in which ~~he or she~~ they resides depending on the laws of the state of residence. This requirement for nonresident workers and nonresident students applies to all types of employment and all schools and should not be confused with the similar but distinct requirements applying to postsecondary educational institutions which are set forth in section 011 of these regulations. The requirements for reporting changes of information found in section 010 of these regulations apply to all changes of information and not just changes of information for postsecondary educational institutions.

003.12 Any time period where a person is required to register under the Act and

knowingly or willfully fails to comply with such registration requirement, SHALL NOT have the period of noncompliance counted as completed registration time and such period of noncompliance will be tolled resulting in recalculation of the registration period. The recalculation will be completed by the ~~Sex Offender Registration and Community Notification Division of the~~ Nebraska State Patrol.

004 REQUEST FOR DETERMINATION OF APPLICABILITY

004.01 A person required to register may request an administrative determination of applicability of the Nebraska State Patrol Sex Offender Registration to their conviction. A written request must be addressed to the Nebraska State Patrol, Sex Offender Registration, P.O. Box 94907, Lincoln, Nebraska 68509. The request for determination of applicability ~~must~~ will include:

004.01A Name, date of birth, address and phone number of the requestor;

004.01B Description of the criminal act(s) which are the subject of the request. This ~~must~~ will be specific as to the elements of the crime for which the individual was convicted, ~~and the date of conviction~~ date, as well as the and state of conviction in which convicted;

004.01C Court action on the offense(s) to include: name of the court_;, location of the court_;, date of the action_;, and nature of disposition of the case.

004.02 An administrative determination will be made and the requesting individual advised of this decision in writing within thirty (30) days of the request. An individual not satisfied with the administrative determination of applicability of the program ~~to their situation~~ can file an appeal to the Superintendent of Law Enforcement and Public Safety and request a formal determination under the Administrative Procedures Act. Appeals from Administrative Procedures Act determinations can be filed in the District Court.

004.03 Requesting a determination of the applicability of the Act does not extend the time limits for registering and does not relieve the individual of the duty to register. If an individual has registered and a determination is made that registration is not required, the information will be removed from the registry

and the individual so notified.

005

REQUEST FOR REDUCTION OF THE FIFTEEN YEAR
REGISTRATION PERIOD.

005.01 Only persons required to register for fifteen (15) years may request a reduction in the registration period ~~from fifteen (15) years~~ to ten (10) years. This request can only be made after completion of ten (10) years of the registration period following discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. A written request ~~shall~~ will be on a form prescribed by the Nebraska State Patrol and must be addressed to the Nebraska State Patrol, Sex Offender Registration Program, P.O. Box 94907, Lincoln, Nebraska 68509. The request must include name, date of birth, address and phone number of the requestor and proof that during the ten (10) years of registration, he or she:

005.01A Was not convicted of any offense for which imprisonment for more than one year could have been imposed;

005.01B Was not convicted of any sex offense;

005.01C Successfully completed any period of probation, parole, supervised release or incarceration;

005.02D Successfully completed an appropriate sex offender treatment program.

005.02 An appropriate sex offender treatment program is a program which provides sex offender specific treatment and must include pre-treatment assessment of static and dynamic risk factors, empirically validated or informed treatment interventions that target an individual's dynamic risk factors and a plan for on-going services and support beyond the active phase of treatment. Programs that may be approved as "appropriate" include but are not limited to, the Nebraska Department of Corrections sex offender treatment programs and the Nebraska Health and Human Services sex offender treatment programs as well as other programs that meet the criteria stated above.

005.03 An administrative determination will be made and the requesting individual advised of this decision in writing within thirty (30) days of the request. An individual not satisfied with the administrative determination denying reduction of the registration ~~time~~ period may file a hearing request to the Superintendent

~~of Law Enforcement and of~~ Public Safety and request a formal determination of the issue under the Administrative Procedures Act. Appeals from ~~the~~ Administrative Procedures Act hearings may be filed in the District Court.

006

REQUEST FOR HEARING ON APPLICABILITY OR REQUEST FOR HEARING ON REDUCTION OF THE FIFTEEN YEAR REGISTRATION REQUIREMENT.

