

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 611

Introduced by Pirsch, 4.

Read first time January 23, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-323,
2 Revised Statutes Cumulative Supplement, 2012; to redefine
3 serious bodily injury for purposes of domestic assault;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-323, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-323 (1) A person commits the offense of domestic
4 assault in the third degree if he or she:

5 (a) Intentionally and knowingly causes bodily injury to
6 his or her intimate partner;

7 (b) Threatens an intimate partner with imminent bodily
8 injury; or

9 (c) Threatens an intimate partner in a menacing manner.

10 (2) A person commits the offense of domestic assault in
11 the second degree if he or she intentionally and knowingly causes
12 bodily injury to his or her intimate partner with a dangerous
13 instrument.

14 (3) A person commits the offense of domestic assault in
15 the first degree if he or she intentionally and knowingly causes
16 serious bodily injury to his or her intimate partner.

17 (4) Violation of subdivision (1)(a) or (b) of this
18 section is a Class I misdemeanor, except that for any subsequent
19 violation of subdivision (1)(a) or (b) of this section, any person so
20 offending is guilty of a Class IV felony.

21 (5) Violation of subdivision (1)(c) of this section is a
22 Class I misdemeanor.

23 (6) Violation of subsection (2) of this section is a
24 Class IIIA felony, except that for any second or subsequent violation
25 of such subsection, any person so offending is guilty of a Class III

1 felony.

2 (7) Violation of subsection (3) of this section is a
3 Class III felony, except that for any second or subsequent violation
4 under such subsection, any person so offending is guilty of a Class
5 II felony.

6 (8) For purposes of this section, intimate partner means
7 a spouse; a former spouse; persons who have a child in common whether
8 or not they have been married or lived together at any time; and
9 persons who are or were involved in a dating relationship. For
10 purposes of this subsection, dating relationship means frequent,
11 intimate associations primarily characterized by the expectation of
12 affectional or sexual involvement, but does not include a casual
13 relationship or an ordinary association between persons in a business
14 or social context. For purposes of this section, serious bodily
15 injury means bodily injury which involves a substantial risk of
16 death, which involves a substantial risk of serious permanent
17 disfigurement or protracted loss or impairment of the function of any
18 part or organ of the body, or which causes serious temporary
19 disfigurement, unconsciousness, concussion, extreme physical pain, or
20 bone fracture.

21 Sec. 2. Original section 28-323, Revised Statutes
22 Cumulative Supplement, 2012, is repealed.