

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 80

FINAL READING

Introduced by Hallstrom, 1; Bosn, 25; DeKay, 40; Clements, 2; Ballard,
21.

Read first time January 09, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to protection orders; to amend sections
2 28-311.02, 28-311.05, 42-901, 42-905, 42-924.01, 42-924.03, 42-927,
3 42-928, 42-929, 42-931, 43-2,107, and 60-3209, Reissue Revised
4 Statutes of Nebraska, and sections 25-2740, 28-311.04, 28-311.12,
5 28-358.01, 28-710, 28-713.01, 28-1205, 28-1206, 29-404.02, 29-422,
6 29-2292, 42-903, 42-924, 42-924.02, 42-925, 42-926, 43-1609,
7 43-1611, and 76-1401, Revised Statutes Cumulative Supplement, 2024;
8 to adopt the Protection Orders Act; to extend the initial period of
9 protection orders; to define terms; to provide penalties; to provide
10 powers and duties relating to such orders; to change a penalty for
11 violating a harassment protection order; to provide for notification
12 of reports of child abuse or neglect to a military installation as
13 prescribed; to provide powers and duties to landlords relating to
14 acts of domestic violence against tenants or household members; to
15 transfer provisions; to harmonize provisions; to repeal the original
16 sections; and to outright repeal section 28-311.10, Reissue Revised
17 Statutes of Nebraska, and sections 28-311.09 and 28-311.11, Revised
18 Statutes Cumulative Supplement, 2024.
19 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 25 of this act shall be known and may be
2 cited as the Protection Orders Act.

3 **Sec. 2.** For purposes of the Protection Orders Act:

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

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

6 (3) Family or household members has the same meaning as in section
7 42-903;

8 (4) Harass has the same meaning as in section 28-311.02;

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

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

16 (7) Sexual assault offense means:

17 (a) Conduct amounting to sexual assault under section 28-319 or
18 28-320, sexual abuse by a school employee under section 28-316.01, sexual
19 assault of a child under section 28-319.01 or 28-320.01, a violation of
20 section 28-311.08, or an attempt to commit any of such offenses; or

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

24 **Sec. 3.** Section 42-924, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 42-924 (1) ~~(1)~~(a) Any victim of domestic abuse may file a petition
27 and affidavit for a domestic abuse protection order as provided in this
28 section. The petition shall state the events and dates or approximate
29 dates of acts constituting the alleged domestic abuse, including the most
30 recent and most severe incident or incidents.

31 (2) Upon the filing of such a petition and affidavit in support

1 thereof, the court may issue a domestic abuse protection order, without
2 bond, granting the following relief:

3 (a) ~~(i)~~ Enjoining the respondent from imposing any restraint upon
4 the petitioner or upon the liberty of the petitioner;

5 (b) ~~(ii)~~ Enjoining the respondent from threatening, assaulting,
6 molesting, attacking, or otherwise disturbing the peace of the
7 petitioner;

8 (c) ~~(iii)~~ Enjoining the respondent from telephoning, contacting, or
9 otherwise communicating with the petitioner;

10 (d) ~~(iv)~~ Removing and excluding the respondent from the residence of
11 the petitioner, regardless of the ownership of the residence;

12 (e) ~~(v)~~ Ordering the respondent to stay away from any place
13 specified by the court;

14 (f) ~~(vi)~~ Awarding the petitioner temporary custody of any minor
15 children for a period not to exceed ninety days. If the order grants such
16 temporary custody, the order shall specify the number of days of custody
17 granted unless otherwise modified by the court;

18 (g) ~~(vii)~~ Enjoining the respondent from possessing or purchasing a
19 firearm as defined in section 28-1201;

20 (h) ~~(viii)~~ Directing that the petitioner have sole possession of any
21 household pet owned, possessed, leased, kept, or held by the petitioner,
22 the respondent, or any family or household member residing in the
23 household of the petitioner or respondent;

24 (i) ~~(ix)~~ Enjoining the respondent from coming into contact with,
25 harming, or killing any household pet owned, possessed, leased, kept, or
26 held by the petitioner, the respondent, or any family or household member
27 of the petitioner or respondent; or

28 (j) ~~(x)~~ Ordering such other relief deemed necessary to provide for
29 the safety and welfare of the petitioner and any designated family or
30 household member.

31 (3) ~~(b)~~ If sole possession of a household pet is ordered by a court

1 pursuant to subdivision (2)(h) ~~(1)(a)(viii)~~ of this section, such
2 possession shall be for the duration of the domestic abuse protection
3 order or until further order of the court. The grant of sole possession
4 of a household pet under such subdivision is not intended to permanently
5 determine ownership of such household pet. The petitioner shall not
6 permanently transfer, sell, or dispose of a household pet placed in the
7 petitioner's possession without prior court approval, except that court
8 approval shall not be required in cases where humane euthanasia of a
9 seriously ill or injured household pet is recommended by a licensed
10 veterinarian.

11 ~~(c) The petition for a protection order shall state the events and~~
12 ~~dates or approximate dates of acts constituting the alleged domestic~~
13 ~~abuse, including the most recent and most severe incident or incidents.~~

14 ~~(d) The protection order shall specify to whom relief under this~~
15 ~~section was granted.~~

16 ~~(2) Petitions for protection orders shall be filed with the clerk of~~
17 ~~the district court, and the proceeding may be heard by the county court~~
18 ~~or the district court as provided in section 25-2740. A petition for a~~
19 ~~protection order may not be withdrawn except upon order of the court.~~

20 ~~(3)(a) A protection order shall specify that it is effective for a~~
21 ~~period of one year and, if the order grants temporary custody, the number~~
22 ~~of days of custody granted to the petitioner unless otherwise modified by~~
23 ~~the court.~~

24 ~~(b)(i) Any victim of domestic abuse may file a petition and~~
25 ~~affidavit to renew a protection order. Such petition and affidavit for~~
26 ~~renewal shall be filed any time within forty-five days before the~~
27 ~~expiration of the previous protection order, including the date the order~~
28 ~~expires.~~

29 ~~(ii) A protection order may be renewed on the basis of the~~
30 ~~petitioner's affidavit stating that there has been no material change in~~
31 ~~relevant circumstances since entry of the order and stating the reason~~

1 ~~for the requested renewal if:~~

2 ~~(A) The petitioner seeks no modification of the order; and~~

3 ~~(B)(I) The respondent has been properly served with notice of the~~
4 ~~petition for renewal and notice of hearing and fails to appear at the~~
5 ~~hearing; or~~

6 ~~(II) The respondent indicates that he or she does not contest the~~
7 ~~renewal.~~

8 ~~(iii) Such renewed order shall specify that it is effective for a~~
9 ~~period of one year to commence on the first calendar day following the~~
10 ~~expiration of the previous order or on the calendar day the court grants~~
11 ~~the renewal if such day is subsequent to the first calendar day after~~
12 ~~expiration of the previous order and, if the court grants temporary~~
13 ~~custody, the number of days of custody granted to the petitioner unless~~
14 ~~otherwise modified by the court.~~

15 ~~(4) Any person, except the petitioner, who knowingly violates a~~
16 ~~protection order issued pursuant to this section or section 42-931 after~~
17 ~~service or notice as described in subsection (2) of section 42-926 shall~~
18 ~~be guilty of a Class I misdemeanor, except that any person convicted of~~
19 ~~violating such order who has a prior conviction for violating a~~
20 ~~protection order shall be guilty of a Class IV felony.~~

21 ~~(5) If there is any conflict between sections 42-924 to 42-926 and~~
22 ~~any other provision of law, sections 42-924 to 42-926 shall govern.~~

23 **Sec. 4.** (1) Any victim who has been harassed may file a petition
24 and affidavit for a harassment protection order as provided in this
25 section. The petition shall state the events and dates or approximate
26 dates of acts constituting the alleged harassment, including the most
27 recent and most severe incident or incidents.

28 (2) Upon the filing of such a petition and affidavit, the court may
29 issue a harassment protection order, without bond, enjoining the
30 respondent from:

31 (a) Imposing any restraint upon the person or liberty of the

1 petitioner;

2 (b) Harassing, threatening, assaulting, molesting, attacking, or
3 otherwise disturbing the peace of the petitioner; or

4 (c) Telephoning, contacting, or otherwise communicating with the
5 petitioner.

6 (3) The court may order such other relief as the court deems
7 necessary to provide for the safety and welfare of the petitioner.

8 (4) This section does not apply to conduct which occurs during labor
9 picketing.

10 **Sec. 5.** (1) Any victim of a sexual assault offense may file a
11 petition and affidavit for a sexual assault protection order as provided
12 in this section. The petition shall state the events and dates or
13 approximate dates of acts constituting the sexual assault offense,
14 including the most recent and most severe incident or incidents.

