

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 61

Introduced by Heidemann, 1.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-311.08, Reissue Revised Statutes of Nebraska; to
3 change and provide penalties relating to unlawful
4 intrusion; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311.08, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-311.08 (1) It shall be unlawful for any person to
4 knowingly intrude upon any other person without his or her consent or
5 knowledge in a place of solitude or seclusion.

6 (2) For purposes of this section:

7 (a) Intrude means the viewing or recording, either by
8 video, audio, or other electronic means, of a person in a state of
9 undress; and

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

15 ~~(3) Violation~~(3)(a) Except as provided in subdivisions
16 (b) and (c) of this subsection, violation of this section is a Class
17 III-I misdemeanor, unless the victim is under the age of eighteen in
18 which case a violation is a Class II misdemeanor. Lack of knowledge
19 as to the victim's age is not a defense to the enhanced penalty under
20 this section.

21 (b) Violation of this section is a Class IV felony if the
22 intrusion is video, audio, or electronically recorded.

23 (c) Violation of this section is a Class III felony if
24 the intrusion is video, audio, or electronically recorded and
25 distributed to another person or otherwise made public in any manner

1 which would enable it to be viewed by another person.

2 Sec. 2. Original section 28-311.08, Reissue Revised

3 Statutes of Nebraska, is repealed.