

## 28-311.02.

### **Stalking and harassment; legislative intent; terms, defined.**

(1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections [28-311.02](#) to [28-311.05](#), [28-311.09](#), and [28-311.10](#):

(a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;

(b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

(c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context; and

(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section [28-311.03](#). Substantially conforming is a question of law to be determined by the court.

### **Source**

- Laws 1992, LB 1098, § 1;
- Laws 1993, LB 299, § 1;
- Laws 1998, LB 218, § 3;
- [Laws 2006, LB 1113, § 21.](#)

### **Cross References**

- **Registration of sex offenders**, see sections [29-4001](#) to [29-4014](#).

## Annotations

- Given the language of Nebraska's stalking statutes and the purpose announced by the Legislature for enacting the statutes, an objective construction of the statute is appropriate, and the victim's experience resulting from the perpetrator's conduct should be assessed on an objective basis. *In re Interest of Jeffrey K.*, 273 Neb. 239, 728 N.W.2d 606 (2007).
- Nebraska's stalking statutes focus both on the behavior of the perpetrator and on the experience of the victim. *In re Interest of Jeffrey K.*, 273 Neb. 239, 728 N.W.2d 606 (2007).
- Nebraska's stalking and harassment statutes are given an objective construction, and the victim's experience resulting from the perpetrator's conduct should be assessed on an objective basis. *Glantz v. Daniel*, 21 Neb. App. 89, 837 N.W.2d 563 (2013).