006.01 If a hearing is requested, it ~~shall~~ will be held pursuant to the Nebraska Administrative Procedures Act and the Nebraska State Patrol Title 272, Chapter 1, Rules and Regulations pertaining to administrative hearings (Title 272 – Chapter 1). The offender ~~must~~ will specify through pleadings or at a prehearing conference what aspect of the registration requirements are being challenged.

006.01A Due to the sensitive nature of the evidence which may be presented, the hearings shall be closed.

006.01B Evidence presented by either party in the form of written exhibits shall have the name(s) of the victim(s) redacted/~~blacked out~~ to ensure confidentiality ~~of the victim(s)~~. Exhibits ~~shall~~ will display the first and last initials of the victim(s) in any location where the name has been redacted. During testimony, the victim(s) ~~shall~~ will be referred to by first and last initials only.

006.01C The scope of the hearing for applicability ~~shall~~ will include a review of the information used in making the determination. The scope of the hearing for reduction of the fifteen (15) year registration period ~~shall~~ will include a review of the registrant's criminal history, periods of supervised release, probation, parole and information concerning appropriate sex offender treatment.

006.01D Persons required to register for fifteen (15) years who request a hearing for reduction of the registration duration can only make such request once a year following the completion of ten (10) years of the registration period.

006.01E The State has the burden of going forward with evidence.

006.01F A decision ~~shall~~ will be made by the Superintendent within

fifteen (15) working days of the hearing.

006.01G Appeals from the Superintendent's decision shall be filed in the District Court of Lancaster County, in accordance with the procedures set forth in the Nebraska Administrative Procedures Act.

006.02 The Superintendent of the Nebraska State Patrol may delegate to a hearing officer the functions of conducting prehearing conferences and hearings, and submitting a recommended decision. The Hearing Officer ~~shall have~~ has the duty to conduct full, fair and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of the proceeding, and to maintain order. Hearing Officers ~~shall~~ will have the following powers:

006.02A To administer oaths and affirmations;

006.02B To issue subpoenas as authorized;

006.02C To compel discovery and to impose appropriate sanctions pursuant to the Nebraska Supreme Court Rules for failure to make discovery;

006.02D To rule upon offers of proof and receive relevant, competent and probative evidence;

006.02E To regulate the course of the proceedings in the conduct of the parties and their representatives;

006.02F To hold prehearing conferences for simplification of the issues, settlement of the proceedings, or any other proper purposes;

006.02G To consider and rule orally or in writing, upon all ~~procedural and other~~ motions appropriate in adjudicative proceedings;

006.02H To fix the time for holding the record open for additional evidence or for submission of briefs;

006.02I To exclude people from the hearing;

006.02J To issue recommended decisions, rulings, and orders, as appropriate;

006.02K To receive exhibits and testimony so as to ensure a complete and accurate record in all hearings, including those where the agency is not represented by counsel;

006.02L To consider any relevant and probative evidence offered.;

006.02M To take any other action consistent with the purpose of the law.

006.03 The hearing officer may, in his or her discretion, grant extensions of time or continuances of hearings upon the hearing officer's own motion or at the timely request of any party for good cause shown. A party **must will** file a written motion for continuance within five (5) working days of the scheduled hearing or pre-hearing conference, which states in detail the reasons why a continuance is necessary, and serve a copy of the motion on all other parties.

006.03A Good cause **for an extension of time or continuance** may include, but is not limited to, the following:

006.03A1 Illness of the party, legal counsel or witness;

006.03A2 A change in legal representation; or

006.03A3 Pending written stipulations by either party in preparation for resolution without hearing.

006.04 In the event the Petitioner fails to appear for a pre-hearing conference or hearing, a default disposition **shall will** be entered into the record in conformance with the Administrative Procedure Act. A default disposition will result in the Nebraska State Patrol's Administrative determination of the issue becoming the basis for the final order.

