

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 80

Introduced by Hallstrom, 1; Bosn, 25; DeKay, 40.

Read first time January 09, 2025

Committee:

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, 28-1205, 28-1206, 29-404.02, 29-422, 29-2292, 42-903,
6 42-924, 42-924.02, 42-925, 42-926, 43-1609, and 43-1611, Revised
7 Statutes Cumulative Supplement, 2024; to adopt the Protection Orders
8 Act; to extend the initial period of protection orders; to define
9 terms; to provide penalties; to provide for powers and duties
10 relating to such orders; to change a penalty for violation of a
11 harassment protection order; to transfer provisions; to harmonize
12 provisions; to repeal the original sections; and to outright repeal
13 section 28-311.10, Reissue Revised Statutes of Nebraska, and
14 sections 28-311.09 and 28-311.11, Revised Statutes Cumulative
15 Supplement, 2024.

16 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) This section does not apply to conduct which occurs during labor
7 picketing.

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

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

16 (a) Imposing any restraint upon the person or liberty of the
17 petitioner;

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

20 (c) Telephoning, contacting, or otherwise communicating with the
21 petitioner.

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

25 (2) A petition for a protection order may not be withdrawn except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

27 **Sec. 7.** A court may treat a petition for a domestic abuse,
28 harassment, or sexual assault protection order as a petition for another
29 of such types of protection order if it appears from the facts in the
30 petition, affidavit, and evidence presented that such other type of
31 protection order is more appropriate and if:

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

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

4 **Sec. 8.** (1)(a) If a domestic abuse protection order or sexual
5 assault protection order is not issued or renewed ex parte under section
6 9 of this act, the court shall immediately schedule an evidentiary
7 hearing to be held within fourteen days after the filing of the petition,
8 and the court shall cause notice of the application to be given to the
9 respondent stating that the respondent may show cause why such order
10 should not be entered.

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

17 (2) Any notice provided to the respondent shall include notification
18 that:

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

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

25 **Sec. 9.** Section 42-925, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 42-925 (1) A protection ~~An order issued under section 42-924~~ may be
28 issued or renewed ex parte to the respondent if it reasonably appears
29 from the specific facts included in the affidavit that:

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

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

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

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

22 (4) Upon receipt of a timely request for a show-cause hearing or
23 upon ~~the~~ request of the petitioner, ~~or upon the court's own motion,~~ the
24 court shall immediately schedule a show-cause hearing to be held within
25 thirty days after the receipt of such the request ~~for a show-cause~~
26 hearing and shall notify the petitioner and respondent of the hearing
27 date. The court may also schedule such hearing on its own motion. The
28 petition and affidavit shall be deemed to have been offered into evidence
29 at any show-cause hearing. The petition and affidavit shall be admitted
30 into evidence unless specifically excluded by the court. If the
31 respondent appears at the hearing and shows cause why such order should

1 not remain in effect, the court shall rescind the temporary order.

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

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

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

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

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

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

31 ~~(5) An order issued under section 42-924 shall remain in effect for~~

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

6 ~~(6) The court shall also cause the notice created under section~~
7 ~~29-2291 to be served upon the respondent notifying the respondent that it~~
8 ~~may be unlawful under federal law for a person who is subject to a~~
9 ~~protection order to possess or receive any firearm or ammunition.~~

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

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

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

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

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

25 **Sec. 11.** (1) A petitioner may file a petition and affidavit to
26 renew a protection order. A petition for renewal may be filed ex parte as
27 provided in section 9 of this act. Such petition and affidavit for
28 renewal shall be filed any time within forty-five days before the
29 expiration of the protection order, including the date the order expires.