15 (2) Upon the filing of such a petition and affidavit, the court may
16 issue a sexual assault protection order, without bond, enjoining the
17 respondent from:

18 (a) Imposing any restraint upon the person or liberty of the
19 petitioner;

20 (b) Harassing, threatening, assaulting, molesting, attacking, or
21 otherwise disturbing the peace of the petitioner; or

22 (c) Telephoning, contacting, or otherwise communicating with the
23 petitioner.

24 (3) The court may order such other relief as the court deems
25 necessary to provide for the safety and welfare of the petitioner.

26 **Sec. 6.** (1) A petition for a protection order shall be filed with
27 the clerk of the district court, and the proceeding may be heard by the
28 county court or the district court as provided in section 25-2740.

29 (2) A petition for a protection order may not be withdrawn except
30 upon order of the court.

31 **Sec. 7.** A court may treat a petition for a domestic abuse,

1 harassment, or sexual assault protection order as a petition for another
2 of such types of protection order if it appears from the facts in the
3 petition, affidavit, and evidence presented that such other type of
4 protection order is more appropriate and if:

5 (1) The court makes specific findings that such other order is more
6 appropriate; or

7 (2) The petitioner has requested the court to so treat the petition.

8 **Sec. 8.** (1)(a) If a domestic abuse protection order or sexual
9 assault protection order is not issued or renewed ex parte under section
10 9 of this act, the court shall immediately schedule an evidentiary
11 hearing to be held within fourteen days after the filing of the petition,
12 and the court shall cause notice of the application to be given to the
13 respondent stating that the respondent may show cause why such order
14 should not be entered.

15 (b) If a harassment protection order is not issued or renewed ex
16 parte under section 9 of this act, the court may schedule an evidentiary
17 hearing to be held within fourteen days after the filing of the petition,
18 and in such case the court shall cause notice of the application to be
19 given to the respondent stating that the respondent may show cause why
20 such order should not be entered.

21 (2) Any notice provided to the respondent shall include notification
22 that:

23 (a) A court may treat a petition for a domestic abuse, harassment,
24 or sexual assault protection order as a petition for another of such
25 types of order if it appears from the facts that such other protection
26 order is more appropriate; and

27 (b) The respondent shall have an opportunity to show cause as to why
28 such protection order should not be entered.

29 **Sec. 9.** Section 42-925, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 ~~42-925 (1) A protection~~ An order issued under section 42-924 may be

1 issued or renewed ex parte to the respondent if it reasonably appears
2 from the specific facts included in the affidavit that:

3 (a) For a domestic abuse protection order, the petitioner will be in
4 immediate danger of abuse before the matter can be heard on notice; or -

5 (b) For a harassment protection order or a sexual assault protection
6 order, irreparable harm, loss, or damage will result before the matter
7 can be heard on notice.

8 (2) For a harassment protection order, the court may decline to
9 issue or renew a protection order ex parte to the respondent if the
10 specific facts included in the affidavit (a) do not show that the
11 petitioner will suffer irreparable harm, loss, or damage or (b) show
12 that, for any compelling reason, an ex parte order should not be issued
13 or renewed. If the court declines to issue or renew an ex parte
14 harassment protection order, the court may dismiss the petition without
15 prejudice or schedule an evidentiary hearing as provided in section 8 of
16 this act.

17 (3) If a protection an order is issued or renewed ex parte, such
18 order is a temporary order and the court shall forthwith cause notice of
19 the petition and order to be given to the respondent. The court shall
20 also cause a form to request a show-cause hearing to be served upon the
21 respondent. If the respondent wishes to appear and show cause why the
22 order should not remain in effect, he or she shall affix his or her
23 current address, telephone number, and signature to the form and return
24 it to the clerk of the district court within ten business days after
25 service upon him or her.

26 (4) Upon receipt of a timely request for a show-cause hearing or
27 upon , the request of the petitioner, ~~or upon the court's own motion,~~ the
28 court shall immediately schedule a show-cause hearing to be held within
29 thirty days after the receipt of such the request ~~for a show-cause~~
30 ~~hearing~~ and shall notify the petitioner and respondent of the hearing
31 date. The court may also schedule such hearing on its own motion. The

1 ~~petition and affidavit shall be deemed to have been offered into evidence~~
2 ~~at any show cause hearing. The petition and affidavit shall be admitted~~
3 ~~into evidence unless specifically excluded by the court. If the~~
4 respondent appears at the hearing and shows cause why such order should
5 not remain in effect, the court shall rescind the temporary order.

6 (5) ~~(2)~~ A temporary ex parte order shall be affirmed and deemed the
7 final protection order and service of the temporary ex parte order shall
8 be notice of the final protection order if the respondent has been
9 properly served with the temporary ex parte order and:

10 (a) The respondent fails to request a show cause ~~show cause~~ hearing
11 within ten business days after service upon him or her and no hearing was
12 requested by the petitioner or upon the court's own motion;

13 (b) The respondent has been properly served with notice of any show
14 cause ~~hearing requested by the respondent, the petitioner, or upon the~~
15 ~~court's own motion~~ and fails to appear at such hearing; or

16 (c) The respondent has been properly served with notice of any show
17 cause ~~hearing requested by the respondent, the petitioner, or upon the~~
18 ~~court's own motion~~ and the protection order was not dismissed at the
19 hearing.

20 ~~(3) If an order under section 42-924 is not issued ex parte, the~~
21 ~~court shall immediately schedule an evidentiary hearing to be held within~~
22 ~~fourteen days after the filing of the petition, and the court shall cause~~
23 ~~notice of the hearing to be given to the petitioner and the respondent.~~
24 ~~Any notice provided to the respondent shall include notification that a~~
25 ~~court may treat a petition for a domestic abuse protection order as a~~
26 ~~petition for a harassment protection order or a sexual assault protection~~
27 ~~order if it appears from the facts that such other protection order is~~
28 ~~more appropriate and that the respondent shall have an opportunity to~~
29 ~~show cause as to why such protection order should not be entered. If the~~
30 ~~respondent does not appear at the hearing and show cause why such order~~
31 ~~should not be issued, the court shall issue a final protection order.~~

1 ~~(4) The court may by rule or order refer or assign all matters~~
2 ~~regarding orders issued under section 42-924 to a referee for findings~~
3 ~~and recommendations.~~

4 ~~(5) An order issued under section 42-924 shall remain in effect for~~
5 ~~the period provided in subsection (3) of section 42-924, unless dismissed~~
6 ~~or modified by the court prior to such date. If the order grants~~
7 ~~temporary custody, such custody shall not exceed the number of days~~
8 ~~specified by the court unless the respondent shows cause why the order~~
9 ~~should not remain in effect.~~

10 ~~(6) The court shall also cause the notice created under section~~
11 ~~29-2291 to be served upon the respondent notifying the respondent that it~~
12 ~~may be unlawful under federal law for a person who is subject to a~~
13 ~~protection order to possess or receive any firearm or ammunition.~~

14 ~~(7) A court may treat a petition for a domestic abuse protection~~
15 ~~order as a petition for a harassment protection order or a sexual assault~~
16 ~~protection order if it appears from the facts in the petition, affidavit,~~
17 ~~and evidence presented at a show-cause hearing that such other protection~~
18 ~~order is more appropriate and if:~~

19 ~~(a) The court makes specific findings that such other order is more~~
20 ~~appropriate; or~~

21 ~~(b) The petitioner has requested the court to so treat the petition.~~

22 **Sec. 10.** (1) A protection order may be issued for an initial period
23 of at least one year and no more than two years, unless dismissed or
24 modified by the court. The length of the initial period shall be set at
25 the court's discretion based upon the evidence presented. When issued,
26 the protection order shall specify its effective initial period.

27 (2) Any protection order shall specify who is protected by the order
28 and who is subject to restrictions under the order.

29 **Sec. 11.** (1) A petitioner may file a petition and affidavit to
30 renew a protection order. A petition for renewal may be filed ex parte as
31 provided in section 9 of this act. Such petition and affidavit for

1 renewal shall be filed any time within forty-five days before the
2 expiration of the protection order, including the date the order expires.

3 (2) A protection order may be renewed on the basis of the
4 petitioner's affidavit stating that there has been no material change in
5 relevant circumstances since entry of the order and stating the reason
6 for the requested renewal if:

7 (a) The petitioner seeks no modification of the order; and

8 (b)(i) The respondent has been properly served with notice of the
9 petition for renewal and notice of hearing and fails to appear at the
10 hearing; or

11 (ii) The respondent indicates that he or she does not contest the
12 renewal.

13 (3) A renewed protection order shall specify that it is effective
14 for a period of one year to commence on the first calendar day following
15 the expiration of the previous order or on the calendar day the court
16 grants the renewal if such day is subsequent to the first calendar day
17 after expiration of the previous order.

