

AMENDMENTS TO LB935

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Sec. 8.** Section 26-102, Revised Statutes Supplement, 2025, is  
4 amended to read:

5           26-102 For purposes of the Protection Orders Act:

6           (1) Abuse has the same meaning as in section 42-903;

7           ~~(2) Course of conduct has the same meaning as in section 28-311.02;~~

8           (2) ~~(3)~~ Family or household members has the same meaning as in  
9 section 42-903;

10          (3) ~~(4)~~ Harass has the same meaning as in section 28-311.02;

11          (4) ~~(5)~~ Household pet means any animal maintained for companionship  
12 or pleasure but does not include any animal kept primarily for commercial  
13 purposes or for consumption or any livestock animal as defined in section  
14 54-902;

15          (5) ~~(6)~~ Law enforcement agency means the police department or town  
16 marshal in incorporated municipalities, the office of the sheriff in  
17 unincorporated areas, and the Nebraska State Patrol; and

18          (6) ~~(7)~~ Sexual assault offense means:

19          (a) Conduct amounting to sexual assault under section 28-319 or  
20 28-320, sexual abuse by a school worker under section 28-316.01, sexual  
21 assault of a child under section 28-319.01 or 28-320.01, a violation of  
22 section 28-311.08, or an attempt to commit any of such offenses; or

23          (b) Subjecting or attempting to subject another person to sexual  
24 contact or sexual penetration without such person's consent, as such  
25 terms are defined in section 28-318.

26          **Sec. 9.** Section 26-114, Revised Statutes Supplement, 2025, is  
27 amended to read:

1           26-114 (1)(a) Upon the issuance of a temporary ex parte protection  
2 order or final protection order, the clerk of the court shall forthwith  
3 provide, free of charge:

4           (i) The petitioner with two certified copies of such order;

5           (ii) The local police department or local law enforcement agency and  
6 the local sheriff's office with one copy each of such order and one copy  
7 each of the sheriff's return thereon; and

8           (iii) A copy of the protection order to the sheriff's office in the  
9 county where the respondent may be personally served, together with  
10 instructions for service.

11          (b) Upon receipt of the order and instructions for service, the  
12 sheriff's office in the county where the respondent may be personally  
13 served shall forthwith serve the protection order upon the respondent and  
14 file its return thereon with the clerk of the court which issued the  
15 protection order within fourteen days of the issuance of the protection  
16 order.

17          (2) If any protection order is dismissed or modified by the court,  
18 the clerk of the court shall forthwith provide the local police  
19 department or local law enforcement agency and the local sheriff's  
20 office, without charge, with one copy each of the order of dismissal or  
21 modification.

22          (3) Any document required to be provided under this section,  
23 including certified copies of protection orders, may be provided  
24 electronically.

25          (4) If the respondent was present at a hearing convened pursuant to  
26 section 26-108 or 26-109 following issuance of an ex parte protection  
27 order and the court entered a final protection order at such hearing was  
28 ~~not dismissed~~, the respondent shall be deemed to have notice of ~~by the~~  
29 ~~court at such hearing that~~ the protection order ~~will be granted and~~  
30 ~~remain in effect~~ and further service of notice described in this section  
31 is not required for purposes of prosecution under section 26-118.

1           **Sec. 19.** Section 28-358.01, Revised Statutes Supplement, 2025, is  
2 amended to read:

3           28-358.01 (1) Isolation means intentional acts (a) committed for the  
4 purpose of preventing, and which do prevent, a vulnerable adult or senior  
5 adult from having contact with family, friends, or concerned persons; (b)  
6 committed to prevent a vulnerable adult or senior adult from receiving  
7 his or her mail or telephone calls; (c) of physical or chemical restraint  
8 of a vulnerable adult or senior adult committed for purposes of  
9 preventing contact with visitors, family, friends, or other concerned  
10 persons; or (d) which restrict, place, or confine a vulnerable adult or  
11 senior adult in a restricted area for purposes of social deprivation or  
12 preventing contact with family, friends, visitors, or other concerned  
13 persons.

14           (2) Isolation does not include (a) medical isolation prescribed by a  
15 licensed physician caring for the vulnerable adult or senior adult; (b)  
16 action taken in compliance with a protection order issued under the  
17 Protection Orders Act, a valid foreign protection order recognized  
18 pursuant to section 26-123 or 26-124, or an order excluding a person from  
19 certain premises issued pursuant to section 42-357; ~~or~~ (c) action  
20 authorized by an administrator of a nursing home pursuant to section  
21 71-6021; or (d) action taken in compliance with a no-contact period  
22 required under section 27 of this act.