30 (2) A protection order may be renewed on the basis of the
31 petitioner's affidavit stating that there has been no material change in

1 relevant circumstances since entry of the order and stating the reason
2 for the requested renewal if:

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

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

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

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

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

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

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

25 **Sec. 14.** Section 42-926, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 42-926 (1)(a) (1) Upon the issuance of a temporary ex parte
28 protection order or final protection order under section 42-925, the
29 clerk of the court shall forthwith provide, free of charge:

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

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

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

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

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

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

24 (4) ~~(2)~~ If the respondent was present at a hearing convened pursuant
25 to section 9 of this act following issuance of an ex parte protection
26 order 42-925 and the protection order was not dismissed, the respondent
27 shall be deemed to have notice by the court at such hearing that the
28 protection order will be granted and remain in effect and further service
29 of notice described in ~~subsection (1) of this section~~ is not required for
30 purposes of prosecution under ~~subsection (4) of section 18 of this act~~
31 ~~42-924.~~

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

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

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

15 ~~42-924.01~~ (1) Fees to cover costs associated with the filing of a
16 petition for a protection order or the issuance or service of a
17 protection order seeking only the relief provided by the Protection
18 ~~Orders from Domestic Abuse Act~~ shall not be charged, except that a court
19 may assess such fees and costs if the court finds, by clear and
20 convincing evidence, that the statements contained in the petition were
21 false and that the protection order was sought in bad faith.

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

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

28 ~~42-924.03~~ When ruling on a petition for a domestic abuse protection
29 order, a A court shall only grant a respondent a domestic abuse
30 protection order if (1) the respondent files a cross or counter petition
31 seeking a protection order and (2) the issuing court makes specific

1 findings of domestic or family abuse against the respondent and
2 determines that the respondent is entitled to a protection order.

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

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

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

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

23 ~~42-928~~ A peace officer shall with or without a warrant arrest a
24 person if:

25 (1) ~~The~~ the officer has probable cause to believe that the person
26 has committed a violation of a protection order described in section 18
27 of this act or an order issued pursuant to section 42-924, a violation of
28 section 42-925, a violation of an order excluding a person from certain
29 premises issued pursuant to section 42-357; , or a violation of a valid
30 foreign protection order recognized pursuant to section 42-931 and

31 (2) A a petitioner or person protected by a protection order or

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

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

10 ~~42-929~~ A peace officer making an arrest pursuant to section 19 of
11 this act ~~42-928~~ shall take such person into custody and take such person
12 before a judge of the county court or the court which issued the
13 protection order or other order. At such time the court shall establish
14 the conditions of such person's release from custody, including the
15 determination of bond or recognizance, as the case may be. The court
16 shall issue an order directing that such person shall have no contact
17 with any person protected by such order ~~the alleged victim of the abuse~~
18 ~~or violation~~.

19 **Sec. 21.** Section 42-924.02, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 ~~42-924.02~~ (1) The clerk of the district court shall make available
22 standard petition and affidavit forms for all types of protection orders
23 provided by law with instructions for completion to be used by a
24 petitioner.

25 (2) Affidavit forms shall request all relevant information,
26 including, but not limited to: A description of the most recent incident
27 that was the basis for the application for a protection order and the
28 date or approximate date of the incident and, if there was more than one
29 incident, the most severe incident and the date or approximate date of
30 such incident. The affidavit form shall permit the petitioner to request
31 that any contact information of the petitioner be kept confidential. If

1 the petitioner makes such request, such information shall not be released
2 and shall only be available for the court's use. The clerk and his or her
3 employees shall not provide assistance in completing the forms.

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

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

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

19 ~~42-931~~ A valid foreign protection order related to domestic or
20 family abuse issued by a tribunal of another state, tribe, or territory
21 shall be accorded full faith and credit by the courts of this state and
22 enforced pursuant to the Uniform Interstate Enforcement of Domestic
23 Violence Protection Orders Act.

24 **Sec. 24.** Section 28-311.12, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 ~~28-311.12~~ (1) A valid foreign harassment or sexual assault
27 protection order or an order similar to a harassment or sexual assault
28 protection order issued by a court of another state, territory,
29 possession, or tribe shall be accorded full faith and credit by the
30 courts of this state and enforced as if it were issued in this state.

