

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 574

Introduced by Kintner, 2; Brasch, 16; Ebke, 32; Hansen, 26; Pansing
Brooks, 28.

Read first time January 18, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 28-1310, Reissue Revised Statutes of Nebraska; to change provisions
3 relating to intimidation by telephone call; to provide for
4 intimidation by electronic message; and to repeal the original
5 section.

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

1 Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-1310 (1) A person commits the offense of intimidation by
4 telephone call or electronic message if, with intent to ~~terrify,~~
5 intimidate, threaten, or harass, ~~annoy, or offend,~~ the person:

6 (a) Telephones or transmits an electronic message directly to
7 another anonymously, whether or not conversation or an electronic
8 response ensues, and disturbs the peace, quiet, and right of privacy of
9 any person at the place where the calls or electronic messages are
10 received; ~~or~~

11 (b) Telephones or transmits an electronic message directly to
12 another and uses ~~indecent, lewd, lascivious, or~~ obscene language or
13 suggests any obscene ~~indecent, lewd, or lascivious~~ act; ~~or~~

14 (c) Telephones or transmits an electronic message directly to
15 another and threatens to inflict injury to any person or to the property
16 of any person; ~~or~~

17 (d) Intentionally fails to disengage the connection; or

18 (e) Telephones or transmits an electronic message directly to
19 another and attempts to extort money or other thing of value from any
20 person.

21 ~~(2) The use of indecent, lewd, or obscene language or the making of~~
22 ~~a threat or lewd suggestion shall be prima facie evidence of intent to~~
23 ~~terrify, intimidate, threaten, harass, annoy, or offend.~~

24 ~~(2) (3)~~ The offense shall be deemed to have been committed either at
25 the place where the call or electronic message was made or where it was
26 received.

27 ~~(3) (4)~~ Intimidation by telephone call or electronic message is a
28 Class III misdemeanor.

29 (4) For purposes of this section:

30 (a) Electronic communication device has the same meaning as in
31 section 28-833; and

1 (b) Electronic message means a text message, an electronic mail
2 message, or any other communication which, in its ordinary and intended
3 use, is received by an electronic communication device.

4 Sec. 2. Original section 28-1310, Reissue Revised Statutes of
5 Nebraska, is repealed.