

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 430

Introduced by Christensen, 44.

PURPOSE: The purpose of this interim study is to examine Nebraska's laws regarding a person's right to self-defense by the use of force as outlined in sections 28-1406 to 28-1416 and in the proposed changes contained in LB 889, which was introduced in 2010, specifically identifying, as it pertains to the use of force in the home, a workplace, or an occupied vehicle, areas to strengthen the right to self-defense for Nebraska residents. The use of force to protect one's self or another from death, bodily harm, or other forcible felonies may include the use of deadly force. The right to defend one's self in the home, a workplace, or an occupied vehicle by the use of reasonable force, which may include deadly force, is generally called the Castle Doctrine. This study shall include, but not be limited to:

(1) An examination of Nebraska's laws regarding one's right to self-defense by the use of force as outlined in sections 28-1406 to 28-1416 and the proposed changes in LB 889, primarily as they pertain to the use of force in the home, a workplace, or an occupied vehicle;

(2) The review of Castle Doctrine laws in other states and how they may be applied in Nebraska;

(3) The review of the concept of presumption as presented

in section 6 of LB 889;

(4) An examination of the use of "forcible felony" as presented in LB 889;

(5) An examination of subsection (2) of section 28-1416 to make recommendations on how to provide better protections for Nebraska residents against civil actions seeking a remedy for the use of force which is justified under Nebraska law; and

(6) The development of other potential policy changes, if needed, to strengthen the right to self-defense within the home, a workplace, or an occupied vehicle in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.