31 (2) A foreign harassment or sexual assault protection order issued

1 by a court of another state, territory, possession, or tribe shall be
2 valid if:

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

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

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

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

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

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

22 **Sec. 26.** Section 25-2740, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 25-2740 (1) For purposes of this section:

25 (a) Domestic relations matters means proceedings under the
26 Protection Orders Act, sections 28-311.09 and 28-311.10 (including
27 harassment protection orders and valid foreign harassment protection
28 orders), sections 28-311.11 and 28-311.12 (including sexual assault
29 protection orders and valid foreign sexual assault protection orders),
30 the Conciliation Court Law and sections 42-347 to 42-381 (including
31 dissolution, separation, annulment, custody, and support), section

1 43-512.04 (including child support or medical support), ~~section 42-924~~
2 ~~(including domestic protection orders)~~, sections 43-1401 to 43-1418
3 (including paternity determinations and parental support), and sections
4 43-1801 to 43-1803 (including grandparent visitation); and

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

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

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

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

30 28-311.02 (1) It is the intent of the Legislature to enact laws
31 dealing with stalking offenses which will protect victims from being

1 willfully harassed, intentionally terrified, threatened, or intimidated
2 by individuals who intentionally follow, detain, stalk, or harass them or
3 impose any restraint on their personal liberty and which will not
4 prohibit constitutionally protected activities.

5 (2) For purposes of sections 28-311.02 to 28-311.05 , ~~28-311.09,~~ and
6 ~~28-311.10:~~

7 (a) Harass means to engage in a knowing and willful course of
8 conduct directed at a specific person which seriously terrifies,
9 threatens, or intimidates the person and which serves no legitimate
10 purpose;

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

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

27 (d) Substantially conforming criminal violation means a guilty plea,
28 a nolo contendere plea, or a conviction for a violation of any federal
29 law or law of another state or any county, city, or village ordinance of
30 this state or another state substantially similar to section 28-311.03.
31 Substantially conforming is a question of law to be determined by the

1 court.

2 **Sec. 28.** Section 28-311.04, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 28-311.04 (1) Except as provided in subsection (2) of this section,
5 any person convicted of violating section 28-311.03 is guilty of a Class
6 I misdemeanor.

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

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

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

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

14 (d) The person was also in violation of any protection order issued
15 under the Protection Orders Act or any section 28-311.09, 28-311.11,
16 42-924, or 42-925, or in violation of a valid foreign harassment
17 protection order recognized pursuant to section 23 or 24 of this act
18 28-311.10 or a valid foreign sexual assault protection order recognized
19 pursuant to section 28-311.12 at any time during the violation; or

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

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

27 28-311.05 Sections 28-311.02 to 28-311.04 , ~~28-311.09, and 28-311.10~~
28 shall not apply to conduct which occurs during labor picketing.

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

31 28-358.01 (1) Isolation means intentional acts (a) committed for the

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

11 (2) Isolation does not include (a) medical isolation prescribed by a
12 licensed physician caring for the vulnerable adult or senior adult; ~~7~~ (b)
13 action taken in compliance with a ~~harassment~~ protection order issued
14 ~~under the Protection Orders Act, pursuant to section 28-311.09,~~ a valid
15 foreign ~~harassment~~ protection order recognized pursuant to section 23 or
16 24 of this act, or 28-311.10, a sexual assault protection order issued
17 pursuant to section ~~28-311.11,~~ a valid foreign sexual assault protection
18 order recognized pursuant to section ~~28-311.12,~~ an order issued pursuant
19 to section ~~42-924,~~ an ex parte order issued pursuant to section ~~42-925,~~
20 an order excluding a person from certain premises issued pursuant to
21 section ~~42-357;~~ ~~7~~ or a valid foreign protection order recognized pursuant
22 to section ~~42-931,~~ or (c) action authorized by an administrator of a
23 nursing home pursuant to section 71-6021.

24 **Sec. 31.** Section 28-1205, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
27 knuckles, or any other deadly weapon to commit any felony which may be
28 prosecuted in a court of this state commits the offense of use of a
29 deadly weapon to commit a felony.

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

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

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

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

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

11 (3)(a) Any person who carries a firearm or a destructive device
12 during the commission of a dangerous misdemeanor commits the offense of
13 carrying a firearm or destructive device during the commission of a
14 dangerous misdemeanor.