007 NOTIFICATION OF REGISTRATION REQUIREMENTS

007.01 Neb. Rev. Stat §29-4007 **states that requires** sentencing courts **shall to** provide written NOTIFICATION OF REGISTRATION RESPONSIBILITIES at the time of sentencing to persons having **plead pleaded** guilty or been found guilty of one of the listed offenses. **The form to be used has been approved by the Attorney General. All written notification as provided in this sub-section will be on a form approved by the Attorney General.** It **will shall** include information about the reporting requirements imposed by statute should the defendant move within the

same county, to another county, to another state, or cease to have a residence or temporary domicile or habitual living location. It ~~shall will~~ also include notification about the reporting requirements should the defendant work at or attend a postsecondary educational institution or go to another state to work or attend school. The notice ~~shall will~~ inform the defendant that fingerprints, palm prints, a DNA sample if not previously collected, and photograph will be obtained by any registering entity. It ~~shall will~~ inform the defendant of registry and verification locations as well as requirements necessary to apply for a reduction of registration time, if eligible. ~~The notification will also inform the defendant of the requirement to provide changes or additions to all e-mail addresses, instant messaging identifiers, chat room identifiers, global unique identifiers, and other Internet communication identifiers including all blogs and Internet web sites maintained by defendant and in addition any Internet restrictions if applicable.~~ The notification ~~shall will~~ be signed by the person and a copy of ~~both~~ the signed notification, the judgment and sentence, the information or amended information and the journal entry of the court ~~shall will~~ be provided to the County Attorney, the Nebraska State Patrol, the Sheriff in the county listed as the offender's future domicile, and the defendant. The court ~~shall will~~ retain a copy of the signed notification form and ~~also~~ the supporting information, if any, pertaining to a determination that the offender is a sexually violent predator.

007.02 The Department of Correctional Services or a city or county correctional or jail facility ~~shall will~~ provide written NOTIFICATION OF REGISTRATION RESPONSIBILITIES to any person committed to its custody for a listed offense. The notification form ~~shall will~~ contain the same information as that used by the courts as specified in section 007.01 of these regulations above and § 29-4006. ~~The form to be used has been approved by the Attorney General. All written notification as provided in this sub-section will be on a form approved by the Attorney General.~~ The notification ~~shall will~~ be read and signed by the person prior to his or her release. A signed copy of the notification ~~shall will~~ be retained by the facility and another provided to the Nebraska State Patrol and to the person provided the notification. A copy ~~shall will~~ also be provided to the Sheriff in the county listed as the offender's future domicile unless it is outside of the state of Nebraska.

007.03 The Department of Motor Vehicles ~~shall will~~ place a notice on all motor vehicle operator license applications starting January 1, 1997 which will

inform applicants of the duty to register. Such notice **shall will** be in a form approved by the Attorney General.

007.04 The Nebraska State Patrol Sex Offender Registry division will provide and mail a notification of the duty to register **form** to persons who must register in Nebraska based on a requirement to register in another state, territory, commonwealth, or other jurisdiction of the United States or who must register in Nebraska due to conviction for a substantially equivalent offense. **This The** form must be signed, dated and returned to the Nebraska State Patrol. The ultimate responsibility for registration lies with the Sex Offender to register within three (3) days of their arrival in the State.

007.05 Refusal to sign the notification form by a person required to register under the Act is a violation of the Act. **Refusal to sign the notification form by a person not required to register under the Act is a violation of these regulations.** Violations of the Act and of these regulations may subject the person to criminal prosecution as specified in Sections 014.03 and 014.04 of these regulations. If a person receiving a notification form refuses to sign the form, that fact **shall will** be noted on the form by the individual providing the notification. Copies **shall will** be made available as specified above.

007.06 Personnel for the **Sex Offender Registration and Community Notification of the** Nebraska State Patrol **shall will** have access to all documents that are generated by any governmental agency that may have a bearing on the determination of the appropriate registration period for the defendant. This may include but, is not limited to, law enforcement reports, presentence reports, criminal histories, birth certificate or death certificates. The **division Nebraska State Patrol** will not be charged for access to such documents.

008 REGISTRATION PROCEDURE

008.01 Any person subject to the Sex Offender Registration Act, after receiving the Notification of Registration Responsibilities from the court, corrections, or the Sex Offender Registry, **shall will** register within three (3) working days after becoming subject to the Act at a location designated by the Nebraska State Patrol for purposes of accepting such registration.

