

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB882

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: January 22, 2020

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB882 makes a series of changes to Nebraska's statutes related to annulment. Specifically, it clarifies an existing right to an annulment in cases where one party to the marriage has an undisclosed sexually transmitted disease, allows for actions for annulment to be brought in the county of residence for either party, and updates language related to incapacity.

Currently Neb. Rev. Stat. § 42-102 contains the phrase "No person who is afflicted with a venereal disease shall marry in this state." Case law from the Nebraska Supreme Court has determined that this phrase is actually grounds for annulment, rather than an outright prohibition on marriage for persons with a venereal disease (*Christensen v. Christensen*, 144 Neb. 763, 14 N.W.2d 613 (1944)). LB882 would clarify and codify this holding by including it in the statutory list of causes for annulment in Neb. Rev. Stat. § 42-374, and strike the original language in Neb. Rev. Stat. § 42-102. It would further update the term "venereal disease" to "sexually transmitted disease." This is intended to codify existing case law, and is not intended as a significant policy change.

Additionally, under current law in Neb. Rev. Stat. § 42-373 annulments can only be brought in the county of residence of the plaintiff. This bill would update this to allow actions for annulment to be brought in the county of residence of either party, which is the standard in cases of divorce.

Finally, the bill updates language in Neb. Rev. Stat. § 42-375 related to persons who are incapable of managing their own legal affairs by striking the term "under disability" and replacing it with the more accurate phrase "who are incapacitated."

Principal Introducer: _____

Senator Matt Hansen, M.