18 (4) For a renewed domestic abuse protection order, if the court
19 grants temporary custody of minor children, the renewed order shall
20 specify the number of days of custody granted to the petitioner unless
21 otherwise modified by the court.

22 **Sec. 12.** During any hearing on a protection order, the petition and
23 affidavit shall be deemed to have been offered into evidence, and they
24 shall be admitted into evidence unless specifically excluded by the
25 court.

26 **Sec. 13.** The court may by rule or order refer or assign all matters
27 regarding a domestic abuse protection order to a referee for findings and
28 recommendations.

29 **Sec. 14.** Section 42-926, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 42-926 (1)(a) (1) Upon the issuance of a temporary ex parte

1 ~~protection order or final protection order under section 42-925,~~ the
2 clerk of the court shall forthwith provide, free of charge:

3 (i) The ~~the~~ petitioner, ~~, without charge,~~ with two certified copies
4 of such order;

5 (ii) The ~~. The clerk of the court shall also forthwith provide the~~
6 local police department or local law enforcement agency and the local
7 sheriff's office, ~~, without charge,~~ with one copy each of such order and
8 one copy each of the sheriff's return thereon; and ~~-~~

9 (iii) A ~~The clerk of the court shall also forthwith provide a copy~~
10 of the protection order to the sheriff's office in the county where the
11 respondent may be personally served, together with instructions for
12 service.

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

19 (2) If any protection order is dismissed or modified by the court,
20 the clerk of the court shall forthwith provide the local police
21 department or local law enforcement agency and the local sheriff's
22 office, without charge, with one copy each of the order of dismissal or
23 modification. ~~If the respondent has notice as described in subsection (2)~~
24 ~~of this section, further service under this subsection is unnecessary.~~

25 (3) Any document required to be provided under this section,
26 including certified copies of protection orders, may be provided
27 electronically.

28 (4) {2} If the respondent was present at a hearing convened pursuant
29 to section 9 of this act following issuance of an ex parte protection
30 order 42-925 and the protection order was not dismissed, the respondent
31 shall be deemed to have notice by the court at such hearing that the

1 protection order will be granted and remain in effect and further service
2 of notice described in ~~subsection (1) of this section~~ is not required for
3 purposes of prosecution under ~~subsection (4) of section 18 of this act~~
4 42-924.

5 ~~(3) When provided by the petitioner, the court shall make~~
6 ~~confidential numeric victim identification information, including social~~
7 ~~security numbers and dates of birth, available to appropriate criminal~~
8 ~~justice agencies engaged in protection order enforcement efforts. Such~~
9 ~~agencies shall maintain the confidentiality of this information, except~~
10 ~~for entry into state and federal databases for protection order~~
11 ~~enforcement.~~

12 **Sec. 15.** Upon issuance of any domestic abuse protection order, the
13 court shall cause the notice created under section 29-2291 to be served
14 upon the respondent notifying the respondent that it may be unlawful
15 under federal law for a person who is subject to a domestic abuse
16 protection order to possess or receive any firearm or ammunition.

17 **Sec. 16.** Section 42-924.01, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~42-924.01~~ (1) Fees to cover costs associated with the filing of a
20 petition for a protection order or the issuance or service of a
21 protection order seeking only the relief provided by the Protection
22 Orders from Domestic Abuse Act shall not be charged, except that a court
23 may assess such fees and costs if the court finds, by clear and
24 convincing evidence, that the statements contained in the petition were
25 false and that the protection order was sought in bad faith.

26 (2) At the final hearing, a court may assess costs associated with
27 the filing of a petition for a protection order or the issuance or
28 service of a protection order seeking only the relief provided by the
29 Protection Orders from Domestic Abuse Act against the respondent.

30 **Sec. 17.** Section 42-924.03, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 ~~42-924.03~~ When ruling on a petition for a domestic abuse protection
2 order, a A court shall only grant a respondent a domestic abuse
3 protection order if (1) the respondent files a cross or counter petition
4 seeking a protection order and (2) the issuing court makes specific
5 findings of domestic or family abuse against the respondent and
6 determines that the respondent is entitled to a protection order.

7 **Sec. 18.** (1) Any person, except the petitioner, who knowingly
8 violates a protection order issued pursuant to the Protection Orders Act,
9 after service or notice as described in subsection (4) of section 14 of
10 this act, or a valid foreign protection order recognized pursuant to
11 section 23 or 24 of this act, shall be guilty of an offense and punished
12 as provided in this section.

13 (2) For a violation involving a domestic abuse protection order, a
14 sexual assault protection order, a valid foreign domestic abuse
15 protection order recognized pursuant to section 23 of this act, or a
16 valid foreign sexual assault protection order recognized pursuant to
17 section 24 of this act a violation of this section is a Class I
18 misdemeanor for a first offense and a Class IV felony for any second or
19 subsequent offense.

20 (3) For a violation of a harassment protection order or a valid
21 foreign harassment protection order recognized pursuant to section 24 of
22 this act, a violation of this section is a Class II misdemeanor for a
23 first offense and a Class I misdemeanor for any second or subsequent
24 offense.

25 **Sec. 19.** Section 42-928, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~42-928~~ A peace officer shall with or without a warrant arrest a
28 person if:

29 (1) ~~The~~ the officer has probable cause to believe that the person
30 has committed a violation of a protection order described in section 18
31 of this act or an order issued pursuant to section 42-924, a violation of

1 ~~section 42-925,~~ a violation of an order excluding a person from certain
2 premises issued pursuant to section 42-357; ~~, or a violation of a valid~~
3 ~~foreign protection order recognized pursuant to section 42-931 and~~

4 (2) ~~A a petitioner or person protected by a protection order or~~
5 ~~under section 42-924 or 42-925,~~ an applicant for an order excluding a
6 person from certain premises issued pursuant to section 42-357 ~~, or a~~
7 ~~person protected under a valid foreign protection order recognized~~
8 ~~pursuant to section 42-931~~ provides the peace officer with a copy of such
9 ~~a protection order or an order excluding a person from certain premises~~
10 ~~issued under such sections~~ or the peace officer determines that such an
11 order exists after communicating with the local law enforcement agency.

12 **Sec. 20.** Section 42-929, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~42-929~~ A peace officer making an arrest pursuant to section 19 of
15 this act ~~42-928~~ shall take such person into custody and take such person
16 before a judge of the county court or the court which issued the
17 protection order or other order. At such time the court shall establish
18 the conditions of such person's release from custody, including the
19 determination of bond or recognizance, as the case may be. The court
20 shall issue an order directing that such person shall have no contact
21 with any person protected by such order ~~the alleged victim of the abuse~~
22 ~~or violation.~~

23 **Sec. 21.** Section 42-924.02, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 ~~42-924.02~~ (1) The clerk of the district court shall make available
26 standard petition and affidavit forms for all types of protection orders
27 provided by law with instructions for completion to be used by a
28 petitioner.

29 (2) Affidavit forms shall request all relevant information,
30 including, but not limited to: A description of the most recent incident
31 that was the basis for the application for a protection order and the

1 date or approximate date of the incident and, if there was more than one
2 incident, the most severe incident and the date or approximate date of
3 such incident. The affidavit form shall permit the petitioner to request
4 that any contact information of the petitioner be kept confidential. If
5 the petitioner makes such request, such information shall not be released
6 and shall only be available for the court's use. The clerk and his or her
7 employees shall not provide assistance in completing the forms.

8 (3) The State Court Administrator shall adopt and promulgate the
9 standard petition and affidavit forms provided for in this section as
10 well as the standard temporary ex parte and final protection order forms
11 and provide a copy of such forms to all clerks of the district courts in
12 this state. These standard ~~temporary ex parte and final protection order~~
13 forms shall be the only such forms used in this state.

14 **Sec. 22.** When provided by the petitioner, the court shall make
15 confidential numeric victim identification information, including social
16 security numbers and dates of birth, available to appropriate criminal
17 justice agencies engaged in protection order enforcement efforts. Such
18 agencies shall maintain the confidentiality of this information, except
19 for entry into state and federal databases for protection order
20 enforcement.

21 **Sec. 23.** Section 42-931, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~42-931~~ A valid foreign protection order related to domestic or
24 family abuse issued by a tribunal of another state, tribe, or territory
25 shall be accorded full faith and credit by the courts of this state and
26 enforced pursuant to the Uniform Interstate Enforcement of Domestic
27 Violence Protection Orders Act.

28 **Sec. 24.** Section 28-311.12, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 ~~28-311.12~~ (1) A valid foreign harassment or sexual assault
31 protection order or an order similar to a harassment or sexual assault

1 protection order issued by a court of another state, territory,
2 possession, or tribe shall be accorded full faith and credit by the
3 courts of this state and enforced as if it were issued in this state.

