

## 28-311.

### **Criminal child enticement; attempt; penalties.**

(1)(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure any child under the age of fourteen years to enter into any vehicle, whether or not the person knows the age of the child.

(b) No person, by any means and without privilege to do so, shall solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure any child under the age of fourteen years to enter into any place with the intent to seclude the child from his or her parent, guardian, or other legal custodian or the general public, whether or not the person knows the age of the child. For purposes of this subdivision, seclude means to take, remove, hide, secrete, conceal, isolate, or otherwise unlawfully separate.

(2) It is an affirmative defense to a charge under this section that:

(a) The person had the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity;

(b)(i) The person is a law enforcement officer, emergency services provider as defined in section [71-507](#), firefighter, or other person who regularly provides emergency services, is the operator of a bookmobile or other such vehicle operated by the state or a political subdivision and used for informing, educating, organizing, or transporting children, is a paid employee of, or a volunteer for, a nonprofit or religious organization which provides activities for children, or is an employee or agent of or a volunteer acting under the direction of any board of education and (ii) the person listed in subdivision (2)(b)(i) of this section was, at the time the person undertook the activity, acting within the scope of his or her lawful duties in that capacity; or

(c) The person undertook the activity in response to a bona fide emergency situation or the person undertook the activity in response to a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.

(3) Any person who violates this section commits criminal child enticement and is guilty of a Class IIIA felony. If such person has previously been convicted of (a) criminal child enticement under this section, (b) sexual assault of a child in the first degree under section [28-319.01](#), (c) sexual assault of a child in the second or third degree under section [28-320.01](#), (d) child enticement by means of an electronic communication device under section [28-320.02](#), or (e) assault under section [28-308](#), [28-309](#), or [28-310](#), kidnapping under section [28-313](#), or false imprisonment under section [28-314](#) or [28-315](#) when the victim was under eighteen years of age when such person violates this section, such person is guilty of a Class IIA felony.

### **Source**

- [Laws 1999, LB 49, § 2;](#)

- [Laws 2006, LB 1199, § 3;](#)
- [Laws 2009, LB97, § 10;](#)
- [Laws 2011, LB665, § 1;](#)
- [Laws 2015, LB605, § 14.](#)

## **Cross References**

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