008.02 Upon receipt of the registration and after confirmation of the registry

requirement, the Sex Offender Registration and Community Notification Division of the Nebraska State Patrol ~~shall~~ will notify the person by certified mail of his or her registration duration and verification schedule.

008.03 Any person required to register under the Act who is residing, has a temporary domicile, or is habitually living in another state, and is employed, carries on a vocation, or attends school in this state, ~~shall~~ will report and register, in person, with the Sheriff of the county in which he or she is employed, carries on a vocation, or attends school in this state and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three (3) working days after becoming employed, carrying on a vocation or attending school. In certain circumstances persons may be required to register in more than one (1) county and more than one (1) state at the same time.

008.04 Each registering entity ~~shall~~ will forward all written information, photographs, palm prints and fingerprints obtained pursuant to the Act to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose. The information ~~shall~~ will be forwarded on forms furnished by the Nebraska State Patrol division. The Nebraska State Patrol division shall will maintain a central registry of sex offenders required to register under the Act. Any collected DNA samples shall be forwarded to the State DNA Database.

008.05 A person placed on supervised release, probation or parole is required to register prior to release by the court or confinement facility and must remain registered during the period of supervised release, probation or parole and for a period of time as provided by statute, after discharge from supervised release, probation or parole unless he or she is required to register for life as set forth in section 003.07C of these regulations.

008.06 Registration ~~shall~~ will be on a form approved by the Nebraska State Patrol. The form shall include the following information:

008.06A Full legal name and all aliases the person has ever used or by which he or she has been known;

008.06B The person's date of birth and any alias dates of birth;

- 008.06C The person's social security number;
- 008.06D The address of each residence at which the person resides, has a temporary domicile, has a habitual living location, or will reside;
- 008.06E The name and address of any place where the person is an employee or will be an employee, including work locations with multiple worksites;
- 008.06F The name and address of any place where the person is a student or will be a student;
- 008.06G The license plate number and a description of any vehicle owned or operated by the person and its regular storage location;
- 008.06H The person's motor vehicle operator's license number, including the person's valid motor vehicle operator's license or state identification card submitted for photocopying;
- 008.06I The person's original travel and immigration documents submitted for photocopying;
- 008.06J The person's original professional licenses or certificates submitted for photocopying;
- ~~008.06K The person's remote communication device identifiers and addresses, including but not limited to, all global unique identifiers, serial numbers, Internet protocol addresses, telephone numbers, and account numbers specific to the device;~~
- ~~008.06LK~~ The person's telephone numbers;
- ~~008.06ML~~ A physical description of the person;
- ~~008.06NM~~ A digital link to the text of the provision of law defining the criminal offense or offenses for which the person is registered under the Act;
- ~~008.06ON~~ Access to the criminal history of the person, including the date of all arrests and convictions, the status of parole, probation, or supervised release, registration status, and the existence of any

outstanding arrest warrants for the person;

008.06PO A current photograph of the person;

008.06QP A set of fingerprints and palm prints of the person;

008.06RQ A DNA sample of the person,; and

008.06S ~~All email addresses, instant messaging identifiers, chat room identifiers, global unique identifiers, and other Internet communication identifiers that the person uses or plans to use, all domain names registered by the registrant, and all blogs and Internet sites maintained by the person or to which the person has uploaded any content of posted any messages or information.~~

008.07 Prior registrations. If the person has been registered as a Sex Offender in another state, the dates and jurisdiction as well as nature of the registration (such as Violent Sexual Predator or prior lifetime registration) must be shown.

008.08 A copy of the parole or probation orders issued to the registering offender, if any, are to be included with the form.

008.09 All forms must be signed and dated by the offender who is registering or providing a change in information as well as signed and dated by the agent completing the registration. Offenders should ~~be asked for a~~ produce photo identification ~~card~~ or some positive form of identification to help ~~insure~~ ensure that the individual is providing accurate information.

008.10 Each registering agent ~~shall~~ will forward the following information pertaining to sex offender registrations to the Nebraska State Patrol ~~Sex Offender and Community Notification Division~~ on the day it is received and in a manner prescribed by the Nebraska State Patrol:

008.10A All written information including the registration form, a copy of the Notification of Registration Responsibilities form signed by the registrant, a copy of any parole or probation orders issued to the offender.

008.10B Photographs. A new photograph of the person is to be taken for submission with the original registration or verification. Old file photos will not suffice but may be included with a current color

photograph. Photos may be submitted electronically.

008.10C Prints. Two (2) new sets of fingerprints **must will** be obtained from the individual registering on an FBI fingerprint card, also known as a 10 Print Card. Palm prints **must will also** be obtained **as-well**.

008.10D A DNA sample **must will** be taken if it has not previously been taken for the registry.

008.11 The Nebraska State Patrol **shall will** maintain a central registry of sex offenders required to register pursuant to statute. The State Patrol shall enter Sex Offender Registry data into the National Sex Offender Registry File in NCIC within three (3) days.

009 REGISTRATION FEES

009.01 Persons registering under this Act may not be charged a fee for registering or for the fingerprints and photographs required for registering.

009.02 Each governmental entity having responsibilities under the Act or these regulations **shall will** be responsible for the costs incurred in performing their required duties.

010 CHANGE OF INFORMATION

010.01 Any person required to register under the Act **shall will** inform the Sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose if **he or she has they have** a new address, temporary domicile, or habitual living location within the same county, within three (3) working days before the change. The Sheriff **shall will** submit such information to the ~~Sex Offender Registration and Community Notification Division of the~~ Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

010.02 Any person required to register under the Act **shall will** inform the Sheriff of the county in which ~~he or she~~ **they** resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if ~~he or she has~~ **they have** a new address, temporary domicile, or habitual living location in a different county in this state, within three (3) working days

before the address change. The Sheriff ~~shall~~ will submit such information to the Sex Offender Registration and Community Notification Division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location within the State of Nebraska, the division ~~shall~~ will notify the Sheriff of each affected county of the new address, temporary domicile, or habitual living location, within three (3) working days. The person ~~shall~~ will report to the county Sheriff of his or her new county of residence and register with such county Sheriff within three (3) working days after the address change.

010.03 Any person required to register under the Act ~~shall~~ will inform the Sheriff of the county in which ~~he or she~~ they resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she moves to a new out-of-state address, within three (3) working days before the address change. The Sheriff ~~shall~~ will submit such information to the ~~Sex Offender Registration and Community Notification Division of the~~ Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location outside of the State of Nebraska, the division shall notify the Sheriff of each affected county in Nebraska and the other states, countries, or territory's central repository for sex offender registration of the new out-of-state address, temporary domicile, or habitual living location, within three (3) working days.

010.04 Any person required to register under the Act ~~shall~~ will notify the Sheriff of the county where ~~he or she is~~ they are employed, carries on a vocation or attends school, in person, of any changes in employment, vocation, or school of attendance, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three (3) working days after the change. The Sheriff ~~shall~~ will submit such information to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose.

010.05 Any person required to register or who is registered under the Act, but is incarcerated for more than three (3) working days, ~~shall~~ will inform the Sheriff of the county in which ~~he or she is~~ they are incarcerated, in

writing, within three (3) working days after incarceration, of ~~his or her~~ their incarceration and ~~their his or her~~ expected release date, if any such date is available. The Sheriff shall forward the information regarding incarceration to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol immediately on the day on which it was received and in a manner prescribed by the Nebraska State Patrol for such purpose.

010.06 Any person required to register, or who is registered under the Act, who no longer has a residence, temporary domicile, or habitual living location ~~shall will~~ report such change in person to the Sheriff of the county in which ~~he or she is~~ they are located and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three (3) working days after such change in residence, temporary domicile, or habitual living location. Such person shall update ~~his or her~~ their registration, in person, to the Sheriff of the county in which he or she is located, on a form approved by ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol at least once every thirty (30) calendar days during the time he or she remains without residence, temporary domicile, or habitual living location.