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

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

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

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

22 (5) Possession of a deadly weapon may be proved through evidence
23 demonstrating either actual or constructive possession of a firearm, a
24 knife, brass or iron knuckles, or a destructive device during,
25 immediately prior to, or immediately after the commission of a felony.

26 (6) For purposes of this section:

27 (a) Dangerous misdemeanor means a misdemeanor violation of any of
28 the following offenses:

29 (i) Stalking under section 28-311.03;

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

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

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

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

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

7 (vi) ~~(vii)~~ Unauthorized use of a propelled vehicle under section
8 28-516;

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

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

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

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

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

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

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

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

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

24 (d) Use of a deadly weapon includes the discharge, employment, or
25 visible display of any part of a firearm, a knife, brass or iron
26 knuckles, any other deadly weapon, or a destructive device during,
27 immediately prior to, or immediately after the commission of a felony or
28 communication to another indicating the presence of a firearm, a knife,
29 brass or iron knuckles, any other deadly weapon, or a destructive device
30 during, immediately prior to, or immediately after the commission of a
31 felony, regardless of whether such firearm, knife, brass or iron

1 knuckles, deadly weapon, or destructive device was discharged, actively
2 employed, or displayed.

3 **Sec. 32.** Section 28-1206, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 28-1206 (1) A person commits the offense of possession of a deadly
6 weapon by a prohibited person if he or she:

7 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
8 or she:

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

10 (ii) Is a fugitive from justice;

11 (iii) Is the subject of a current and valid ~~validly issued domestic~~
12 ~~violence protection order issued under the Protection Orders Act or a~~
13 current and valid foreign protection order recognized under section 23 or
14 24 of this act , ~~harassment protection order, or sexual assault~~
15 ~~protection order~~ and is knowingly violating such order; or

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

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

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

24 (3)(a) Possession of a deadly weapon which is not a firearm by a
25 prohibited person is a Class III felony.

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

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

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

31 (b) If in possession of a recreational license, possession of a

1 knife for purposes of butchering, dressing, or otherwise processing or
2 harvesting game, fish, or furs.

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

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

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

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

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

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

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

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

24 (iv) First offense domestic assault in the third degree under
25 subsection (1) of section 28-323; or

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

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

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

31 (ii) In the case of a prosecution for a misdemeanor crime of

1 domestic violence for which a person was entitled to a jury trial in the
2 jurisdiction in which the case was tried, either:

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

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

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

7 (a) Archery equipment means:

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

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

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

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

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

22 ~~(e) Sexual assault protection order means a protection order issued
23 pursuant to section 28-311.11 or that meets or exceeds the criteria set
24 forth in section 28-311.12 regarding protection orders issued by a court
25 in any other state or a territory, possession, or tribe.~~

26 **Sec. 33.** Section 29-404.02, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

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

1 (a) A felony;

2 (b) A misdemeanor, and the officer has reasonable cause to believe
3 that such person either (i) will not be apprehended unless immediately
4 arrested, (ii) may cause injury to himself or herself or others or damage
5 to property unless immediately arrested, (iii) may destroy or conceal
6 evidence of the commission of such misdemeanor, or (iv) has committed a
7 misdemeanor in the presence of the officer; or

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

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

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

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

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

23 (3) For purposes of this section:

24 (a) Household members includes spouses or former spouses, children,
25 persons who are presently residing together or who have resided together
26 in the past, persons who have a child in common whether or not they have
27 been married or have lived together at any time, other persons related by
28 consanguinity or affinity, and persons who are presently involved in a
29 dating relationship with each other or who have been involved in a dating
30 relationship with each other; and

31 (b) Dating relationship means frequent, intimate associations

1 primarily characterized by the expectation of affectional or sexual
2 involvement, but does not include a casual relationship or an ordinary
3 association between persons in a business or social context.