4 (2) A foreign harassment or sexual assault protection order issued
5 by a court of another state, territory, possession, or tribe shall be
6 valid if:

7 (a) The issuing court had jurisdiction over the parties and matter
8 under the law of such state, territory, possession, or tribe;

9 (b) The respondent was given reasonable notice and an opportunity to
10 be heard sufficient to protect the respondent's right to due process
11 before the order was issued; and

12 (c) The harassment or sexual assault protection order from another
13 jurisdiction has not been rendered against both the petitioner and the
14 respondent, unless: (i) The respondent filed a cross or counter petition,
15 complaint, or other written pleading seeking such an a sexual assault
16 ~~protection~~ order; and (ii) the issuing court made specific findings of
17 harassment or sexual assault offenses against both the petitioner and
18 respondent and determined that each party was entitled to such an order.

19 (3) There is a presumption of the validity of the foreign protection
20 order when the order appears authentic on its face.

21 (4) A peace officer may rely upon a copy of any putative valid
22 foreign harassment or sexual assault protection order which has been
23 provided to the peace officer by any source.

24 **Sec. 25.** If there is any conflict between the Protection Orders Act
25 and any other provision of law, the Protection Orders Act shall govern.

26 **Sec. 26.** Section 25-2740, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 25-2740 (1) For purposes of this section:

29 (a) Domestic relations matters means proceedings under the
30 Protection Orders Act, sections 28-311.09 and 28-311.10 ~~(including~~
31 ~~harassment protection orders and valid foreign harassment protection~~

1 ~~orders), sections 28-311.11 and 28-311.12 (including sexual assault~~
2 ~~protection orders and valid foreign sexual assault protection orders),~~
3 the Conciliation Court Law and sections 42-347 to 42-381 (including
4 dissolution, separation, annulment, custody, and support), section
5 43-512.04 (including child support or medical support), ~~section 42-924~~
6 ~~(including domestic protection orders),~~ sections 43-1401 to 43-1418
7 (including paternity determinations and parental support), and sections
8 43-1801 to 43-1803 (including grandparent visitation); and

9 (b) Paternity or custody determinations means proceedings to
10 establish the paternity of a child under sections 43-1411 to 43-1418 or
11 proceedings to determine custody of a child under section 42-364.

12 (2) Except as provided in subsection (3) of this section, in
13 domestic relations matters, a party shall file his or her petition or
14 complaint and all other court filings with the clerk of the district
15 court. The party shall state in the petition or complaint whether such
16 party requests that the proceeding be heard by a county court judge or by
17 a district court judge. If the party requests the case be heard by a
18 county court judge, the county court judge assigned to hear cases in the
19 county in which the matter is filed at the time of the hearing is deemed
20 appointed by the district court and the consent of the county court judge
21 is not required. Such proceeding is considered a district court
22 proceeding, even if heard by a county court judge, and an order or
23 judgment of the county court in a domestic relations matter has the force
24 and effect of a district court judgment. The testimony in a domestic
25 relations matter heard before a county court judge shall be preserved as
26 provided in section 25-2732.

27 (3) In addition to the jurisdiction provided for paternity or
28 custody determinations under subsection (2) of this section, a county
29 court or separate juvenile court which already has jurisdiction over the
30 child whose paternity or custody is to be determined has jurisdiction
31 over such paternity or custody determination.

1 **Sec. 27.** Section 28-311.02, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-311.02 (1) It is the intent of the Legislature to enact laws
4 dealing with stalking offenses which will protect victims from being
5 willfully harassed, intentionally terrified, threatened, or intimidated
6 by individuals who intentionally follow, detain, stalk, or harass them or
7 impose any restraint on their personal liberty and which will not
8 prohibit constitutionally protected activities.

9 (2) For purposes of sections 28-311.02 to 28-311.05 , ~~28-311.09, and~~
10 ~~28-311.10~~:

11 (a) Harass means to engage in a knowing and willful course of
12 conduct directed at a specific person which seriously terrifies,
13 threatens, or intimidates the person and which serves no legitimate
14 purpose;

15 (b) Course of conduct means a pattern of conduct composed of a
16 series of acts over a period of time, however short, evidencing a
17 continuity of purpose, including a series of acts of following,
18 detaining, restraining the personal liberty of, or stalking the person or
19 telephoning, contacting, or otherwise communicating with the person;

20 (c) Family or household member means a spouse or former spouse of
21 the victim, children of the victim, a person presently residing with the
22 victim or who has resided with the victim in the past, a person who had a
23 child in common with the victim, other persons related to the victim by
24 consanguinity or affinity, or any person presently involved in a dating
25 relationship with the victim or who has been involved in a dating
26 relationship with the victim. For purposes of this subdivision, dating
27 relationship means frequent, intimate associations primarily
28 characterized by the expectation of affectional or sexual involvement but
29 does not include a casual relationship or an ordinary association between
30 persons in a business or social context; and

31 (d) Substantially conforming criminal violation means a guilty plea,

1 a nolo contendere plea, or a conviction for a violation of any federal
2 law or law of another state or any county, city, or village ordinance of
3 this state or another state substantially similar to section 28-311.03.
4 Substantially conforming is a question of law to be determined by the
5 court.

6 **Sec. 28.** Section 28-311.04, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 28-311.04 (1) Except as provided in subsection (2) of this section,
9 any person convicted of violating section 28-311.03 is guilty of a Class
10 I misdemeanor.

11 (2) Any person convicted of violating section 28-311.03 is guilty of
12 a Class IIIA felony if:

13 (a) The person has a prior conviction under such section or a
14 substantially conforming criminal violation within the last seven years;

15 (b) The victim is under sixteen years of age;

16 (c) The person possessed a deadly weapon at any time during the
17 violation;

18 (d) The person was also in violation of any protection order issued
19 under the Protection Orders Act or any section 28-311.09, 28-311.11,
20 42-924, or 42-925, or in violation of a valid foreign harassment
21 protection order recognized pursuant to section 23 or 24 of this act
22 28-311.10 or a valid foreign sexual assault protection order recognized
23 pursuant to section 28-311.12 at any time during the violation; or

24 (e) The person has been convicted of any felony in this state or has
25 been convicted of a crime in another jurisdiction which, if committed in
26 this state, would constitute a felony and the victim or a family or
27 household member of the victim was also the victim of such previous
28 felony.

29 **Sec. 29.** Section 28-311.05, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-311.05 Sections 28-311.02 to 28-311.04 , ~~28-311.09, and 28-311.10~~

1 shall not apply to conduct which occurs during labor picketing.

2 **Sec. 30.** Section 28-358.01, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

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

15 (2) Isolation does not include (a) medical isolation prescribed by a
16 licensed physician caring for the vulnerable adult or senior adult; ~~τ~~ (b)
17 action taken in compliance with a ~~harassment~~ protection order issued
18 under the Protection Orders Act, pursuant to section 28-311.09, a valid
19 foreign ~~harassment~~ protection order recognized pursuant to section 23 or
20 24 of this act, or 28-311.10, a sexual assault protection order issued
21 ~~pursuant to section 28-311.11,~~ a valid foreign sexual assault protection
22 order recognized pursuant to section 28-311.12, an order issued pursuant
23 to section 42-924, an ex parte order issued pursuant to section 42-925,
24 an order excluding a person from certain premises issued pursuant to
25 section 42-357; ~~τ~~ ~~or a valid foreign protection order recognized pursuant~~
26 ~~to section 42-931,~~ or (c) action authorized by an administrator of a
27 nursing home pursuant to section 71-6021.

28 **Sec. 31.** Section 28-710, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 28-710 (1) Sections 28-710 to 28-727 and section 32 of this act
31 shall be known and may be cited as the Child Protection and Family Safety

1 Act.

2 (2) For purposes of the Child Protection and Family Safety Act:

3 (a) Alternative response means a comprehensive assessment of (i)
4 child safety, (ii) the risk of future child abuse or neglect, (iii)
5 family strengths and needs, and (iv) the provision of or referral for
6 necessary services and support. Alternative response is an alternative to
7 traditional response and does not include an investigation or a formal
8 determination as to whether child abuse or neglect has occurred, and the
9 subject of the report shall not be entered into the central registry of
10 child protection cases maintained pursuant to section 28-718;

11 (b) Child abuse or neglect means knowingly, intentionally, or
12 negligently causing or permitting a minor child to be:

13 (i) Placed in a situation that endangers his or her life or physical
14 or mental health;

15 (ii) Cruelly confined or cruelly punished;

16 (iii) Deprived of necessary food, clothing, shelter, or care;

17 (iv) Left unattended in a motor vehicle if such minor child is six
18 years of age or younger;

19 (v) Placed in a situation to be sexually abused;

20 (vi) Placed in a situation to be sexually exploited through sex
21 trafficking of a minor as defined in section 28-830 or by allowing,
22 encouraging, or forcing such person to engage in debauchery, public
23 indecency, or obscene or pornographic photography, films, or depictions;
24 or

