

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 804

Final Reading

Introduced by Lautenbaugh, 18; Coash, 27; Fulton, 29; Price, 3;
Janssen, 15; Schilz, 47.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-1416,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to justification for use of force; to
4 harmonize provisions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1416, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1416 (1) In any prosecution based on conduct which is
4 justifiable under sections 28-1406 to 28-1416, justification is an
5 affirmative defense.

6 ~~(2) The fact that conduct is justifiable under sections~~
7 ~~28-1406 to 28-1416 does not abolish or impair any remedy for such~~
8 ~~conduct which is available in any civil action.~~

9 (2) The justification defenses provided for under
10 sections 28-1406 to 28-1416 shall be available in any civil action
11 for assault and battery or intentional wrongful death and, where
12 applicable, shall be a bar to recovery.

13 Sec. 2. Original section 28-1416, Reissue Revised
14 Statutes of Nebraska, is repealed.