010.07 Any person required to register under the Act ~~shall will~~, in person, inform the Sheriff of any legal change in name, within three (3) working days after such change and provide a copy of the legal documentation supporting the change in name and complete a form as prescribed by the Nebraska State Patrol for such purpose. The Sheriff ~~shall will~~ submit the information to the Sex Offender Registration and Community Notification Division of the Nebraska State Patrol, in writing, immediately after receipt of the information and in a manner prescribed by the Nebraska State Patrol for such purpose.

~~010.08 Any person required to register under the Sex Offender Registration Act shall inform the Sheriff with whom he or she is required to register of any changes in or additions to such person's list of email address, instant messaging identifiers, chat room identifiers, global unique identifiers, and other Internet communication identifiers that the registrant uses or plans to use, all domain names registered by the person or to which the person has uploaded any content or posted any messages or information, in writing and complete a form as prescribed by the Nebraska State Patrol for such purpose, by the next working day. The Sheriff receiving this updated~~

~~information shall submit the information to the Sex Offender Registration and Community Notification Division of the Nebraska State Patrol, in writing, by the next working day after receipt of the information.~~

~~010.09~~ 010.08 A complete new registration is not required if the Sheriff already has information on the registrant but the registrant must review the information already on file and update any information that is not current. A new photograph should be taken if the photograph on file is over one (1) year old or if the person's appearance has changed.

~~010.10~~ 010.09 The change of information form and re-registration requirements apply to permanent changes of address, change of temporary domicile, change of habitual living location, or transient status. The change of information ~~will~~ must include notice to all places registered if the person is registered in more than one location because of working or attending school in a location different from one in which he or she resides.

~~010.11~~ 010.10 Any person required to register who enters an inpatient treatment facility ~~shall~~ will sign a release of information form with the facility ~~so as~~ to allow law enforcement to verify their residency at the treatment facility.

~~010.12~~ ~~At any time that a person required to register under the Act violates the registry requirements and cannot be located, the registry information shall reflect that the person has absconded, a warrant shall be sought for the person's arrest, and the United States Marshals Service shall be notified.~~

011 POSTSECONDARY EDUCATIONAL INSTITUTION CONTACTS

011.01 A person who is required to register must notify the Sheriff of the county in which ~~he or she~~ they resides in writing of each postsecondary educational institution at which ~~he or she~~ they works, ~~carries~~ carry on a vocation, or attends school within three (3) working days of beginning the employment or attendance. A person residing outside of Nebraska who is required to register and works, carries on a vocation, or attends a postsecondary educational institution ~~must~~ will notify the Sheriff of the county in which the educational institution is located and register within three (3) working days of beginning the employment or attendance. This requirement is to comply with the provisions of the Campus Sex Crimes Prevention Act and applies to all sex offenders attending postsecondary educational institutions as well as all persons working at a campus. The focus is on the offender's presence at the campus for more than fourteen (14) consecutive

days or for an aggregate period exceeding thirty (30) days in a calendar year rather than on any relationship with the institution. A sex offender who is gainfully employed by a private catering company but works on campus or even an unpaid volunteer for a charitable organization doing research at a campus library ~~would be~~ is included in this definition. This provision also requires a person who is incarcerated to register if he or she is attending classes on the campus of a postsecondary educational institution.

011.02 The registrant ~~shall~~ will notify the Sheriff or Sheriffs in writing of any change in this employment or attendance status within three (3) working days of the change.

011.03 Notice to the Sheriff of this contact with postsecondary educational institutions should be made on a form approved by the Nebraska State Patrol. This requirement is independent of and in addition to registration requirements. Having previously registered does not satisfy this requirement. The initial information can, however, be provided at the time of registration.

011.04 A Sheriff receiving a postsecondary educational institution contact notice or change of information form ~~shall~~ will forward the information to the Nebraska State Patrol on the day it is received and in a manner proscribed by the Nebraska State Patrol.

011.05 Within three (3) working days of receipt of any information or a change of status pertaining to a postsecondary educational institution, the Nebraska State Patrol ~~shall~~ will inform the law enforcement agency having responsibility for the campus where the institution is located. This notification shall go to the affected campus police, if any, or to the local law enforcement agency having jurisdiction where the institution is located.