25 (vii) Placed in a situation to be a trafficking victim as defined in
26 section 28-830;

27 (c) Child advocacy center means a community-based organization that
28 (i) provides an appropriate site for conducting forensic interviews as
29 defined in section 28-728 and referring victims of child abuse or neglect
30 and appropriate caregivers for such victims to needed evaluation,
31 services, and supports, (ii) assists county attorneys in facilitating

1 case reviews, developing and updating protocols, and arranging training
2 opportunities for the teams established pursuant to sections 28-728 and
3 28-729, and (iii) is a member, in good standing, of a state chapter as
4 defined in 34 U.S.C. 20302;

5 (d) Comprehensive assessment means an analysis of child safety, risk
6 of future child abuse or neglect, and family strengths and needs on a
7 report of child abuse or neglect using an evidence-informed and validated
8 tool. Comprehensive assessment does not include a finding as to whether
9 the child abuse or neglect occurred but does determine the need for
10 services and support, if any, to address the safety of children and the
11 risk of future abuse or neglect;

12 (e) Department means the Department of Health and Human Services;

13 (f) Investigation means fact gathering by the department, using an
14 evidence-informed and validated tool, or by law enforcement related to
15 the current safety of a child and the risk of future child abuse or
16 neglect that determines whether child abuse or neglect has occurred and
17 whether child protective services are needed;

18 (g) Kin caregiver means a person with whom a child in foster care
19 has been placed or with whom a child is residing pursuant to a temporary
20 living arrangement in a non-court-involved case, who has previously lived
21 with or is a trusted adult that has a preexisting, significant
22 relationship with the child or with a sibling of such child placed
23 pursuant to section 43-1311.02;

24 (h) Law enforcement agency means the police department or town
25 marshal in incorporated municipalities, the office of the sheriff in
26 unincorporated areas, and the Nebraska State Patrol;

27 (i) Member of a military family means an individual who is:

28 (i) Serving active duty service in the armed forces of the United
29 States, including any reserve component or the National Guard; or

30 (ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person
31 described in subdivision (2)(i)(i) of this section;

1 (j) ~~(i)~~ Non-court-involved case means an ongoing case opened by the
2 department following a report of child abuse or neglect in which the
3 department has determined that ongoing services are required to maintain
4 the safety of a child or alleviate the risk of future abuse or neglect
5 and in which the family voluntarily engages in child protective services
6 without a filing in a juvenile court;

7 (k) ~~(j)~~ Out-of-home child abuse or neglect means child abuse or
8 neglect occurring outside of a child's family home, including in day care
9 homes, foster homes, day care centers, residential child-caring agencies
10 as defined in section 71-1926, other child care facilities or
11 institutions, and the community. Out-of-home child abuse or neglect also
12 includes cases in which the subject of the report of child abuse or
13 neglect is not a member of the child's household, no longer has access to
14 the child, is unknown, or cannot be identified;

15 (l) ~~(k)~~ Relative caregiver means a person with whom a child is
16 placed by the department and who is related to the child, or to a sibling
17 of such child pursuant to section 43-1311.02, by blood, marriage, or
18 adoption or, in the case of an Indian child, is an extended family member
19 as defined in section 43-1503;

20 (m) ~~(l)~~ Report means any communication received by the department or
21 a law enforcement agency pursuant to the Child Protection and Family
22 Safety Act that describes child abuse or neglect and contains sufficient
23 content to identify the child who is the alleged victim of child abuse or
24 neglect;

25 (n) ~~(m)~~ Review, Evaluate, and Decide Team means an internal team of
26 staff within the department and shall include no fewer than two
27 supervisors or administrators and two staff members knowledgeable on the
28 policies and practices of the department, including, but not limited to,
29 the structured review process. County attorneys, child advocacy centers,
30 or law enforcement agency personnel may attend team reviews upon request
31 of a party;

1 (o) ~~(n)~~ School employee means a person nineteen years of age or
2 older who is employed by a public, private, denominational, or parochial
3 school approved or accredited by the State Department of Education;

4 (p) ~~(o)~~ Student means a person less than nineteen years of age
5 enrolled in or attending a public, private, denominational, or parochial
6 school approved or accredited by the State Department of Education, or
7 who was such a person enrolled in or who attended such a school within
8 ninety days of any violation of section 28-316.01;

9 (q) ~~(p)~~ Traditional response means an investigation by a law
10 enforcement agency or the department pursuant to section 28-713 which
11 requires a formal determination of whether child abuse or neglect has
12 occurred; and

13 (r) ~~(q)~~ Subject of the report of child abuse or neglect or subject
14 of the report means the person or persons identified in the report as
15 responsible for the child abuse or neglect.

16 **Sec. 32.** (1) For purposes of this section:

17 (a) Military family advocacy program means the program established
18 by the United States Department of Defense and provided at a military
19 installation to address child abuse and neglect in military families; and

20 (b) Military installation has the same meaning as in section
21 79-2201.

22 (2) Upon receipt of a report of child abuse or neglect, and after
23 the department has contacted the family of the identified victim and
24 determined that the subject of the report is a member of a military
25 family, the department shall notify the appropriate military installation
26 with which it has a memorandum of understanding under subsection (3) of
27 this section of the report and the nature of the allegations contained in
28 the report.

29 (3) The department shall negotiate a memorandum of understanding
30 with each military installation in Nebraska that has a military family
31 advocacy program. The memorandum shall establish procedures and protocols

1 for:

2 (a) Identifying the subject of a report of child abuse or neglect as
3 a member of a military family;

4 (b) Sharing information as required by this section; and

5 (c) Maintaining confidentiality as required by state and federal
6 law.

7 (4) The department may adopt and promulgate rules and regulations to
8 carry out this section.

9 **Sec. 33.** Section 28-713.01, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 28-713.01 (1) Upon completion of the investigation pursuant to
12 section 28-713:

13 (a) In situations of alleged out-of-home child abuse or neglect, the
14 person or persons having custody of the allegedly abused or neglected
15 child or children shall be given written notice of the results of the
16 investigation and any other information the law enforcement agency or
17 department deems necessary. Such notice and information shall be sent by
18 first-class mail;

19 (b) The subject of the report of child abuse or neglect shall be
20 given written notice of the determination of the case and whether the
21 subject of the report of child abuse or neglect will be entered into the
22 central registry of child protection cases maintained pursuant to section
23 28-718 under the criteria provided in section 28-720; ~~and~~

24 (c) If the subject of the report of child abuse or neglect is a
25 school employee and the child is a student in the school to which such
26 school employee is assigned for work, the notice described in subdivision
27 (1)(b) of this section shall also be sent to the Commissioner of
28 Education; and -

29 (d) If the subject of the report of child abuse or neglect is a
30 member of a military family, the notice described in subdivision (1)(b)
31 of this section shall also be sent to the appropriate military

1 installation as provided in section 32 of this act.

2 (2) If the subject of the report will be entered into the central
3 registry, the notice to the subject shall be sent by certified mail with
4 return receipt requested or first-class mail to the last-known address of
5 the subject of the report of child abuse or neglect and shall include:

6 (a) The nature of the report;

7 (b) The classification of the report under section 28-720;

8 (c) Notification of the right of the subject of the report of child
9 abuse or neglect to request the department to amend or expunge
10 identifying information from the report or to remove the substantiated
11 report from the central registry in accordance with section 28-723; and

12 (d) If the subject of the report of child abuse or neglect is a
13 minor child who is twelve years of age or older but younger than nineteen
14 years of age:

15 (i) Notification of the mandatory expungement hearing to be held
16 according to section 28-721, a waiver form to waive the hearing, and an
17 explanation of the hearing process;

18 (ii) An explanation of the implications of being entered in the
19 central registry as a subject;

20 (iii) Notification of any other procedures determined appropriate in
21 rules and regulations adopted and promulgated by the department; and

22 (iv) Provision of a copy of all notice materials required to be
23 provided to the subject under this subsection to the minor child's
24 attorney of record, parent or guardian, and guardian ad litem, if
25 applicable.

26 (3) If the subject of the report will not be entered into the
27 central registry, the notice to the subject shall be sent by first-class
28 mail and shall include:

29 (a) The nature of the report; and

30 (b) The classification of the report under section 28-720.

31 **Sec. 34.** Section 28-1205, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
3 knuckles, or any other deadly weapon to commit any felony which may be
4 prosecuted in a court of this state commits the offense of use of a
5 deadly weapon to commit a felony.

6 (b) Use of a deadly weapon, other than a firearm, to commit a felony
7 is a Class II felony.

8 (c) Use of a deadly weapon, which is a firearm, to commit a felony
9 is a Class IC felony.

10 (2)(a) Any person who possesses a firearm, a knife, brass or iron
11 knuckles, or a destructive device during the commission of any felony
12 which may be prosecuted in a court of this state commits the offense of
13 possession of a deadly weapon during the commission of a felony.