23           **Sec. 26.** For purposes of sections 26 to 32 of this act:

24           (1) Domestic assault offense means any offense under section 28-323;

25           (2) Law enforcement agency has the same meaning as in section  
26 81-1401;

27           (3) Law enforcement officer has the same meaning as in section  
28 81-1401;

29           (4) No-contact period means the period of time that:

30           (a) Begins when a person is arrested for a domestic assault offense  
31 or sexual assault offense; and

1        (b) Ends at 11:59 p.m. on the third day after the date of such  
2 arrest. If such third day is a Saturday, a Sunday, or a day during which  
3 the offices of courts of record may be legally closed as provided in  
4 section 25-2221, the no-contact period shall end at 11:59 p.m. on the  
5 next day on which such offices will be open;

6        (5) Sexual assault offense means:

7        (a) A felony violation of section 28-316.01, 28-319, 28-319.01,  
8 28-320, or 28-320.01 or an attempt to commit any such violation; or

9        (b) Any other felony that involves subjecting or attempting to  
10 subject another person to sexual contact or sexual penetration without  
11 such person's consent, as such terms are defined in section 28-318; and

12        (6) Victim means the person alleged to have been the victim of a  
13 domestic assault offense or sexual assault offense.

14        **Sec. 27.** Unless the victim has provided a waiver under section 28  
15 of this act, when a person is arrested for a domestic assault offense or  
16 sexual assault offense, the person shall, for the duration of the no-  
17 contact period:

18        (1) Not contact the victim;

19        (2) Avoid the residence of the victim and, if applicable, any  
20 premises temporarily occupied by the victim; and

21        (3) Avoid causing any person, other than law enforcement officers  
22 and attorneys for the arrested person and victim, to contact the victim.

23        **Sec. 28.** (1) A victim may waive the no-contact period by signing  
24 the written waiver in the form provided for in section 29 of this act.

25        (2) Additionally, at any time during the no-contact period, a victim  
26 may waive the no-contact period by contacting the law enforcement agency  
27 of the arresting officer, signing a written waiver form, and providing  
28 such form to the agency.

29        **Sec. 29.** (1) When a law enforcement officer arrests a person for a  
30 domestic assault offense or a sexual assault offense, the officer shall,  
31 if possible, provide the victim with a printed advisement. Such printed

1 advisement shall include a statement in substantially the following form:

2 Under Nebraska law, [name of person arrested] is required to avoid  
3 contact with you until [date and time of expiration of no-contact  
4 period]. [Name of person arrested] is also not allowed to cause any other  
5 person to contact you, other than their attorney, your attorney, or a law  
6 enforcement officer.

7 You may agree to waive this protection, and allow [name of person  
8 arrested] to contact you. You may do so now by signing this form and  
9 returning it to the law enforcement officer. You may also do so later by  
10 contacting the officer's law enforcement agency and filling out a written  
11 form they will provide.

12 If you wish to seek continuing protection after [date and time of  
13 expiration], you must apply for a protection order from the court. You  
14 may seek the advice of an attorney about any matter connected with your  
15 application for any future court orders. The attorney should be consulted  
16 promptly so that the attorney may assist you in making your application.

17 (2) Such form may be provided as a separate document or included as  
18 part of another document provided to the victim.

19 (3) Such form may include any other matters as prescribed by the  
20 State Court Administrator.

21 (4) The State Court Administrator shall develop the form required  
22 under this section and the written waiver form described in subsection  
23 (2) of section 28 of this act. The administrator shall develop forms in  
24 English and may develop forms for other languages spoken by Nebraska  
25 residents.

26 **Sec. 30.** (1)(a) If a person arrested for a domestic assault offense  
27 or sexual assault offense is released from custody prior to the  
28 expiration of the no-contact period, the person shall be advised of the  
29 restrictions of the no-contact period and the penalties under section 31  
30 of this act for violating such restrictions. Such advisement shall be  
31 provided orally and in writing.

1       (b) Such advisement may be provided by a law enforcement officer, a  
2 judge, a jail official, or a designee of any such person.

3       (c) The arrested person shall sign a written acknowledgment stating  
4 that such person has received the advisements required by this  
5 subsection, understands the restrictions of the no-contact period, and  
6 understands the penalties for violating such restrictions.

7       (d) If the arrested person refuses to sign the acknowledgment, such  
8 person shall not be released from custody until after expiration of the  
9 no-contact period.

10       (2) Any statements or information provided by an arrested person  
11 while he or she is being given the advisements required by subsection (1)  
12 of this section shall not be admissible in any proceeding, except for a  
13 proceeding relating to a violation of section 27 of this act.

14       (3) Subsection (1) of this section does not apply if:

15       (a) The victim provides a waiver as provided in section 28 of this  
16 act; or

17       (b) The court orders the discharge of the arrested person under  
18 section 29-506 after finding that no domestic assault offense or sexual  
19 assault offense has been committed or that there is no probable cause for  
20 holding the person to answer for the offense.

21       **Sec. 31.** (1) Except as provided in subsection (2) of this section,  
22 a person who knowingly violates section 27 of this act shall be guilty of  
23 an offense and punished as follows:

24       (a) For a first violation of such section, such person shall be  
25 guilty of a Class I misdemeanor; and

26       (b) For a second or subsequent violation of such section, such  
27 person shall be guilty of a Class IV felony.

