



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 628

Hearing Date: February 26, 2003

Committee On: Judiciary

Introducer(s): (Landis)

Title: Adopt the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Brashear, Foley, Mines, Pedersen, Tyson
	No	
2	Present, not voting	Senators Chambers, Quandahl
1	Absent	Senator Mossey

Proponents:

Senator David Landis
Michael Kerr

Tara Muir

Representing:

Introducer
National Conference of Commissioners on
Uniform State Laws
Nebraska Domestic Violence Sexual Assault
Coalition

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Many states have a statutory process by which a person may seek and be awarded a protection order against domestic violence. Nebraska adopted our most comprehensive version in 1998 and such is presently codified at 42-901 to 42-931.

Most states' statutes are silent or offer little guidance as to the interstate enforcement of protection orders. Section 42-931 of current Nebraska law does contain a provision for Nebraska courts to enforce orders from other states as if such orders were issued in this state.

Legislative Bill 628 is the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (Act), promulgated in 2000 by the Uniform Law Commission (ULC). LB 628 establishes procedures for the interstate enforcement of domestic violence protection orders by courts and by law enforcement.

Section 3 of the bill provides the standards for Nebraska courts to enforce foreign protection orders. Nebraska courts are required to enforce the terms of valid protection orders of other states as if they were issued in this state. All provisions of such orders shall be enforced, even if the order provides for relief that is unavailable to a person seeking a protection order in a Nebraska court. Provisions of protection orders that concern child custody and visitation matters are enforceable if such are issued for protection purposes and if the order meets the jurisdictional requirements of Nebraska. Provisions of protection orders are enforceable pursuant to the Uniform Interstate Family Support Act.

Section 4 of the bill provides standards for Nebraska law enforcement officers to enforce foreign protection orders. Specifically, upon finding that probable cause exists that a valid protection order has been violated, a law enforcement officer shall enforce the order as if it were a Nebraska protection order.

The bill also provides that an individual may register a foreign protection order in Nebraska with “designated state agency”. Such registration is intended facilitate the enforcement of such orders. To register an order, an individual must present a certified copy of the order and request that such be registered. There shall be no fee for registering the order.

Finally, the bill provides that law enforcement officers, governmental agencies, prosecuting attorneys, clerks of court, or other officials shall be immune from civil and criminal liability for enforcement of a foreign protection order in good faith.

Explanation of amendments, if any:

The committee amendment (AM 0577) makes minor drafting changes to harmonize the terminology of the uniform act with the terminology used in Nebraska statutory law.

Senator Kermit A. Brashear, Chairperson