012 VERIFICATION PROCEDURE

012.01 The person required to register shall appear in person for such verification at the office of the Sheriff of the county in which ~~they he or she~~ resides, ~~has~~ have a temporary domicile, or ~~is~~ are habitually living for purposes of accepting verifications and shall have his or her photograph and fingerprints taken upon request of verification personnel. The verification

schedule is as follows;

15 YEAR REGISTRANTS; A person required to register under the Act for fifteen (15) years ~~shall~~ will report every twelve (12) months in the month of his or her birth, in person, to the office of the Sheriff of the county in which ~~they~~ ~~he or she~~ resides for purposes of accepting verifications, regardless of the original registration month. The Sheriff ~~shall~~ will submit such verification information to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

25 YEAR REGISTRANTS; A person required to register under the Act for twenty-five (25) years ~~shall~~ will report, in person, every six (6) months to the office of the Sheriff of the county in which ~~he or she~~ ~~they~~ resides for purposes of accepting verification. The person ~~shall~~ will report, in person, in the month of his or her birth and in the sixth (6th) month following the month of his or her birth, regardless of the original registration month. The Sheriff ~~shall~~ will submit such verification information to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

LIFE; A person required to register under the Act for life ~~shall~~ will report, in person, every three (3) months to the office of the Sheriff of the county in which ~~they~~ ~~he or she~~ resides for purposes of accepting verification. The person ~~shall~~ will report, in person, in the month of his or her birth and every three (3) months following the month of his or her birth, regardless of the original registration month. The Sheriff ~~will~~ ~~shall~~ submit such verification information to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

012.01A The verification form ~~shall~~ will be signed by the person required to register under the Act and state whether the address last reported to the division is still correct.

012.01B If the person required to register under the Act fails to report in person as required in subsection 12.01 of this section, falsifies the registration or verification information or fails to provide timely updates to law enforcement of any of the information required to be provided by the Sex Offender Registration Act, the person will

~~shall~~ be in violation of this section of the Act.

012.01C ~~At any time that a person required to register under the Act violates the registry requirements and cannot be located, the registry information shall reflect that the person has absconded, a warrant shall be sought for the person's arrest, and the United States Marshal's Service shall be notified.~~

012.01C Verification requirements of a person required to register under the Act ~~shall~~ will not apply during periods of such person's incarceration or inpatient civil commitment. Verification ~~shall~~ will be resumed as soon as such person is placed on any type of supervised release, parole, probation, or outpatient civil commitment or is released from incarceration or civil commitment. Prior to any type of release from incarceration or inpatient civil commitment, the person will ~~shall~~ report a change of address, in writing, to the Sheriff of the county in which ~~they are he or she is~~ incarcerated and the Sheriff of the county in which ~~he or she they~~ resides, ~~has~~ have a temporary domicile, or ~~has~~ have a habitual living location. The Sheriff ~~shall~~ will submit the change of address to ~~the Sex Offender Registration and Community Notification Division of~~ the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

012.01D The requirement to verify addresses ~~shall~~ will not apply during periods in which the registrant is incarcerated but ~~shall~~ will resume as soon as the incarcerated person is placed on any type of supervised release, parole, or probation or is released from incarceration. Prior to release from incarceration the registrant ~~shall~~ will report a change of address to both the Sheriff in the county where ~~they are he or she is~~ incarcerated and the Sheriff in the county in which ~~they he or she~~ resides or ~~is are~~ temporarily domiciled. Each Sheriff ~~shall~~ will forward the change of address to the Nebraska State Patrol.

012.02 Any changes in registration information obtained by the Nebraska State Patrol through the verification procedure ~~shall~~ will be provided to the Sheriff in the affected county or counties.

