

Nebraska State Patrol - Sex Offender Registry

Frequently Asked Questions

Q: WHEN DID NEBRASKA'S SEX OFFENDER REGISTRY LAW TAKE EFFECT?

A: The Nebraska Sex Offender Registration Act became effective January 1, 1997.

Q: WHAT STATUTE IS IT?

A: Nebraska Statute, Article 40, Section 29-4001 through section 29-4013.

Q: WHAT STATE AGENCY IS RESPONSIBLE FOR MAINTAINING THE REGISTRY?

A: The Nebraska State Patrol, Sex Offender Registry Division of Investigative Services is responsible for the central repository of all the sex offender registration files.

Q: WHAT IS THE ADDRESS FOR THE SEX OFFENDER REGISTRY UNIT?

A: Nebraska State Patrol
Attn: Sex Offender Registry
P.O. Box 94907
Lincoln, NE 68509-4907

Q: HOW MANY PERSONS ARE IN THE NEBRASKA SEX OFFENDER REGISTRY?

A: As of December 2009 there are over 3,000 registered sex offenders in the state of Nebraska.

Q: WHAT CRIMES REQUIRE A PERSON TO REGISTER?

A: Non-parental Kidnapping of a Minor §28-313
False Imprisonment of a Minor, §28-314 or 28-315
Sexual Assault, §28-319 or 28-320 (1st, 2nd or 3rd degree)
Sexual Assault of a Child, Second or Third Degree §28-320.01
Sexual Assault of a Child, First Degree, 28-319.01
Sexual Abuse of a Vulnerable Adult, §28-386(1)(c)
Incest of a Minor, §28-703
Pandering of a Minor, §28-802
Debauching a Minor §28-805
Visual Depiction of Sexually Explicit Conduct of a Child, §28-1463.03 or 28-1463.05
Sexually Explicit Conduct; visual depiction, §28-813.01
Criminal Child Enticement, §28-311
Child Enticement by means of a computer, §28-320.02
Attempt, solicitation, aiding or abetting, being an accessory, or Conspiracy to Commit the above crimes.
If convicted of any of the following as of January 1, 2010:
Unlawful intrusion on a minor 28-311.08
Sexual Abuse of an inmate or parolee in the first degree 28-322.02
Sexual Abuse of an inmate or parolee in the second degree 28-322.03
Sexual Abuse of a protected individual 28-322.04
Incest (victim of any age) 28-703
Child Abuse pursuant to subdivision (1)(d) or (e) of section 28-707
Enticement by electronic communication device 28-833
Attempt, solicitation, aiding or abetting, being an accessory, or Conspiracy to Commit the above crimes.
If convicted of any of the following as of January 1, 2010 & ordered by a judge to register:
Murder in the first degree 28-303
Murder in the second degree 28-304
Manslaughter 28-305
Assault in the first degree 28-308
Assault in the second degree 28-309
Assault in the third degree 28-310
Stalking 28-311.03

Kidnapping (victim of any age) 28-313

False imprisonment (victim of any age) 28-314-315

Q: DO OFFENDERS CONVICTED OF MISDEMEANOR SEX OFFENSES HAVE TO REGISTER?

A: If the offender is convicted of one of the above listed crimes whether it is a misdemeanor or felony, they must register.

Q: WHO IS REQUIRED TO REGISTER?

A: The Sex Offender Registration Act applies to any person who on or after January 1, 1997:

-Pleads guilty to or is found guilty of any crime(s) requiring registration;

-Is incarcerated in a jail, a penal or correctional facility, or any other public or private institution as a result of pleading guilty to or being found guilty of a registrable offense prior to January 1, 1997

-Is under probation or parole as a result of pleading guilty to or being found guilty of a registrable offense prior to January 1, 1997;

-Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable 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 section or any other procedure to nullify a conviction other than by pardon;

-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.

-Is required to register but may not live in Nebraska but is employed, carries on a vocation, or attends school in Nebraska.

Q: ARE JUVENILES REQUIRED TO REGISTER?

A: No. Unless they are found guilty in adult court or they are an offender who 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.

Q: ARE PERSONS REQUIRED TO REGISTER IF THEIR CONVICTION OCCURRED IN ANOTHER STATE AND THEY NOW RESIDE IN NEBRASKA?

A: Individuals are required to register in Nebraska if the crime they were convicted of is the same or equivalent to Nebraska's Sex Offender Registry crimes or they enter the state and are 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.

Q: ARE PERSONS REQUIRED TO REGISTER IF THEIR CONVICTION WAS IN A FEDERAL, MILITARY, TRIBAL OR FOREIGN COURT?

A: Individuals are required to register if, as of January 1, 1997: they have ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable 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; OR the offender 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.

Q: ARE SEXUALLY VIOLENT PREDATORS REQUIRED TO REGISTER?