14 (b) Possession of a deadly weapon, other than a firearm, during the
15 commission of a felony is a Class III felony.

16 (c) Possession of a deadly weapon, which is a firearm, during the
17 commission of a felony is a Class II felony.

18 (3)(a) Any person who carries a firearm or a destructive device
19 during the commission of a dangerous misdemeanor commits the offense of
20 carrying a firearm or destructive device during the commission of a
21 dangerous misdemeanor.

22 (b) A violation of this subsection is a:

23 (i) Class I misdemeanor for a first or second offense; and

24 (ii) A Class IV felony for any third or subsequent offense.

25 (4) A violation of this section shall be treated as a separate and
26 distinct offense from the underlying crimes being committed, and a
27 sentence imposed under this section shall be consecutive to any other
28 sentence imposed.

29 (5) Possession of a deadly weapon may be proved through evidence
30 demonstrating either actual or constructive possession of a firearm, a
31 knife, brass or iron knuckles, or a destructive device during,

1 immediately prior to, or immediately after the commission of a felony.

2 (6) For purposes of this section:

3 (a) Dangerous misdemeanor means a misdemeanor violation of any of
4 the following offenses:

5 (i) Stalking under section 28-311.03;

6 (ii) Knowing violation of any a harassment protection order issued
7 under the Protection Orders Act ~~section 28-311.09;~~

8 ~~(iii) Knowing violation of a sexual assault protection order under~~
9 ~~section 28-311.11;~~

10 ~~(iii) (iv)~~ Domestic assault under section 28-323;

11 ~~(iv) (v)~~ Assault of an unborn child in the third degree under
12 section 28-399;

13 ~~(v) (vi)~~ Theft by shoplifting under section 28-511.01;

14 ~~(vi) (vii)~~ Unauthorized use of a propelled vehicle under section
15 28-516;

16 ~~(vii) (viii)~~ Criminal mischief under section 28-519 if such
17 violation arises from an incident involving the commission of a
18 misdemeanor crime of domestic violence;

19 ~~(viii) (ix)~~ Impersonating a police officer under section 28-610;

20 ~~(ix) (x)~~ Resisting arrest under section 28-904;

21 ~~(x) (xi)~~ Operating a motor vehicle or vessel to avoid arrest under
22 section 28-905;

23 ~~(xi) (xii)~~ Obstructing a peace officer under section 28-906; or

24 ~~(xiii) Knowing violation of a domestic abuse protection order under~~
25 ~~section 42-924; or~~

26 ~~(xii) (xiv)~~ Any attempt under section 28-201 to commit an offense
27 described in subdivisions (6)(a)(i) through ~~(xi) (xiii)~~ of this section;

28 (b) Destructive device has the same meaning as in section 28-1213;

29 (c) Misdemeanor crime of domestic violence has the same meaning as
30 in section 28-1206; and

31 (d) Use of a deadly weapon includes the discharge, employment, or

1 visible display of any part of a firearm, a knife, brass or iron
2 knuckles, any other deadly weapon, or a destructive device during,
3 immediately prior to, or immediately after the commission of a felony or
4 communication to another indicating the presence of a firearm, a knife,
5 brass or iron knuckles, any other deadly weapon, or a destructive device
6 during, immediately prior to, or immediately after the commission of a
7 felony, regardless of whether such firearm, knife, brass or iron
8 knuckles, deadly weapon, or destructive device was discharged, actively
9 employed, or displayed.

10 **Sec. 35.** Section 28-1206, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 28-1206 (1) A person commits the offense of possession of a deadly
13 weapon by a prohibited person if he or she:

14 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
15 or she:

16 (i) Has previously been convicted of a felony;

17 (ii) Is a fugitive from justice;

18 (iii) Is the subject of a current and valid ~~validly issued domestic~~
19 ~~violence~~ protection order issued under the Protection Orders Act or a
20 current and valid foreign protection order recognized under section 23 or
21 24 of this act , ~~harassment protection order, or sexual assault~~
22 ~~protection order~~ and is knowingly violating such order; or

23 (iv) Is on probation pursuant to a deferred judgment for a felony
24 under section 29-2292 or 29-4803; or

25 (b) Possesses a firearm or brass or iron knuckles and he or she has
26 been convicted within the past seven years of a misdemeanor crime of
27 domestic violence.

28 (2) The felony conviction may have been had in any court in the
29 United States, the several states, territories, or possessions, or the
30 District of Columbia.

31 (3)(a) Possession of a deadly weapon which is not a firearm by a

1 prohibited person is a Class III felony.

2 (b) Possession of a deadly weapon which is a firearm by a prohibited
3 person is a Class ID felony for a first offense and a Class IB felony for
4 a second or subsequent offense.

5 (4) Subdivision (1)(a)(i) of this section shall not prohibit:

6 (a) Possession of archery equipment for lawful purposes; or

7 (b) If in possession of a recreational license, possession of a
8 knife for purposes of butchering, dressing, or otherwise processing or
9 harvesting game, fish, or furs.

10 (5)(a) For purposes of this section, misdemeanor crime of domestic
11 violence means a crime that:

12 (i) Is classified as a misdemeanor under the laws of the United
13 States or the District of Columbia or the laws of any state, territory,
14 possession, or tribe;

15 (ii) Has, as an element, the use or attempted use of physical force
16 or the threatened use of a deadly weapon; and

17 (iii) Is committed by another against his or her spouse, his or her
18 former spouse, a person with whom he or she has a child in common whether
19 or not they have been married or lived together at any time, or a person
20 with whom he or she is or was involved in a dating relationship as
21 defined in section 28-323.

22 (b) For purposes of this section, misdemeanor crime of domestic
23 violence also includes the following offenses, if committed by a person
24 against his or her spouse, his or her former spouse, a person with whom
25 he or she is or was involved in a dating relationship as defined in
26 section 28-323, or a person with whom he or she has a child in common
27 whether or not they have been married or lived together at any time:

28 (i) Assault in the third degree under section 28-310;

29 (ii) Stalking under subsection (1) of section 28-311.04;

30 (iii) False imprisonment in the second degree under section 28-315;

31 (iv) First offense domestic assault in the third degree under

1 subsection (1) of section 28-323; or

2 (v) Any attempt or conspiracy to commit any of such offenses.

3 (c) A person shall not be considered to have been convicted of a
4 misdemeanor crime of domestic violence unless:

5 (i) The person was represented by counsel in the case or knowingly
6 and intelligently waived the right to counsel in the case; and

7 (ii) In the case of a prosecution for a misdemeanor crime of
8 domestic violence for which a person was entitled to a jury trial in the
9 jurisdiction in which the case was tried, either:

10 (A) The case was tried to a jury; or

11 (B) The person knowingly and intelligently waived the right to have
12 the case tried to a jury.

13 (6) In addition, for purposes of this section:

14 (a) Archery equipment means:

15 (i) A longbow, recurve bow, compound bow, or nonelectric crossbow
16 that is drawn or cocked with human power and released by human power; and

17 (ii) Target or hunting arrows, including arrows with broad, fixed,
18 or removable heads or that contain multiple sharp cutting edges; and

19 ~~(b) Domestic violence protection order means a protection order~~
20 ~~issued pursuant to section 42-924;~~

21 ~~(c) Harassment protection order means a protection order issued~~
22 ~~pursuant to section 28-311.09 or that meets or exceeds the criteria set~~
23 ~~forth in section 28-311.10 regarding protection orders issued by a court~~
24 ~~in any other state or a territory, possession, or tribe;~~

25 ~~(b)~~ (d) Recreational license means a state-issued license,
26 certificate, registration, permit, tag, sticker, or other similar
27 document or identifier evidencing permission to hunt, fish, or trap for
28 furs in the State of Nebraska. ~~;~~ and

29 ~~(e) Sexual assault protection order means a protection order issued~~
30 ~~pursuant to section 28-311.11 or that meets or exceeds the criteria set~~
31 ~~forth in section 28-311.12 regarding protection orders issued by a court~~

1 ~~in any other state or a territory, possession, or tribe.~~

2 **Sec. 36.** Section 29-404.02, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 29-404.02 (1) Except as provided in section 19 of this act sections
5 ~~28-311.11~~ and ~~42-928~~, a peace officer may arrest a person without a
6 warrant if the officer has reasonable cause to believe that such person
7 has committed:

8 (a) A felony;

9 (b) A misdemeanor, and the officer has reasonable cause to believe
10 that such person either (i) will not be apprehended unless immediately
11 arrested, (ii) may cause injury to himself or herself or others or damage
12 to property unless immediately arrested, (iii) may destroy or conceal
13 evidence of the commission of such misdemeanor, or (iv) has committed a
14 misdemeanor in the presence of the officer; or

15 (c) One or more of the following acts to one or more household
16 members, whether or not committed in the presence of the peace officer:

17 (i) Attempting to cause or intentionally and knowingly causing
18 bodily injury with or without a dangerous instrument;

19 (ii) Placing, by physical menace, another in fear of imminent bodily
20 injury; or

21 (iii) Engaging in sexual contact or sexual penetration without
22 consent as defined in section 28-318.

