

NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY SEX OFFENDER REGISTRATION		
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EFFECTIVE: January 1, 1997
 REVISED: December 27, 2013
 REVISED: December 31, 2014
 REVIEWED: November 30, 2015
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SUMMARY OF REVISION/REVIEW

PURPOSE – I. – Language updated. I.F. – Language updated. II. – Language updated.
 PROCESS – I.A. – Language updated. I.B. – Language updated. II.A. – Language updated.
 III.A. – Language updated.

APPROVED:



Rob Jeffreys, Director
 Nebraska Department of Correctional Services

	POLICY		
	SEX OFFENDER REGISTRATION		
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PURPOSE

To provide Policy for notifying Nebraska Department of Correctional Services (NDCS) upon release from confinement and to complete the Sex Offender Registration.


This Policy outlines the reasons and process that an incarcerated individual within NDCS must follow if their offense requires that they register a sex offender upon release from confinement.

Nebraska Revised Statutes §29-4001 to §29-4014 became operative on January 1, 1997. These laws apply to all incarcerated individuals convicted of the offenses outlined below. For any offense below that includes a minor, the definition of a minor will include those individuals who are under the age of 18. See *Notification of Registration Responsibilities Under Nebraska Sex Offender Registration Act* (Attachment A).

A person appealing a conviction of a registerable offense under this section shall be required to comply with the Act during the appeals process.

I. REGISTRABLE OFFENSES BEGINNING JANUARY 1, 1997


- A. Kidnapping of a minor pursuant to Neb. Rev. Stat. §28-313, except when the person is the parent of a minor and was not convicted of any other offense listed below. (incarcerated individual may not require registration if the sentencing court makes such determination a part of the sentencing order).
- B. False imprisonment of a minor pursuant to Neb. Rev. Stat. §28-314 or §28-315. (incarcerated individual may not require registration if the sentencing court makes such determination a part of the sentencing order).
- C. Sexual assault, 1st, 2nd, or 3rd degree pursuant to Neb. Rev. Stat. §28-319 or §28-320.
- D. Sexual abuse by a school employee pursuant to Neb. Rev. Stat. §28-316.01.
- E. Sexual assault of a child in the 1st, 2nd or 3rd degree pursuant to Neb. Rev. Stat. §28-319.01 or §28-320.01.
- F. Sexual abuse of a vulnerable adult or senior adult pursuant to subdivision (1) (c) of Neb. Rev. Stat. §28-386.
- G. Incest of a minor pursuant to Neb. Rev. Stat. §28-703.
- H. Pandering of a minor pursuant to Neb. Rev. Stat. §28-802.
- I. Visual depiction of sexually explicit conduct of a child pursuant to Neb. Rev. Stat. §28-1463.03 or subdivision (2) (b) or (c) of §28-1463.05.
- J. 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. subsection (1) or (4) of §28-813.01.
- K. Criminal child enticement pursuant to Neb. Rev. Stat. §28-311.

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- L. Child enticement by means of an electronic communication device pursuant to Neb. Rev. Stat. §28-320.02.
- M. Debauching a minor pursuant to Neb. Rev. Stat. §83-805. (incarcerated individual may not require registration if the sentencing court makes such determination a part of the sentencing order.)
- N. Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit a listed offense.
- O. Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registerable offense 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. §29-2664 or any other procedure to nullify a conviction other than by pardon.
- P. Enters the state and is required to register as a sex offender under the laws of another village, town, city, state, territory, commonwealth, or other jurisdiction of the United States.

