

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1088

Introduced by Raybould, 28.

Read first time January 15, 2026

Committee:

1 A BILL FOR AN ACT relating to firearms; to amend sections 26-101, 26-106,
2 26-112, 26-115, 26-116, 26-118, and 26-121, Revised Statutes
3 Supplement, 2025; to require persons convicted of misdemeanor crimes
4 of domestic violence or subject to domestic abuse protection orders
5 to surrender firearms and ammunition as prescribed; to provide a
6 penalty; to define terms; to provide duties for courts, the State
7 Court Administrator, county attorneys, law enforcement agencies,
8 jails, and prisons; to provide requirements and procedures in the
9 Protection Orders Act for similar enforcement of foreign domestic
10 abuse protection orders; to harmonize provisions; and to repeal the
11 original sections.

12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) Firearm has the same meaning as in section 28-1201;

3 (b) Misdemeanor crime of domestic violence has the same meaning as
4 in section 28-1206;

5 (c) Qualified third party means:

6 (i) A county sheriff, police officer, or member of the Nebraska
7 State Patrol;

8 (ii) A firearm dealer licensed pursuant to 18 U.S.C. 923; or

9 (iii) Any other responsible adult named by a court in an order under
10 this section; and

11 (d) Respondent means the person subject to an order under this
12 section.

13 (2) A court shall enter an order requiring a person to surrender all
14 firearms and ammunition in his or her possession when:

15 (a) Issuing a domestic abuse protection order as provided in section
16 26-115;

17 (b) Sentencing a defendant to a misdemeanor crime of domestic
18 violence as provided in section 10 of this act;

19 (c) Sentencing a defendant for a misdemeanor violation of a domestic
20 abuse protection order or foreign domestic abuse protection order as
21 provided in section 26-118; or

22 (d) Issuing an order relating to a foreign domestic abuse protection
23 order as provided in section 9 of this act.

24 (3) An order under this section shall:

25 (a) Require the respondent, within the deadline required by
26 subsection (4) of this section, to:

27 (i) Surrender all firearms or ammunition in the respondent's
28 possession in this state to a qualified third party; and

29 (ii) Complete the affidavit under subsection (6) of this section and
30 deliver it to the sheriff, county attorney, the designee of the sheriff
31 or county attorney, or any person named by the court in the order;

1 (b) Order the respondent not to possess any firearms or ammunition
2 for the period of time provided in subsection (5) of this section;

3 (c) Notify the respondent that the respondent may be responsible for
4 paying any costs of storing such firearms or ammunition;

5 (d) Notify the respondent that following the expiration of the
6 period of time provided for in subsection (5) of this section, the
7 respondent may reclaim possession of such firearms or ammunition, unless
8 otherwise prohibited by law from possessing such firearms or ammunition
9 at that time; and

10 (e) Notify the respondent of the penalty for violating this section
11 or section 28-1206.

12 (4)(a) Except as provided in subdivision (4)(b) of this section, the
13 respondent shall surrender all firearms and ammunition in the
14 respondent's possession in this state to a qualified third party and
15 complete and return the affidavit under subsection (6) of this section
16 within forty-eight hours after receipt of the order under subsection (3)
17 of this section.

18 (b) For a respondent who is convicted of a misdemeanor crime of
19 domestic violence and sentenced to a period of incarceration, the
20 deadline in this subsection shall be forty-eight hours after release from
21 incarceration, unless an earlier period is agreed to in writing by the
22 respondent and the court, in which case a responsible person designated
23 by the incarcerated respondent may surrender the respondent's firearms
24 and ammunition and complete the affidavit on the respondent's behalf.

25 (5) An order issued under this section shall remain in effect:

26 (a) For an order arising from any protection order, so long as such
27 protection order is in effect, including any renewals; and

28 (b) For an order arising from a conviction for a misdemeanor crime
29 of domestic violence, for a period of seven years following such
30 conviction.

31 (6) The State Court Administrator shall develop a standard affidavit

1 form for use under this section. The administrator shall develop such
2 form in consultation with advocacy groups dedicated to ending sexual and
3 domestic violence. The administrator shall make the form available on a
4 judicial branch website accessible to the public.

5 (7) Prior to release from incarceration for a misdemeanor crime of
6 domestic violence, a county jail or prison shall provide a respondent
7 with written notice of his or her obligations under this section.

8 (8) Upon issuance of an order under this section, the court shall
9 transmit a copy of such order to the sheriff and any other local law
10 enforcement agency in the county where the respondent resides and to the
11 Federal Bureau of Investigation's National Instant Criminal Background
12 Check System.

13 (9) A law enforcement agency that takes possession of firearms or
14 ammunition under this section shall:

15 (a) Maintain such firearms and ammunition in a secure location;
16 (b) Develop procedures for returning such firearms and ammunition to
17 a respondent following expiration of the period described in subsection
18 (5) of this section; and

19 (c) Verify that a respondent may lawfully possess any such firearms
20 or ammunition before returning them to the respondent.

21 (10) A respondent who fails to comply with an order issued under
22 this section shall be guilty of a Class I misdemeanor.

23 **Sec. 2.** Section 26-101, Revised Statutes Supplement, 2025, is
24 amended to read:

25 26-101 Sections 26-101 to 26-125 and section 9 of this act shall be
26 known and may be cited as the Protection Orders Act.

27 **Sec. 3.** Section 26-106, Revised Statutes Supplement, 2025, is
28 amended to read:

29 26-106 (1) A petition for a protection order or for an order under
30 section 9 of this act shall be filed with the clerk of the district
31 court, and the proceeding may be heard by the county court or the

1 district court as provided in section 25-2740.