23 (2) An individual arrested without a warrant under this section who
24 remains in custody shall be brought before a court in the county where
25 the arrest occurred for an appearance no later than seven days after such
26 arrest. The appearance may be in person or conducted remotely by means of
27 videoconferencing. The individual shall have the right to appear in
28 person but must agree to waive the seven-day deadline if an in-person
29 appearance within such time is not reasonably practicable.

30 (3) For purposes of this section:

31 (a) Household members includes spouses or former spouses, children,

1 persons who are presently residing together or who have resided together
2 in the past, persons who have a child in common whether or not they have
3 been married or have lived together at any time, other persons related by
4 consanguinity or affinity, and persons who are presently involved in a
5 dating relationship with each other or who have been involved in a dating
6 relationship with each other; and

7 (b) Dating relationship means frequent, intimate associations
8 primarily characterized by the expectation of affectional or sexual
9 involvement, but does not include a casual relationship or an ordinary
10 association between persons in a business or social context.

11 **Sec. 37.** Section 29-422, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 29-422 It is hereby declared to be the policy of the State of
14 Nebraska to issue citations in lieu of arrest or continued custody to the
15 maximum extent consistent with the effective enforcement of the law and
16 the protection of the public. In furtherance of that policy, except as
17 provided in sections 19 and 20 of this act ~~28-311.11, 42-928, and 42-929,~~
18 any peace officer shall be authorized to issue a citation in lieu of
19 arrest or continued custody for any offense which is a traffic
20 infraction, any other infraction, or a misdemeanor and for any violation
21 of a city or village ordinance. Such authorization shall be carried out
22 in the manner specified in sections 29-422 to 29-429 and 60-684 to
23 60-686.

24 **Sec. 38.** Section 29-2292, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 29-2292 (1) Upon a finding of guilt for which a judgment of
27 conviction may be rendered, a defendant may request the court defer the
28 entry of judgment of conviction. Upon such request and after giving the
29 prosecutor and defendant the opportunity to be heard, the court may defer
30 the entry of a judgment of conviction and the imposition of a sentence
31 and place the defendant on probation, upon conditions as the court may

1 require under section 29-2262.

2 (2) The court shall not defer judgment under this section if:

3 (a) The offense is a violation of a domestic abuse protection order
4 under section 18 of this act ~~section 42-924~~;

5 (b) The victim of the offense is an intimate partner as defined in
6 section 28-323;

7 (c) The offense is a violation of section 60-6,196 or 60-6,197 or a
8 city or village ordinance enacted in conformance with section 60-6,196 or
9 60-6,197; or

10 (d) The defendant is not eligible for probation.

11 (3) Whenever a court considers a request to defer judgment, the
12 court shall consider the factors set forth in section 29-2260 and any
13 other information the court deems relevant.

14 (4) Except as otherwise provided in this section and sections
15 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
16 to a deferred judgment shall be governed by the Nebraska Probation
17 Administration Act and sections 29-2270 to 29-2273.

18 (5) After a hearing providing the prosecutor and defendant an
19 opportunity to be heard and upon a finding that a defendant has violated
20 a condition of his or her probation, the court may enter any order
21 authorized by section 29-2268 or pronounce judgment and impose such new
22 sentence as might have been originally imposed for the offense for which
23 the defendant was convicted.

24 (6) Upon satisfactory completion of the conditions of probation and
25 the payment or waiver of all administrative and programming fees assessed
26 under section 29-2293, the defendant or prosecutor may file a motion to
27 withdraw any plea entered by the defendant and to dismiss the action
28 without entry of judgment.

29 (7) The provisions of this section apply to offenses committed on or
30 after July 1, 2020. For purposes of this section, an offense shall be
31 deemed to have been committed prior to July 1, 2020, if any element of

1 the offense occurred prior to such date.

2 **Sec. 39.** Section 42-901, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 42-901 Sections 42-901 to 42-930 ~~42-931~~ shall be known and may be
5 cited as the Protection from Domestic Abuse Act.

6 **Sec. 40.** Section 42-903, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 42-903 For purposes of the Protection from Domestic Abuse Act,
9 unless the context otherwise requires:

10 (1) Abuse means the occurrence of one or more of the following acts
11 between family or household members:

12 (a) Attempting to cause or intentionally and knowingly causing
13 bodily injury with or without a dangerous instrument;

14 (b) Placing, by means of credible threat, another person in fear of
15 bodily injury. For purposes of this subdivision, credible threat means a
16 verbal or written threat, including a threat performed through the use of
17 an electronic communication device, or a threat implied by a pattern of
18 conduct or a combination of verbal, written, or electronically
19 communicated statements and conduct that is made by a person with the
20 apparent ability to carry out the threat so as to cause the person who is
21 the target of the threat to reasonably fear for his or her safety or the
22 safety of his or her family. It is not necessary to prove that the person
23 making the threat had the intent to actually carry out the threat. The
24 present incarceration of the person making the threat shall not prevent
25 the threat from being deemed a credible threat under this section; or

26 (c) Engaging in sexual contact or sexual penetration without consent
27 as defined in section 28-318;

28 (2) Department means the Department of Health and Human Services;

29 (3) Family or household members includes spouses or former spouses,
30 children, persons who are presently residing together or who have resided
31 together in the past, persons who have a child in common whether or not

1 they have been married or have lived together at any time, other persons
2 related by consanguinity or affinity, and persons who are presently
3 involved in a dating relationship with each other or who have been
4 involved in a dating relationship with each other. For purposes of this
5 subdivision, dating relationship means frequent, intimate associations
6 primarily characterized by the expectation of affectional or sexual
7 involvement, but does not include a casual relationship or an ordinary
8 association between persons in a business or social context; and

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

13 ~~(4) (5)~~ Law enforcement agency means the police department or town
14 marshal in incorporated municipalities, the office of the sheriff in
15 unincorporated areas, and the Nebraska State Patrol.

16 **Sec. 41.** Section 42-905, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 42-905 The comprehensive support services shall include, but not be
19 limited to:

20 (1) Emergency services for victims of abuse and their families;

21 (2) Support programs that meet specific needs of victims of abuse
22 and their families;

23 (3) Education, counseling, and supportive programs for the abuser;

24 (4) Programs to aid in the prevention and elimination of domestic
25 violence which shall include education and public awareness; and

26 (5) Assistance in completing the standard petition and affidavit
27 forms for persons who file a petition and affidavit for a domestic abuse
28 protection order under the Protection Orders Act.

29 **Sec. 42.** Section 42-927, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 42-927 All law enforcement agencies in the state shall provide

1 officers employed by them with an education and training program designed
2 to inform the officers of the problems of domestic abuse, procedures to
3 deal with such problems, the Protection from Domestic Abuse Act, the
4 Protection Orders Act, and the services and facilities available to
5 abused family and household members.

6 **Sec. 43.** Section 43-2,107, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-2,107 On application of a party or on the court's own motion, the
9 court may restrain or otherwise control the conduct of a person if a
10 petition has been filed under the Nebraska Juvenile Code and the court
11 finds that such conduct is or may be detrimental or harmful to the
12 juvenile. Notice of the application or motion and an opportunity to be
13 heard thereon shall be given to the person against whom such application
14 or motion is directed, except that the court may enter a temporary order
15 restraining or otherwise controlling the conduct of a person for the
16 protection of a juvenile without prior notice if it appears to the court
17 that it is necessary to issue such order forthwith. Such temporary order
18 shall be effective not to exceed ten days and shall not be binding
19 against any person unless he or she has received a copy of such order.
20 Any individual who violates an order restraining or otherwise controlling
21 his or her conduct under this section shall be guilty of a Class II
22 misdemeanor and may be proceeded against as described in sections 19 and
23 20 of this act ~~42-928 and 42-929~~.

24 **Sec. 44.** Section 43-1609, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 43-1609 (1) Child support referees shall be appointed when necessary
27 by the district courts, separate juvenile courts, and county courts to
28 meet the requirements of federal law relating to expediting the
29 establishment, modification, enforcement, and collection of child,
30 spousal, or medical support and domestic abuse protection orders issued
31 under the Protection Orders Act ~~section 42-924~~.

1 (2) Child support referees shall be appointed by order of the
2 district court, separate juvenile court, or county court. The Supreme
3 Court shall appoint child support referees to serve more than one
4 judicial district if the Supreme Court determines it is necessary.