II. ADDITIONAL REGISTRABLE OFFENSES ON OR AFTER JANUARY 1, 2010

- A. In addition to the registerable offenses listed above, the Sex Offender Registration Act applies to any person who on or after January 1, 2010 has ever pled guilty to, pled nolo contendere to, or been found guilty of any of the following offenses.
- B. Unlawful intrusion on a minor pursuant to §28-311.08, and subsection (6) of Neb. Rev. Stat. §28-311.08
- C. Sexual abuse of an incarcerated individual or parolee in the first degree pursuant to Neb. Rev. Stat. §28-322.02
- D. Sexual abuse of an incarcerated individual or parolee in the second degree pursuant to Neb. Rev. Stat. §28-322.03
- E. Sexual abuse of a protected individual pursuant to Neb. Rev. Stat. §28-322.04
- F. Incest pursuant to Neb. Rev. Stat. §28-703
- G. Child abuse pursuant to subdivision (1)(d) or (e) of Neb. Rev. Stat. §28-707
- H. Enticement by electronic communication device pursuant to Neb. Rev. Stat. §28-833
- I. Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed above
- J. The following offenses are only registrable if a court found that evidence of sexual penetration or sexual contact, as defined in Neb. Rev. Stat. §28-313, was present in the record, which shall include consideration of the factual basis for a plea-based conviction and information contained in the presentence report.

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- K. Murder in the first degree pursuant to Neb. Rev. Stat. §28-303
- L. Murder in the second degree pursuant to Neb. Rev. Stat. §28-304
- M. Manslaughter pursuant to Neb. Rev. Stat. §28-305
- N. Assault in the first degree pursuant to Neb. Rev. Stat. §28-308
- O. Assault in the second degree pursuant to Neb. Rev. Stat. §28-309
- P. Assault in the third degree pursuant to Neb. Rev. Stat. §28-310
- Q. Stalking pursuant to section Neb. Rev. Stat. §28-311.03
- R. Kidnapping pursuant to Neb. Rev. Stat. §28-313
- S. False imprisonment pursuant to Neb. Rev. Stat. §28-314 or §28-315

III. ADDITIONAL REGISTRABLE OFFENSES ON OR AFTER JANUARY 1, 2020

In addition to the registrable offenses listed above, the Sex Offender Registration Act applies to any person who on or after January 1, 2020 has ever pled guilty to, pled nolo contendere to, or been found guilty of either of the following:

- A. Sexual abuse of a detainee under Neb. Rev. Stat. §28-322.05.
- B. Any offense that is substantially equivalent to a registrable offense under Section III.A. 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 procedure to nullify a conviction other than by pardon.

IV. ADDITIONAL REGISTRABLE OFFENSES ON OR AFTER JANUARY 1, 2023

In addition to the registrable offenses listed above, the Sex Offender Registration Act applies to any person who on or after January 1, 2023 has ever pled guilty to, pled nolo contendere to, or been found guilty of either of the following:

- A. Human trafficking under Neb. Rev. Stat. §28-831(1) or (2), and the court determines either by notification of sex offender registration responsibilities or notation in the sentencing order that the human trafficking was sex trafficking or sex trafficking of a minor and not solely labor trafficking or labor trafficking of a minor.
- B. Any offense that is substantially equivalent to a registrable offense under Section IV.A 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 procedure to nullify a conviction other than by pardon.

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PROCESS

This Policy sets forth the process to be followed to ensure compliance.

I. SCREENING AND REGISTRATION OF SEX OFFENDERS UPON ADMISSION

- A. The facility records office will screen all new commitments for the sex offender registry. This will minimally include a review of sentencing orders and a check of the Sex Offender Registry. Incarcerated individuals will not be discharged until the registration process is complete. Youthful offenders who are transferred to the Nebraska Correctional Youth Facility (NCYF) will have the registration processed and DNA collected at NCYF.
- B. The facility records office will assist the incarcerated individual in completing all required forms to be submitted as a part of the registry. The records office will electronically submit the forms to the registry on the same day as they are completed and scanned to the documents tab on the sentence dashboard. The verified original registration forms signed by the incarcerated individual will be held in their institutional file.
- C. A DNA sample will be collected, unless a verified sample was previously collected and is listed on CODIS in NCJIS.
- D. Finger and palm prints will be processed using the AFIS profile for sex offenders. The live scan number will be included in the comments section of the registry. Facilities that do not have an AFIS machine, will continue to process finger and palm prints manually. Ink rolled prints will be mailed to the Sex Offender Registry on the same day as the registration is sent electronically.