013 ACCESS TO REGISTRY INFORMATION

- 013.01 Information **shall will** be disclosed to law enforcement agencies for law enforcement purposes. Registration information disclosed for law enforcement purposes **will shall** be treated as confidential by law enforcement agencies and **shall will** not be considered public record information.
- 013.02 Information on persons subject to Neb. Rev. Stat. §83-174.03 **shall will** be disclosed to the Office of Parole Administration.
- 013.03 Information concerning the address or whereabouts of the person required to register may be disclosed to the victim or victims of such person and parents or guardians of such victims upon the victim's request for this information to the extent that such information is contained in the sex offender registry files. The status of a person as a victim **shall will** be documented by law enforcement before the release of such information.
- 013.04 The Nebraska State Patrol, any law enforcement agency, and any probation or parole officer may release relevant information that is necessary to protect the public concerning a specific person required to register, except that the identity of a victim **shall will** not be released.
- 013.05 Information concerning sex offenders **shall will** be released to law enforcement and the community using electronic systems.
- 013.06 Information obtained under the Sex Offender Registration Act that **IS is** confidential and **shall will** only be released upon written request to law enforcement agencies, including federal or state probation or parole agencies, if appropriate, are a sex offender's social security number, references to arrests of a sex offender not resulting in a conviction, travel or immigration document information, ~~remote-communication device identifiers and addresses, e-mail addresses, instant messaging identifiers, and other Internet communication identifiers~~, telephone numbers, motor vehicle operator's license information or state identification card number, the name of any employer.
- 013.07 Certain groups and agencies approved by the Nebraska Sex Offender Registry, **shall will** have access to additional public notification information (not provided on the web site) about registered sex offenders, upon written request to the Sex Offender Registry. Such information excludes confidential information as provided in section 013.06. Any agency that is responsible for

conducting employment related background checks under section 3 of the National Child Protection Act of 1993, 42 U.S.C. 5119a, any social service entity responsible for protecting minors in the child welfare system, any volunteer organization in which contact with minors or other vulnerable individuals might occur, any public housing agency in each area in which a registered sex offender resides or is an employee or a student, any governmental agency conducting confidential background checks for employment, volunteer, licensure, or certification purposes and any health care provider who serves children or vulnerable adults for the purpose of conducting confidential background checks for employment.

014 ENFORCEMENT OF VIOLATIONS OF THE ACT

014.01 Violations of the Act include: failure to register as required;[;] failure to make proper notification of changes to any information provided to the Sex Offender Registry;[;] failure to sign the notification form provided by the Nebraska Sex Offender Registry, the court, the County Treasurer, the Department of Correctional Services, or the Department of Motor Vehicles;[;] failure to appear for verification within the prescribed time limits;[;] and providing false information on the registration or verification forms. Only persons required to register under the Act can be prosecuted for violation of the Act.

014.02 Any period during which a person knowingly or willfully fails to comply with registration requirements as set out in Neb. Rev. Stat. §29-4005 ~~shall~~ will extend the registration end date. The Nebraska State Patrol ~~Sex Offender Registry division shall will~~ calculate this time, day for day from the first day the person is verified to be out of compliance until ~~they~~ he/she becomes compliant with registry requirements. This amount of time ~~shall will~~ be added to the date on which registration requirements are satisfied if the registration is for a period less than lifetime.

014.03 Any person required to register under the Sex Offender Registration Act who violates the Act ~~can receive penalties as prescribed in Neb. Rev. Stat. §29-4011. is guilty of a Class IV felony. Any person required to register under the Sex Offender Registration Act who violates the Act and who has previously been convicted of a violation of the Act is guilty of a Class III felony and, upon conviction, shall be sentenced to a mandatory minimum term of at least one (1) year in prison unless the violation which caused the person to be placed on the registry was a misdemeanor, in which case the violation of the Sex Offender Registration Act shall be a Class IV felony.~~

014.04 A violation of these regulations is an infraction as set forth in Neb. Rev. Stat. §29- 431. The penalty set out in Neb. Rev. Stat. §29-436 is a fine of \$100 for the first offense and up to a fine of \$500 for subsequent offenses. Persons who are required to register under the Act ~~and persons who are not required to register under the Act~~ can be prosecuted for violation of the regulations.

014.05 Any law enforcement agency with jurisdiction in the area in which a person resides, has a temporary domicile, maintains a habitual living location, is employed, carries on a vocation, or attends school ~~will shall~~ investigate and enforce violations of the Sex Offender Registration Act.

014.06 ~~At any time that a person required to register under the Act violates the registry requirements and cannot be located, the registry information will reflect that the person has absconded, a warrant shall be sought for the person's arrest, and the United States Marshal's Service shall be notified.~~