

CHAPTER 134: OFFENSES CONCERNING MINORS

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GENERAL PROVISIONS

§ 134.01 POSSESSION OF TOBACCO.

(A) It shall be unlawful for any person under 18 years of age to possess tobacco products. The term **TOBACCO PRODUCT** is defined as any substance or product containing tobacco leaf, including, but not limited to, cigars, cigarettes, pipe tobacco and all forms of smokeless tobacco as defined by Neb. RS 69-1902.

(B) This section shall not prohibit any persons from handling or disposing of tobacco products in the course of their employment in grocery stores, convenience stores, restaurants, hotels or similar businesses; or persons who are authorized under state law to serve, sell or dispense tobacco products in the course of their employment.

(2002 Code, § 58-201) (Ord. 98-21, passed 12-15-1998) Penalty, see § 134.99

Statutory reference:

Tobacco use by minors, see Neb. RS 28-1418

SEXUAL PREDATOR RESIDENCY RESTRICTIONS**§ 134.15 FINDINGS AND INTENT.**

(A) The state legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

(B) Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

(C) It is the intent of this subchapter to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(2002 Code, § 58-202) (Ord. 2006-12, passed 5-30-2006)

§ 134.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRAVATED OFFENSE. Any registerable offense under Neb. RS 29-4003 which involved the penetration of, direct genital touching of, oral to anal contact with or oral to genital contact with:

(1) A victim age 13 years or older without the consent of the victim;

(2) A victim under the age of 13 years; or

(3) 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.

CHILD CARE FACILITY. A facility pursuant to the Child Care Licensing Act.

RESIDE. To sleep, live or dwell at a place, which may include more than one location, and may be mobile or transitory.

RESIDENCE. A place where an individual sleeps, lives or dwells, which may include more than one location, and may be mobile or transitory.

SCHOOL. A public, private, denominational or parochial school which meets the requirements for state accreditation or approval.

SEX OFFENDER. An individual who has been convicted of a crime listed in Neb. RS 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

SEXUAL PREDATOR. An individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. RS 29-4001.01, and who has victimized a person 18 years of age or younger.

(2002 Code, § 58-203) (Ord. 2006-12, passed 5-30-2006; Ord. 2010-3, passed 3-2-2010)

§ 134.17 RESTRICTIONS; PENALTIES; EXCEPTIONS.

(A) *Restrictions.*

(1) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility.

(2) *Measure of distance.* For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

(B) *Penalty.* A person who violates this section shall be punished as provided generally in this code.

(C) *Exceptions.* This subchapter shall not apply to a sexual predator who:

(1) Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

(2) Established a residence before 7-1-2006 and has not moved from that residence; or

(3) Established a residence after 7-1-2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator’s residence at that location.

(2002 Code, § 58-204) (Ord. 2006-12, passed 5-30-2006) Penalty, see § 134.99

Statutory reference:

Related provisions, see Neb. RS 29-4017

§ 134.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code.

(B) Whoever shall be guilty of a violation of this chapter shall be fined not less than \$500 per day.
(2002 Code, § 58-201) (Ord. 98-21, passed 12-15-1998)