28       (2) A person shall not be prosecuted for a violation of section 27  
29 of this act if the person was released from custody during the no-contact  
30 period without being given the advisements and without signing the  
31 acknowledgment required under section 30 of this act.

1           **Sec. 32.** A law enforcement officer shall, with or without a  
2 warrant, arrest a person if the officer has probable cause to believe  
3 that the person has committed a violation of section 27 of this act.

4           **Sec. 34.** Section 29-4315, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6           29-4315 (1) Upon an initial interaction with a victim relating to or  
7 arising from a sexual assault of such victim, a health care provider or  
8 peace officer, and in the case of a victim under eighteen years of age,  
9 the Department of Health and Human Services, shall provide the victim  
10 with information that explains the rights of victims under the Sexual  
11 Assault Victims' Bill of Rights Act and other relevant law. The  
12 information shall be presented in clear language that is comprehensible  
13 to a person proficient in English at the fifth grade level, accessible to  
14 persons with visual disabilities, and available in all major languages  
15 spoken in this state. This information shall include, but not be limited  
16 to:

17           (a) A clear statement that a victim is not required to participate  
18 in the criminal justice system or to undergo a medical evidentiary or  
19 physical examination in order to retain the rights provided by the act  
20 and other relevant law;

21           (b) Contact information for appropriate services provided by  
22 professionals in the fields of domestic violence and sexual assault,  
23 including advocates;

24           (c) State and federal relief available to victims of crime;

25           (d) Law enforcement protection available to the victim, including:

26           (i) No-contact periods under sections 26 to 32 of this act; and

27           (ii) Domestic ~~domestic~~ violence protection orders, harassment  
28 protection orders, and sexual assault protection orders and the process  
29 to obtain such protection;

30           (e) Instructions for requesting information regarding the victim's  
31 sexual assault forensic evidence as provided in section 29-4313; and

1 (f) State and federal compensation funds for medical and other costs  
2 associated with the sexual assault and information on any municipal,  
3 state, or federal right to restitution for a victim in the event of a  
4 conviction.

5 (2) The information to be provided under subsection (1) of this  
6 section shall be developed by the Attorney General and the Nebraska  
7 Commission on Law Enforcement and Criminal Justice with input from  
8 prosecutors, sexual assault victims, and organizations with a statewide  
9 presence with expertise on domestic violence, sexual assault, and child  
10 sexual assault.

11 (3) The information to be provided under subsection (1) of this  
12 section shall be made available for viewing and download on the websites  
13 of the Department of Health and Human Services and the Nebraska  
14 Commission on Law Enforcement and Criminal Justice. Other relevant state  
15 agencies are also encouraged to make such information available on their  
16 websites.

17 **Sec. 39.** Section 42-927, Revised Statutes Supplement, 2025, is  
18 amended to read:

19 42-927 All law enforcement agencies in the state shall provide  
20 officers employed by them with an education and training program designed  
21 to inform the officers of the problems of domestic abuse, procedures to  
22 deal with such problems, no-contact periods under sections 26 to 32 of  
23 this act, the Protection from Domestic Abuse Act, the Protection Orders  
24 Act, and the services and facilities available to abused family and  
25 household members.

26 **Sec. 45.** Sections 35, 36, and 37 of this act become operative on  
27 July 1, 2026. Sections 19, 26, 27, 28, 29, 30, 31, 32, 34, 39, and 47 of  
28 this act become operative on January 1, 2027. Sections 1, 2, 3, 4, 5, 6,  
29 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 33,  
30 38, 42, 43, 44, and 48 of this act become operative three calendar months  
31 after the adjournment of this legislative session. The other sections of

1 this act become operative on their effective date.

2       **Sec. 46.** If any section in this act or any part of any section is  
3 declared invalid or unconstitutional, the declaration shall not affect  
4 the validity or constitutionality of the remaining portions.

5       **Sec. 47.** Original section 29-4315, Revised Statutes Cumulative  
6 Supplement, 2024, and sections 28-358.01 and 42-927, Revised Statutes  
7 Supplement, 2025, are repealed.

8       **Sec. 48.** Original sections 7-203, 25-824, 25-1802, 25-1804, 27-804,  
9 29-2204.02, 29-2308, 29-4103, 42-371, 84-941.01, and 86-2,103, Reissue  
10 Revised Statutes of Nebraska, sections 28-311.08 and 59-1608.04, Revised  
11 Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114,  
12 28-101, 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes  
13 Supplement, 2025, are repealed.

14       **Sec. 49.** Original sections 43-1409 and 43-1412.01, Reissue Revised  
15 Statutes of Nebraska, are repealed.

16       **Sec. 50.** Since an emergency exists, this act takes effect when  
17 passed and approved according to law.