A: All sex offenders designated a Predator are required to register for life.

Q: WHICH OFFENDERS ARE CLASSIFIED AS "SEXUALLY VIOLENT PREDATORS"?

A: The current law no longer has a sexually violent predator provision. Up until December 31, 2009, the Nebraska law defined sexually violent predator as a person who has been convicted of one or more of the offenses requiring registration and who suffers from a mental abnormality or personality disorder, making them likely to commit sexually violent offenses for the purpose of victimization. An offender can only be determined a sexual violent predator by the sentencing court after considering evidence from experts on behavior and treatment of sexual offenders. The definition of Predator does vary from state to state.

Q: HOW LONG MUST A SEX OFFENDER REGISTER?

A: Sex offenders are required to register for 15 years*, 25 years* or lifetime:

- **Fifteen years**, if the sex offender was convicted of a registrable offense not punishable by imprisonment for more than one year; (*i.e. primarily misdemeanor offenses*)
- **Twenty-five years**, if the sex offender was convicted of a registrable offense punishable by imprisonment for more than one year; or (*i.e. primarily non-aggravated felony offenses including attempt/conspiracy*)
- **Life**, if the sex offender was convicted of a registrable offense punishable by imprisonment for more than one year and was convicted of an aggravated offense, or had a prior sex offense conviction (felony or misdemeanor) or has been determined to be a lifetime registrant in another 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. Aggravated offense is defined as any registrable offense 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, (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; (*i.e. primarily aggravated felony offenses = force/drugged victim/disabled victim/victim <13, including attempt/conspiracy; felony or misdemeanor repeat offenders*)

*Any time period when any person who is required to register under the act fails to comply with such registration requirement shall not be counted as completed registration time and shall be used to recalculate the registration period. The recalculation shall be completed by the sex offender registration and community notification division of the Nebraska State Patrol.

Q: HOW ARE SEX OFFENDERS NOTIFIED TO REGISTER IN THE STATE OF NEBRASKA?

A: Convicted sex offenders must sign a Notification to Register form provided by the sentencing court in which they were convicted and/or from the city/county jail or correctional facility or private/public institution from which they are being released. An offender is in violation of the law if they fail to register regardless of whether they were informed of their duty to register in the State of Nebraska.

Q: WHEN IS AN OFFENDER REQUIRED TO REGISTER?

A: Sex offenders are required to register upon release from the sentencing court, OR prior to release from a city jail, county jail, state correctional facility or private/public institution. An offender moving to Nebraska who is subject to the registry must register within three working days after becoming subject to the act at a location designated by the Nebraska State Patrol. An offender who does not live in Nebraska but is employed or attends school in Nebraska must register within three working days employment or school enrollment at a location designated by the Nebraska State Patrol.

Q: WHERE DOES AN OFFENDER REGISTER?

A: If not registered by a city jail, county jail, state correctional facility or public/private institution, the offender must register at a location designated by the Nebraska State Patrol for purposes of accepting such registration. The registration locations are posted on our web site with contact information. Once an offender is initially registered by a designated location, city jail, county jail, state correctional facility or public/private institution, the offender must register and report any subsequent changes, updates and complete verifications with the respective sheriff's office(s) of where they live, work and/or go to school. All registration information is to be submitted to the Nebraska State Patrol on the same day it is reported.

Q: WHAT IS THE REGISTRATION PROCESS?

A: The registration form contains the offender's name, address, telephone number, date of birth, social security number, physical description, complete address history, vehicle information, employment status, employment or attendance at a school, criminal information and other requirements listed under statute 29-4006. A registering agency will complete the form, obtain fingerprints, DNA, and a photograph of the offender and send it to the Nebraska State Patrol on the same day the offender registers. There is no charge for this process.

Q: CAN AN OFFENDER LIST A POST OFFICE BOX NUMBER WITHOUT PROVIDING A STREET ADDRESS WHEN REGISTERING?

A: As of January 1, 2010, the offender must register the address of each residence at which the person resides, has a temporary domicile, has a habitual living location, or will reside within three (3) days before the change. A mailing address or post office box may be submitted in addition to the required physical

address or transient status but that will not guarantee that any mail will be sent to the reported mailing address or post office box.

Q: WHAT HAPPENS IF AN OFFENDER MOVES?

A: Registrants must inform the local sheriff's office of all address changes three (3) working days before the change. When the registrant moves to another county, they must notify the current sheriff's office and register with the new sheriff's office within three (3) working days. Similarly, when an offender moves out-of-state they must notify the sheriff's office where they presently reside or are temporarily domiciled and then comply with the registry laws of the state to which they have moved. Any person who no longer has a residence or temporary domicile, i.e., becomes homeless, shall notify the county sheriff in the county in which he or she is located within three (3) days after becoming homeless. The individual must report to that sheriff's office once every 30 days during the time he or she remains homeless or report a new address within three (3) working days of moving.

Q: HOW CAN AN OFFENDER REGISTER AS TRANSIENT?

A: Some offenders are truly homeless. In order to address the transient issue, a provision was established in the Sex Offender Registry law that would allow prosecution if the offender failed to report or update his or her transient status. If an offender is transient, the offender must report his or her transient status three (3) working days after becoming homeless. The offender must update his or her transient status with the sheriff's office in person every 30 days. If the offender FAILS to do this, it is a violation and the offender can be arrested. If the offender claims to be transient, but actually has a place to live then that is a violation as well.

Q: HOW DOES NEBRASKA'S SEX OFFENDER REGISTRY DETERMINE IF REGISTERED OFFENDERS ARE REPORTING CHANGES OF ADDRESSES? ARE ADDRESS VERIFICATIONS REQUIRED?

A: According to the Nebraska Sex Offender Act, the registration information shall be verified for the duration of the registration period. The offenders are required to appear in person for such verification at the office of the sheriff of the county in which he or she resides, has a temporary domicile, or is habitually living. For those offenders who do not live in Nebraska but are registered due to employment or school, the offender must report to the sheriff of the county in which he or she is employed or goes to school. The offender shall have his or her photograph and fingerprints taken upon request of verification personnel. The verification form shall be signed by the person required to register under the act and state whether the address last reported to the division is still correct.

- A person required to register under the act for fifteen (15) years shall report every twelve months in the month of his or her birth, in person, to the office of the sheriff of the county in which he or she resides (or works/goes to school for nonresident).
- A person required to register under the act for twenty-five (25) years shall report, in person, every six months to the office of the sheriff of the county in which he or she resides (or works/goes to school for nonresident).
- A person required to register under the act for life shall report, in person, every three months to the office of the sheriff of the county in which he or she resides (or works/goes to school for nonresident).

All law enforcement agencies are encouraged to check registrant's addresses periodically.

Q: HOW ARE OFFENDERS NOTIFIED OF THEIR REGISTRATION DURATION AND VERIFICATION SCHEDULE?

A: Upon receipt of registration and confirmation of the registry requirement, the sex offender registration and community notification division of the Nebraska State Patrol shall notify the person by certified mail of his or her registry duration and verification schedule.

Q: CAN AN OFFENDER ASK FOR AN EXPUNGEMENT OF INFORMATION FROM THE SEX OFFENDER REGISTRY?

A: A sex offender who is required to register for fifteen years may request a reduction in the registration period to ten years upon completion of ten years of the registration period after the date of discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. The sex offender shall make the request to the Nebraska State Patrol. The sex offender shall provide proof that, during such registration period, he or she:

- Was not convicted of any offense for which imprisonment for more than one year could have been imposed;
- Was not convicted of any sex offense;
- Successfully completed any period of probation, parole, supervised release, or incarceration; and
- Successfully completed an appropriate sex offender treatment program.

You may refer to our Rules and Regulations in the Documents section of our web site to review further details concerning the reduction request. The offenders who are required to register for 25 years or Life cannot ask for a reduction and will be required to register for the full duration.

Q: WHAT ARE THE PENALTIES FOR NOT COMPLYING WITH THE REGISTRY LAWS?

A: Any person required to register under the Sex Offender Registration Act who violates the act is guilty of a Class IV felony. Any person required to register under the 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 shall be sentenced to a mandatory minimum term of at least one 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 act shall be a Class IV felony.

Q: WHAT ACTION CAN BE TAKEN AGAINST SEX OFFENDERS WHO ARE REQUIRED TO REGISTER BUT WILLFULLY FAIL TO REGISTER?

A: The violations of the SOR law include:

- Failure to Register in 3 working days
- Failure to change address or living location status 3 working days before the change
- Failure to update transient status within 30 days
- Failure to report employment or school in 3 working days
- Failure to complete verification
- Provide false information to SOR
- Failure to report any update in electronic identifier information in 24 hours

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. Any law enforcement agency with jurisdiction in the area in which a person required to register under the act resides, has a temporary domicile, maintains a habitual living location, is employed, carries on a vocation, or attends school shall investigate and enforce violations of the act. Prosecutors can file a failure to comply with the Nebraska Sex Offender Act for the offenders who cannot be located for an on-view arrest.

Q: CAN THE PUBLIC REQUEST INFORMATION ON ANY REGISTERED SEX OFFENDERS?

A: Yes. All registered sex offenders are posted on our web site. You can search by name, city, county or zip code.

Q: IS THERE ANY RESTRICTIONS AS TO WHERE OR WITH WHOM A SEX OFFENDER CAN LIVE?

