

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 832**

Introduced by Bostelman, 23.

Read first time January 08, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to children; to amend section 28-101, Revised
- 2 Statutes Supplement, 2019; to provide for immunity from criminal and
- 3 civil liability for removal of a child from a motor vehicle by
- 4 forcible entry as prescribed; to harmonize provisions; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement, 2019, is  
2 amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section  
4 2 of this act shall be known and may be cited as the Nebraska Criminal  
5 Code.

6 Sec. 2. (1) A person is immune from civil and criminal liability  
7 for property damage resulting from such person's forcible entry into a  
8 locked motor vehicle to remove and rescue a child locked or trapped  
9 inside the motor vehicle if:

10 (a) The person had a good faith and reasonable belief, based upon  
11 the circumstances, that entry into the motor vehicle was necessary  
12 because the child was in imminent danger of suffering harm or death;

13 (b) Before entering the motor vehicle, the person determined that  
14 the motor vehicle was locked and there was no other reasonable method for  
15 the child to exit the motor vehicle without assistance;

16 (c) Before or as soon as reasonably practicable after entering the  
17 motor vehicle, the person notified law enforcement or emergency services;

18 (d) The person used no more force than reasonably necessary to enter  
19 the motor vehicle and remove the child; and

20 (e) Except as provided in subsection (2) of this section, the person  
21 remained with the child in a safe location, in reasonable proximity to  
22 the motor vehicle, until one of the following arrived:

23 (i) Law enforcement or emergency services personnel;

24 (ii) A firefighter;

25 (iii) A parent, guardian, or adult relative of the child; or

26 (iv) The owner or operator of the motor vehicle.

27 (2) If the person rendering assistance must leave the area before  
28 the arrival of a person described in subdivision (1)(e) of this section  
29 in order to protect the health or safety of the child, the person  
30 rendering assistance, or any other person, the person rendering  
31 assistance shall:

1           (a) Before leaving or as soon as reasonably practicable thereafter,  
2 contact law enforcement or emergency services and notify them of the  
3 situation; and

4           (b) If reasonably practicable, leave a written notice on the  
5 windshield of the motor vehicle that includes the person's name and  
6 contact information and a description of where the person has taken the  
7 child.

8           Sec. 3. Original section 28-101, Revised Statutes Supplement, 2019,  
9 is repealed.