II. REGISTRATION OF SEX OFFENDERS PROMOTED TO MINIMUM B, COMMUNITY A AND COMMUNITY B CUSTODY

- A. Upon transfer to a community corrections center, the receiving facility records office will assist an incarcerated individual subject to the Sex Offender Registration Act in updating the registration. The updated registration will be forwarded to the Sex Offender Registry electronically for the same day it is completed and scanned to the documents tab on the sentence dashboard. Any finger or palm prints required as part of the registration process will be mailed to the Sex Offender Registry the same day the registration is completed. The verified original registration documents signed by the incarcerated individual will be kept in their institutional file.
- B. Registration is mandatory for minimum B and community custody. Incarcerated individuals who refuse to comply with any part of the registration process will be returned to the sending facility and the Criminal Investigative Division of the State Patrol will be contacted.
- C. Incarcerated individuals assigned to custody levels 3B or 4A will use the correctional center as their current address. Their employer will be listed as the *Nebraska Department of Correctional Services*, employed as a detail worker.
- D. Incarcerated individuals assigned to custody level 4B will use the correctional center address as their current address and the current employer and/or educational institution will be listed. The incarcerated individual's unit case manager will be responsible for notifying the facility records office, whenever there is a change of the incarcerated

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individual's work location or status. The facility records office will assist the offender in updating their registration whenever an offender has a status change. If an incarcerated individual is removed from a community corrections facility, the sending facility records office shall notify the Sex Offender Registry of the status change.

- E. Upon transfer to a community center, personal descriptors such as height, weight, and photo should be updated as necessary.

III. REGISTRATION UPON DISCHARGE OR PAROLE

- A. Records team members will assist the incarcerated individual in completing the Sex Offender Notification of Registration form. Records team members will then review the form with the offender for completeness. The incarcerated individual and the witnessing team members are required to sign the registration form. A copy of the completed form will be given to the incarcerated individual. The verified form signed by the incarcerated individual will be sent electronically to the Sex Offender Registry the same day the registration is completed and scanned to the documents tab on the sentence dashboard. The original registration documents will be kept in the incarcerated individual's institutional file.
- B. In the event that the incarcerated individual refuses to sign the form, or comply with any part of the registration process, including the submission of a DNA sample, the team member witnessing the action will note the refusal. The Nebraska State Patrol Criminal Investigation Division will be notified immediately. The State Patrol will determine whether or not the incarcerated individual will be taken into custody upon release for failure to register. If the State Patrol makes that advisement, NDCS team members shall not release the incarcerated individual until arrival of State Patrol officer.
- C. If the incarcerated individual is not going to reside in Nebraska upon release, the registration must still be completed.
- D. If the incarcerated individual is to be released to immigration, a mental health facility, or another law enforcement agency whether local, state, or federal, the registration must be completed prior to release.
- E. Incarcerated individuals discharged and immediately re-admitted as county safe-keepers will need to be registered. Records team members at the discharging facility will complete the registration upon discharge before the incarcerated individual is booked as a safe keeper.
- F. Upon release, personal descriptors such as height, weight and photo should be updated as necessary.

REFERENCE

I. STATUTORY REFERENCES AND OTHER AUTHORITY

- A. Neb. Rev. Stat. §28-303, §28-304, §28-305, §28-308, §28-309, §28-310, §28-311.03, §28-311.08, §28-313, §28-314, §28-315, §28-318, §28-322.02, §28-322.03, §28-322.04, §29-4014, §28-703, §28-707, §28-833, §29-4001

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II. NDCS POLICIES – None Noted

III. ATTACHMENTS

A. Notification of Registration Responsibilities Under Nebraska Sex Offender Registration Act (form provided by the Nebraska State Patrol) No. 26-163-21 10/09 Rev. Sec 29-4007

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted