LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 948

Introduced by Lambert, 2; McGill, 26.
Read first time January 11, 2012
Committee: Judiciary

A BILL

FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions and a penalty relating to intimidation by telephone call; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is amended to read:

28-1310 (1) A person commits the offense of intimidation by telephone or electronic communication device if, with intent to terrify, intimidate, threaten, harass, annoy, or offend, the person:

(a) Telephones Contacts another by telephone or electronic communication device anonymously, whether or not conversation ensues, and disturbs the peace, quiet, and right of privacy of any person at the place where the communications are received; or

(b) Telephones Contacts another by telephone or electronic communication device and uses indecent, lewd, lascivious, or obscene language or suggests any indecent, lewd, or lascivious act; or

(c) Telephones Contacts another by telephone or electronic communication device and threatens to inflict injury to any person or to the property of any person; or

(d) Intentionally Contacts another by telephone or electronic communication device and intentionally fails to disengage the connection; or

(e) Telephones Contacts another by telephone or electronic communication device and attempts to extort money or other thing of value from any person.

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

(3) The offense shall be deemed to have been committed either at the place where the call such communication was made or where it was received.

(4) For purposes of this section, electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device.

(4)(5) Intimidation by telephone call or electronic communication device is a Class III I misdemeanor.

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 Original section 28-1310, Reissue Revised Statutes of Nebraska, is repealed.