

Opponents:

Representing:

Neutral:
Steve Burns

Representing:
Nebraska Judges Association

Summary of purpose and/or change:

LB 1025 would amend sections 28-323 and 42-925 of the Nebraska Revised Statutes.

LB 1025 would amend section 28-323 (which defines the offense of domestic assault) by adding a provision that would require the Courts of this state, to provide either written or oral notice to a person convicted of a sexual assault, that it may be a violation of federal law to either ship, transport, or to receive or possess by interstate or foreign commerce any firearm or ammunition. The Court Administrator's Office will have the responsibility for creating a standard notification form and for disseminating this form to all judges in this state.

LB 1025 would also amend 42-925 which defines and implements the procedures for the issuance of ex parte orders by providing:

- If an order is issued ex parte, an evidentiary hearing shall be scheduled not more than thirty days after service of such order, and the court shall cause notice of the hearing to be given to the petitioner and the respondent. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the order. If the respondent does not so appear and show cause, the order shall be affirmed.
- If an order under subsection (1) of section 42-924 is not issued ex parte, an evidentiary hearing shall be scheduled not more than fourteen days after the filing of the petition, and the court shall cause notice of the hearing to be given to the petitioner and the respondent. If the respondent does not appear at the hearing and show cause why such order should not be issued, the court shall issue such order.
- An order issued under subsection (1) of section 42-924 shall remain in effect for a period of one year from the date of issuance, unless vacated by the court prior to such date. If the order grants temporary custody, such custody shall not exceed the number of days specified by the court unless the respondent shows cause why the order should not remain in effect.

LB 1025 would also require the court to provide notice to be served upon the respondent pursuant to section 28-323 that it may be unlawful under federal law for any person who is subject to a protection order to possess or receive any firearm or ammunition.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson