

## Stop Street Harassment

# Nebraska

A variety of forms of street harassment are illegal in Nebraska, including verbal harassment, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

There are two laws in Nebraska that some forms of verbal street harassment may fall under.

#### ***Disturbing the Peace***

[Neb. Rev. Stat. § 28-1322](#)

Nebraska has a law that prohibits the disturbance of the peace and may apply to particularly egregious instances of verbal street harassment. Nebraska's law simply says that no one "shall intentionally disturb the peace and quiet of any person, family, or neighborhood," without elaborating further.

In other states, disturbing the peace usually refers to loud or unusual noises, tumultuous and offensive conduct, threatening, or fighting.

If a street harasser is using offensive language or gestures, speaking badly about you, causing a scene, threatening you or others or challenging you to a fight, or otherwise disturbing the peace, you can report him or her for a breach of the peace.

**Penalty:** Disturbing the peace is a Class III misdemeanor, punishable by a fine of up to \$500 and/or up to 3 months in jail.

#### ***Soliciting of Prostitution***

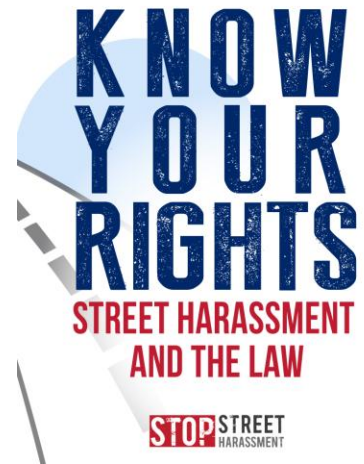
[Neb. Rev. Stat. § 28-801.01](#)

Soliciting of prostitution is illegal in Nebraska. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, "How much?!" or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

**Penalty:** Soliciting of prostitution is a Class I misdemeanor, punishable by a fine of between \$250 and \$1,000 and/or up to 1 year in jail. If the person being solicited is under 18 years of age, soliciting of prostitution is a Class IV felony, punishable by a fine of up to \$10,000 and/or up to 5 years in prison.



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### Unlawful Filming & Photography

#### ***Unlawful Intrusion***

[Neb. Rev. Stat. § 28-311.08](#)

It is illegal in Nebraska for anyone to view, photograph, or record a non-consenting person in a state of undress, in a place where the person should have a reasonable expectation of privacy.

If someone is viewing or recording you in an inappropriate way in a location like a restroom, tanning booth, locker room, fitting room, or dressing room, you can report him/her.

Unfortunately, the law does not address inappropriate photographs in public, such as up-skirt or down-blouse photos.

Penalty: Unlawful intrusion in the form of inappropriately viewing someone is a Class I misdemeanor, punishable by a fine of between \$250 and \$1,000 and/or up to 1 year in jail. Unlawful intrusion via inappropriately photographing or recording someone is a Class IV felony, punishable by a fine of up to \$10,000 and/or up to 5 years in prison. Penalties are even higher if the person viewed or recorded is under 18 years of age or if the image(s) is disseminated.

### Indecent Exposure

#### ***Public Indecency***

[Neb. Rev. Stat. § 28-806](#)

It is illegal in Nebraska for anyone to perform a sex act in public or to expose his or her genitals with the intent to affront or alarm any person in public.

If a street harasser exposes him or herself to you, flashes you, or is engaging in a sexual act with another person in public, you can report him/her.

Penalty: Public indecency is a Class II misdemeanor, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### ***Stalking***

[Neb. Rev. Stat. § 28-311.03-4](#)

If you experience repeated harassment from the same person, his or her actions may constitute the crime of stalking. Stalking in Nebraska is defined as repeated, knowing, and willful harassment with the intent to injure, terrify, threaten, or intimidate the harassed person.

The law looks for a harasser's course of conduct, meaning "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose" and actions that seriously terrify, threaten, or intimidate the person being stalked and which serve no legitimate purpose. The acts which might constitute a course of stalking conduct include following, detaining, restraining the

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personal liberty of, telephoning, contacting, or otherwise communicating with the person being harassed.

If the same person repeatedly follows you, communicates with you without your consent, threatens you, or otherwise harasses you, you can report him or her for stalking in Nebraska. You also have the right to ask the court for a [protective order](#) to prevent further harassment. The law specifies that you will not be charged any court fees for filing a petition for a protective order (unless the court finds your claims of stalking to be false or made in bad faith).

**Penalty:** Stalking is a Class I misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail. If the person being harassed is under 16 years of age, stalking is a Class IV felony, punishable by a fine of up to \$10,000 and/or up to 5 years in prison.

## **Groping**

### ***Sexual Assault in the Third Degree***

[Neb. Rev. Stat. § 28-320](#)

It is illegal to make sexual contact with non-consenting person.

Sexual contact is defined as intentionally touching the sexual or intimate parts of a person's body, either under or over clothing, or causing someone to come in contact with the harasser's sexual or intimate parts.

“Without consent” in Nebraska means that you have expressed your lack of consent in some way, whether by word or action. You can best protect yourself under Nebraska's law by making your lack of consent clear, such as by moving away from someone who is touching you sexually, if you can, or by saying clearly “Stop touching me,” if you feel safe to do so. If you're unable to say or do these things, you can still report it.

If someone grabs your crotch, butt, or breasts, rubbing up against you, or puts your hand in his or her lap, you can report him/her.

**Penalty:** Sexual assault in the third degree is a Class I misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

## **Reporting Crimes to the Police**

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Omaha, it is (402) 444-5600 and in Lincoln, it is (402) 441-6000. In Grand Island, it is 308-385-5400. Be prepared to provide them with:
  - When it happened (date and time).

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- Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - It can be helpful to include the law the crime falls under, such as unconsented contact) [R.R.S. Neb. § 28-311.03](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2. For example, [Omaha](#) has an online reporting form that allows you to report crimes like harassment.
  - Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
    - Omaha has a Crimestoppers reporting page that allows you to submit a tip by calling (402) 444-STOP, texting the number 274637 (CRIMES) and beginning your message with "OPD" or via [webform](#).
    - Lincoln also allows you to submit tips by calling (402) 475-3600, texting the number 274637 (CRIMES) and beginning the message with "LNK402" or via [webform](#).
    - Grand Island allows you to submit tips by calling (308) 381-8822, by texting (308) 381-8822, or by emailing [gicrime@gmail.com](mailto:gicrime@gmail.com).
  - Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.