A: Nebraska legislation simply enacted guidelines in July 2006 for those cities who wish to adopt a living restriction ordinance. It is not a state-wide law. Therefore, it only applies to those cities or designated entities that pass such an ordinance which only applies to schools and day cares; furthermore, it will be up to the local agencies to enforce the restrictions if adopted. The city ordinance only applies to sexual predators that moved to the reported address after July 2006. Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense and who has victimized a person eighteen years of age or younger. The Nebraska State Patrol does not track which cities choose to enact or enforce the ordinance. Please contact the local city office, police department or sheriff's office of the city in question.

Q: WHAT INFORMATION IS POSTED ABOUT A REGISTERED SEX OFFENDER?

A: The information released will be the sex offender's name, physical description, address, photograph, registration duration and the offense or offenses which required the individual to register as a sex offender.

Q: BY WHAT METHOD CAN I RECEIVE SEX OFFENDER NOTIFICATION?

A: In the past, the Nebraska State Patrol had three methods of notification including phone, fax or email for law enforcement, schools, daycare centers, religious organizations, youth organizations, the media,

and health care facilities providing services to children or vulnerable adults. **As of January 1, 2010 all notifications by phone, fax or email will cease to all agencies.** All phone and fax notifications will be permanently eliminated. The Nebraska State Patrol will be working on a new email notification system but it will not be available for a period of time. Once a notification system is in place, notifications will only be conducted by email to law enforcement and other agencies approved by the Nebraska State Patrol. In the meantime, all offenders will be posted online and can be searched by name, county, city or zip code.

Q: WHAT SHOULD THE PUBLIC DO IF A SEX OFFENDER IS IN THEIR NEIGHBORHOOD?

A: The information is used to provide public notice and information about a registrant so a community can develop constructive safety plans for themselves and their family. The notification process will decrease a sex offender's ability to act secretly, but parents will have the biggest impact by teaching children about personal safety. A family should develop a safety plan. Children need to be educated about safety tips for both strangers and people with whom they are familiar. Have open communication with your children and review safety tips frequently. Avoid situations that make you or your children vulnerable for an offender. For example, children and parents need to be alert to suspicious behavior such as a person who approaches children/youth without a specific reason or a person that hangs around schools, parks, or other places where children/teens frequent. Avoid scaring them but tell children not to accept rides and to stay away from a person's home/yard they do not know. Use the buddy system when playing outdoors. Have the children tell the parents if a person tries to talk to them and call 911 if a person approaches them and no other adults are around.

Parents should define and demonstrate appropriate physical affection and teach children that they have a right to say no to anyone that is touching them in a way that makes them uncomfortable. If parents teach the child accurate sexual education and terminology for body parts, they are more likely to perceive that it is safe to confide in the parents and to be able to describe the situation, if something does occur. Without this type of information, children will have difficulty discerning what is appropriate and inappropriate. This is especially true if the perpetrator is someone they trust that is telling them that such inappropriate behavior is acceptable. Such dialogue also assures them that they won't be in trouble and that the perpetrator is the one responsible. Encourage them to tell about inappropriate touching no matter what the person tells them. Teach them to keep telling until someone intervenes.

Q: AS A PARENT HOW CAN I TELL IF A PERSON IS A SEX OFFENDER?

A: Sex offenders have always been in our communities. There is no typical sex offender. Stereotypes often are not true. Most offenders are known to victims and are often put in a position of trust with their victim. Parents should be cautious about people who spend a lot of time with children in the absence of other adults or who spend more time with children than with other adults. They should also be aware of a person that frequently wants to take their child alone on vacations or other trips. Other signs may be an influx of gift giving to the child. Parents can also monitor the child's behavior for any changes in interactions with other people including the parents. Some possible signs of abuse may be withdrawal, poor school performance, fear of people, sexual acting out, unexplained physical problems associated with private parts and/or the mouth.

Q: WHERE CAN I FIND INFORMATION ON PEOPLE WHO ARE NOT LISTED ON THE PATROL'S WEBSITE?

A: There is no other central database for registered sex offenders in Nebraska. However, there are some other resources that may be helpful to research convicted sex offenders that may not be required to register in Nebraska:

- Review the Nebraska Department of Correctional Services website which provides conviction, sentencing, and release information on offenders who have been or are incarcerated in one of the Nebraska state prison facilities: www.corrections.state.ne.us

- Review the Federal Bureau of Prison's web site locate a Federal inmate incarcerated from 1982 to present: <http://www.bop.gov/iloc2/LocateInmate.jsp>
- You can contact the Nebraska State Patrol and pay to have a criminal history run on a specific person. More information is available on the state patrol's main web site: www.nsp.state.ne.us
- If the person is from another state, you may be able to check the internet for that state's sex offender registry. Use a search engine such as Google or Yahoo to find any states registration database online.
- You may also contact the court from which the person was convicted and inquire about public records.
- Please see our "Useful Links" on our home page to research other sex offender registry databases including a nationwide search.