

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB141

Hearing Date: Wednesday January 23, 2019
Committee On: Judiciary
Introducer: DeBoer
One Liner: Provide for the offense of assault by strangulation or suffocation

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Brandt, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Oral Testimony:

Proponents:

Senator Wendy DeBoer
Robert Sanford
Anne Boatright
Jennifer Tran
Nate Grasz
Lazaro Spindola
Marion Miner
Patrick Condon
Christon MacTaggart

Representing:

Introducer
Nebraska Coalition to End Sexual & Domestic Violence
Nebraska Office of the Attorney General
Methodist Health
Nebraska Family Alliance
Latin American Commission
Nebraska Catholic Conference
Lancaster County Attorney
Women's Fund of Omaha

Opponents:

Spike Eickholt

Representing:

Nebraska Criminal Defense Attorneys Association

Neutral:

Representing:

Summary of purpose and/or changes:

Section 1 Amends 28-310.01 to add and combine suffocation to the offense of strangulation. Adds elements of impeding breathing by covering the mouth or nose or otherwise impeding normal breathing regardless of whether there is visible injury.

Current violation is a Class IIIA felony (subsection 3) but is a Class IIA felony (subsection 4) if a dangerous instrument is used or serious bodily injury caused. The proposal adds an additional enhancement to subsection 4 (Class IIA felony) if the offense is against a pregnant woman.

Section 2 Repeals original section.

Explanation of amendments:

The Committee Amendment to LB 141 strikes the original sections of the bill and replaces it with the following provisions:

Adds assault by strangulation or suffocation to the list of criminal offenses that are enhanced if committed against a pregnant woman (section 1).

Adds suffocation to the current offense of strangulation if a person intentionally impedes the normal breathing of a person whether there is a visible injury or not (section 2). The offense of assault by strangulation or suffocation is a Class IIIA felony unless a dangerous instrument is used, causes serious bodily injury or the person has been previously convicted of the offense. In such a case, it is a Class IIA felony (section 2(4)).

Steve Lathrop, Chairperson