5 (3) To be qualified for appointment as a child support referee, a
6 person shall be an attorney in good standing admitted to the practice of
7 law in the State of Nebraska and shall meet any other requirements
8 imposed by the Supreme Court. A child support referee shall be sworn or
9 affirmed to well and faithfully hear and examine the cause and to make a
10 just and true report according to the best of his or her understanding.
11 The oath or affirmation may be administered by a district, county, or
12 separate juvenile court judge. A child support referee may be removed at
13 any time by the appointing court.

14 (4) The Supreme Court may contract with an attorney to perform the
15 duties of a referee for a specific case or for a specific amount of time
16 or may direct a judge of the county court to perform such duties.

17 **Sec. 45.** Section 43-1611, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 43-1611 A district court, separate juvenile court, or county court
20 may by rule or order refer or assign any and all matters regarding the
21 establishment, modification, enforcement, and collection of child,
22 spousal, or medical support, paternity matters, and domestic abuse
23 protection orders issued under the Protection Orders Act ~~section 42-924~~
24 to a child support referee for findings and recommendations.

25 **Sec. 46.** Section 60-3209, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-3209 (1) Captured plate data held by a governmental entity is not
28 considered a public record for purposes of sections 84-712 to 84-712.09
29 and shall only be disclosed to the person to whom the vehicle is
30 registered or with the prior written consent of the person to whom the
31 vehicle is registered or pursuant to a disclosure order under subsection

1 (2) of section 60-3205 or as the result of a match pursuant to subsection
2 (2) of section 60-3203.

3 (2) Upon the presentation to a governmental entity of a valid,
4 outstanding protection order pursuant to the Protection Orders from
5 ~~Domestic Abuse Act~~ or ~~the Uniform Interstate Enforcement of Domestic~~
6 ~~Violence Protection Orders Act~~ ~~, or section 28-311.09 or 28-311.10~~
7 protecting the driver of a vehicle jointly registered with or registered
8 solely in the name of the individual against whom the order was issued,
9 captured plate data may not be disclosed except pursuant to a disclosure
10 order under subsection (2) of section 60-3205 or as the result of a match
11 pursuant to subsection (2) of section 60-3203.

12 **Sec. 47.** Section 76-1401, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 76-1401 Sections 76-1401 to 76-1449 and sections 48 to 50 of this
15 act shall be known and may be cited as the Uniform Residential Landlord
16 and Tenant Act.

17 **Sec. 48.** (1) When an act of domestic violence is perpetrated
18 against a tenant or household member by another cotenant or occupant of
19 the same dwelling unit, the tenant may have the perpetrator removed from
20 the rental agreement and, if needed, excluded from the premises if the
21 tenant or household member has:

22 (a) Obtained a protective order, restraining order, or other similar
23 relief which applies to the perpetrator of the act of domestic violence;
24 or

25 (b) Obtained certification confirming domestic violence as set forth
26 in subdivision (5)(a)(iii) of section 76-1431.

27 (2) To have the perpetrator removed from a rental agreement under
28 this section, the tenant shall:

29 (a) Provide the landlord a copy of the documentation described in
30 subsection (1) of this section; and

31 (b) Provide the landlord a written notice containing:

1 (i) The full legal name of the cotenant or occupant who is the
2 perpetrator of the act of domestic violence;

3 (ii) The date on which the tenant wishes the notice of termination
4 to be served upon the perpetrator. Such date shall be at least five days
5 after the date the tenant provides the documentation and written notice
6 to the landlord and no more than thirty days after such date; and

7 (iii) The tenant's preferred method by which to receive future
8 communications from the landlord.

9 (3) When a tenant has provided the landlord with documentation and
10 written notice, as described in subsections (1) and (2) of this section,
11 the landlord shall proceed under subsection (4) of section 76-1431
12 against only the cotenant or occupant who is the perpetrator of the act
13 of domestic violence. The landlord shall serve the five-day notice
14 provided for in subsection (4) of section 76-1431 on such perpetrator on
15 the date provided by the requesting tenant under subdivision (2)(b)(ii)
16 of this section.

17 (4)(a) If the perpetrator vacates the premises within the five-day
18 notice period described in subsection (4) of section 76-1431, the
19 landlord shall:

20 (i) Install a new lock to the dwelling unit, pursuant to section 50
21 of this act; and

22 (ii) Timely notify the requesting tenant by the method provided
23 under subdivision (2)(b)(iii) of this section to inform the requesting
24 tenant how the tenant can obtain access to the re-keyed unit.

25 (b) If the perpetrator fails to vacate the premises within the five-
26 day notice period described in subsection (4) of section 76-1431, the
27 landlord shall:

28 (i) File suit for recovery of possession of the premises against the
29 perpetrator only; and

30 (ii) Timely notify the requesting tenant by the method provided
31 under subsection (2)(b)(iii) of this section to inform them of the

1 hearing date set in the suit.

2 (c) If judgment is entered in favor of the landlord in a suit
3 brought pursuant to subsection (4) of section 76-1431, the landlord
4 shall:

5 (i) Be entitled to recover court costs and reasonable attorney's
6 fees from the perpetrator;

7 (ii) Install a new lock to the dwelling unit, pursuant to section 50
8 of this act;

9 (iii) Timely notify the requesting tenant by the method provided
10 under subdivision (2)(b)(iii) of this section to inform the requesting
11 tenant of the reasonable method by which the tenant can obtain access to
12 the re-keyed unit; and

13 (iv) Refuse to provide the perpetrator with access to the dwelling
14 unit to reclaim property unless a law enforcement officer escorts the
15 perpetrator into and out of the dwelling.

16 (5) If two individuals have requested each other to be removed from
17 the rental agreement under this section and each provides qualifying
18 documentation under subsection (1) of this section:

19 (a) The landlord is only required to proceed against an individual
20 who is, by court order, specifically excluded from the dwelling unit; and

21 (b) If neither individual is specifically excluded from the dwelling
22 unit by court order, the landlord is not required to proceed under this
23 section.

24 (6) A landlord is not liable for any actions taken in good faith
25 pursuant to this section.

26 **Sec. 49.** (1) When an act of domestic violence is perpetrated
27 against a tenant or household member by someone who is not a cotenant or
28 occupant of the same dwelling unit, the tenant may require the landlord
29 to change the lock to the tenant's dwelling unit pursuant to section 50
30 of this act if the tenant or household member has:

31 (a) Obtained a protective order, restraining order, or other similar

1 relief which applies to the perpetrator of the act of domestic violence;
2 or

3 (b) Obtained certification confirming domestic violence as set forth
4 in subdivision (5)(a)(iii) of section 76-1431.

5 (2) To have a lock changed under this section, the tenant shall:

6 (a) Provide the landlord a copy of the documentation described in
7 subsection (1) of this section; and

8 (b) Provide the landlord a written notice containing the request
9 that the locks be changed immediately.

10 (3) The landlord shall change the locks to the tenant's dwelling
11 unit as provided in section 50 of this act within twenty-four hours after
12 receiving the tenant's written request.

13 **Sec. 50.** (1) A landlord required to change locks under section 48
14 or 49 of this act shall do so by either:

15 (a) Replacing the entire locking mechanism with a locking mechanism
16 of equal or better quality than the lock being replaced; or

17 (b) If the lock is in good working condition:

18 (i) Rekeying the lock; or

19 (ii) In the case of a keyless electronic lock, resetting the entry
20 code.

21 (2)(a) If a landlord fails to change the locks as required by this
22 section, the tenant:

23 (i) May change the locks in a workmanlike manner with locks of
24 similar or better quality than the original lock;

25 (ii) Shall timely notify the landlord that the locks have been
26 changed; and

27 (iii) Shall, by a reasonable method agreed upon by the landlord and
28 tenant, provide the landlord with a new key or the entry code by which to
29 access the dwelling unit.

30 (b) This subsection applies notwithstanding any provision in the
31 rental agreement to the contrary.

1 (3) A landlord who installs a new lock pursuant to this section may
2 retain a copy of the key or entry code that opens the new lock.

3 (4) The landlord may require the tenant to pay for the actual and
4 reasonable cost incurred by the landlord in changing the locks under this
5 section.

6 **Sec. 51.** Original sections 28-311.02, 28-311.05, 42-901, 42-905,
7 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and
8 60-3209, Reissue Revised Statutes of Nebraska, and sections 25-2740,
9 28-311.04, 28-311.12, 28-358.01, 28-710, 28-713.01, 28-1205, 28-1206,
10 29-404.02, 29-422, 29-2292, 42-903, 42-924, 42-924.02, 42-925, 42-926,
11 43-1609, 43-1611, and 76-1401, Revised Statutes Cumulative Supplement,
12 2024, are repealed.

13 **Sec. 52.** The following sections are outright repealed: Section
14 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09
15 and 28-311.11, Revised Statutes Cumulative Supplement, 2024.