

AMENDMENTS TO LB1167

Introduced by DeBoer, 10.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 29-404.02, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:

5 29-404.02 (1) Except as provided in sections 28-311.11 and 42-928, a
6 peace officer may arrest a person without a warrant if the officer has
7 reasonable cause to believe that such person has committed:

8 (a) A felony;

9 (b) A misdemeanor, and the officer has reasonable cause to believe
10 that such person either (i) will not be apprehended unless immediately
11 arrested, (ii) may cause injury to himself or herself or others or damage
12 to property unless immediately arrested, (iii) may destroy or conceal
13 evidence of the commission of such misdemeanor, or (iv) has committed a
14 misdemeanor in the presence of the officer; or

15 (c) One or more of the following acts to one or more household
16 members, whether or not committed in the presence of the peace officer:

17 (i) Attempting to cause or intentionally and knowingly causing
18 bodily injury with or without a dangerous instrument;

19 (ii) Placing, by physical menace, another in fear of imminent bodily
20 injury; or

21 (iii) Engaging in sexual contact or sexual penetration without
22 consent as defined in section 28-318.

23 (2) An individual arrested without a warrant under this section who
24 remains in custody shall be brought before a court for a first appearance
25 no later than ten days after such arrest. The appearance may be in person
26 or conducted remotely by means of videoconferencing. The individual shall
27 have the right to appear in person but must agree to waive the ten-day

1 deadline if an in-person appearance within such time is not reasonably
2 practicable.

3 (3) ~~(2)~~ For purposes of this section:

4 (a) Household members includes spouses or former spouses, children,
5 persons who are presently residing together or who have resided together
6 in the past, persons who have a child in common whether or not they have
7 been married or have lived together at any time, other persons related by
8 consanguinity or affinity, and persons who are presently involved in a
9 dating relationship with each other or who have been involved in a dating
10 relationship with each other; and

11 (b) Dating relationship means frequent, intimate associations
12 primarily characterized by the expectation of affectional or sexual
13 involvement, but does not include a casual relationship or an ordinary
14 association between persons in a business or social context.

15 Sec. 2. Original section 29-404.02, Revised Statutes Cumulative
16 Supplement, 2022, is repealed.