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

4 **Sec. 4.** Section 26-112, Revised Statutes Supplement, 2025, is
5 amended to read:

6 26-112 During any hearing on a protection order or under section 9
7 of this act, the petition and affidavit shall be deemed to have been
8 offered into evidence, and they shall be admitted into evidence unless
9 specifically excluded by the court.

10 **Sec. 5.** Section 26-115, Revised Statutes Supplement, 2025, is
11 amended to read:

12 26-115 Upon issuance of any domestic abuse protection order, the
13 court shall:

14 (1) Cause cause the notice created under section 29-2291 to be
15 served upon the respondent notifying the respondent that it may be
16 unlawful under federal law for a person who is subject to a domestic
17 abuse protection order to possess or receive any firearm or ammunition;
18 and -

19 (2) Issue an order requiring the defendant to surrender all firearms
20 and ammunition as required by section 1 of this act.

21 **Sec. 6.** Section 26-116, Revised Statutes Supplement, 2025, is
22 amended to read:

23 26-116 (1) Fees to cover costs associated with the filing of a
24 petition for a protection order, the filing of a petition under section 9
25 of this act, or the issuance or service of a protection order seeking
26 only the relief provided by the Protection Orders Act shall not be
27 charged, except that a court may assess such fees and costs if the court
28 finds, by clear and convincing evidence, that the statements contained in
29 the petition were false and that the protection order was sought in bad
30 faith.

31 (2) At the final hearing, a court may assess costs associated with

1 the filing of a petition for a protection order or the issuance or
2 service of a protection order seeking only the relief provided by the
3 Protection Orders Act against the respondent.

4 **Sec. 7.** Section 26-118, Revised Statutes Supplement, 2025, is
5 amended to read:

6 26-118 (1) Any person, except the petitioner, who knowingly violates
7 a protection order issued pursuant to the Protection Orders Act, after
8 service or notice as described in subsection (4) of section 26-114, or a
9 valid foreign protection order recognized pursuant to section 26-123 or
10 26-124, shall be guilty of an offense and punished as provided in this
11 section.

12 (2)(a) (2) For a violation involving a domestic abuse protection
13 order, a sexual assault protection order, a valid foreign domestic abuse
14 protection order recognized pursuant to section 26-123, or a valid
15 foreign sexual assault protection order recognized pursuant to section
16 26-124, a violation of this section is a Class I misdemeanor for a first
17 offense and a Class IV felony for any second or subsequent offense.

18 (b) When sentencing a defendant for a misdemeanor violation of this
19 subsection involving a domestic abuse protection order or a foreign
20 domestic abuse protection order, the court shall enter an order requiring
21 the defendant to surrender all firearms and ammunition as required by
22 section 1 of this act.

23 (3) For a violation of a harassment protection order or a valid
24 foreign harassment protection order recognized pursuant to section
25 26-124, a violation of this section is a Class II misdemeanor for a first
26 offense and a Class I misdemeanor for any second or subsequent offense.

27 **Sec. 8.** Section 26-121, Revised Statutes Supplement, 2025, is
28 amended to read:

29 26-121 (1) The clerk of the district court shall make available
30 standard petition and affidavit forms for all types of protection orders
31 provided by law and petition and affidavit forms for proceedings under

1 section 9 of this act. Such petitions and affidavit forms shall include
2 with instructions for completion to be used by a petitioner.

3 (2) Affidavit forms for protection orders shall request all relevant
4 information, including, but not limited to: A description of the most
5 recent incident that was the basis for the application for a protection
6 order and the date or approximate date of the incident and, if there was
7 more than one incident, the most severe incident and the date or
8 approximate date of such incident. The affidavit form shall permit the
9 petitioner to request that any contact information of the petitioner be
10 kept confidential. If the petitioner makes such request, such information
11 shall not be released and shall only be available for the court's use.

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

18 **Sec. 9. (1) For purposes of this section:**

19 (a) Foreign domestic abuse protection order means a valid foreign
20 domestic abuse protection order recognized pursuant to section 26-123;
21 and

22 (b) Foreign respondent means a person subject to a foreign domestic
23 abuse protection order.

24 (2) An individual in Nebraska who is protected by a foreign domestic
25 abuse protection order, a peace officer, or a county attorney may file a
26 petition and affidavit with the clerk of the district court requesting
27 the court to enter an order requiring a foreign respondent to surrender
28 any firearms or ammunition in the foreign respondent's possession in this
29 state.

30 (3) The court shall immediately schedule an evidentiary hearing to
31 be held within fourteen days after the filing of the petition, and the

1 court shall cause notice of the petition to be given to the foreign
2 respondent stating that the respondent may show cause why such order
3 should not be entered.

4 (4) The court shall grant the petition if the court finds that:

5 (a) The foreign respondent is subject to a foreign domestic abuse
6 protection order;

7 (b) An individual protected by such order is in Nebraska; and

8 (c) The foreign respondent is in Nebraska.

9 (5) If the court grants a petition under this section, the court
10 shall:

11 (a) Provide the foreign respondent with the written notice required
12 by section 1 of this act; and

13 (b) Issue an order requiring the foreign respondent to surrender all
14 firearms and ammunition possessed in Nebraska as required by section 1 of
15 this act.

16 **Sec. 10.** When sentencing a person convicted of a misdemeanor crime
17 of domestic violence as defined in section 28-1206, the court shall issue
18 an order requiring the defendant to surrender all firearms and ammunition
19 as required by section 1 of this act.

20 **Sec. 11.** Original sections 26-101, 26-106, 26-112, 26-115, 26-116,
21 26-118, and 26-121, Revised Statutes Supplement, 2025, are repealed.