4 **Sec. 34.** Section 29-422, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 29-422 It is hereby declared to be the policy of the State of
7 Nebraska to issue citations in lieu of arrest or continued custody to the
8 maximum extent consistent with the effective enforcement of the law and
9 the protection of the public. In furtherance of that policy, except as
10 provided in sections 19 and 20 of this act ~~28-311.11, 42-928, and 42-929,~~
11 any peace officer shall be authorized to issue a citation in lieu of
12 arrest or continued custody for any offense which is a traffic
13 infraction, any other infraction, or a misdemeanor and for any violation
14 of a city or village ordinance. Such authorization shall be carried out
15 in the manner specified in sections 29-422 to 29-429 and 60-684 to
16 60-686.

17 **Sec. 35.** Section 29-2292, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 29-2292 (1) Upon a finding of guilt for which a judgment of
20 conviction may be rendered, a defendant may request the court defer the
21 entry of judgment of conviction. Upon such request and after giving the
22 prosecutor and defendant the opportunity to be heard, the court may defer
23 the entry of a judgment of conviction and the imposition of a sentence
24 and place the defendant on probation, upon conditions as the court may
25 require under section 29-2262.

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

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

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

31 (c) The offense is a violation of section 60-6,196 or 60-6,197 or a

1 city or village ordinance enacted in conformance with section 60-6,196 or
2 60-6,197; or

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

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

7 (4) Except as otherwise provided in this section and sections
8 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
9 to a deferred judgment shall be governed by the Nebraska Probation
10 Administration Act and sections 29-2270 to 29-2273.

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

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

22 (7) The provisions of this section apply to offenses committed on or
23 after July 1, 2020. For purposes of this section, an offense shall be
24 deemed to have been committed prior to July 1, 2020, if any element of
25 the offense occurred prior to such date.

26 **Sec. 36.** Section 42-901, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 42-901 Sections 42-901 to 42-930 ~~42-931~~ shall be known and may be
29 cited as the Protection from Domestic Abuse Act.

30 **Sec. 37.** Section 42-903, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 42-903 For purposes of the Protection from Domestic Abuse Act,
2 unless the context otherwise requires:

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

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

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

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

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

22 (3) Family or household members includes spouses or former spouses,
23 children, persons who are presently residing together or who have resided
24 together in the past, persons who have a child in common whether or not
25 they have been married or have lived together at any time, other persons
26 related by consanguinity or affinity, and persons who are presently
27 involved in a dating relationship with each other or who have been
28 involved in a dating relationship with each other. For purposes of this
29 subdivision, dating relationship means frequent, intimate associations
30 primarily characterized by the expectation of affectional or sexual
31 involvement, but does not include a casual relationship or an ordinary

1 association between persons in a business or social context; and

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

6 ~~(4) (5)~~ Law enforcement agency means the police department or town
7 marshal in incorporated municipalities, the office of the sheriff in
8 unincorporated areas, and the Nebraska State Patrol.

9 **Sec. 38.** Section 42-905, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 42-905 The comprehensive support services shall include, but not be
12 limited to:

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

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

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

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

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

22 **Sec. 39.** Section 42-927, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 42-927 All law enforcement agencies in the state shall provide
25 officers employed by them with an education and training program designed
26 to inform the officers of the problems of domestic abuse, procedures to
27 deal with such problems, the Protection from Domestic Abuse Act, the
28 Protection Orders Act, and the services and facilities available to
29 abused family and household members.

30 **Sec. 40.** Section 43-2,107, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-2,107 On application of a party or on the court's own motion, the
2 court may restrain or otherwise control the conduct of a person if a
3 petition has been filed under the Nebraska Juvenile Code and the court
4 finds that such conduct is or may be detrimental or harmful to the
5 juvenile. Notice of the application or motion and an opportunity to be
6 heard thereon shall be given to the person against whom such application
7 or motion is directed, except that the court may enter a temporary order
8 restraining or otherwise controlling the conduct of a person for the
9 protection of a juvenile without prior notice if it appears to the court
10 that it is necessary to issue such order forthwith. Such temporary order
11 shall be effective not to exceed ten days and shall not be binding
12 against any person unless he or she has received a copy of such order.
13 Any individual who violates an order restraining or otherwise controlling
14 his or her conduct under this section shall be guilty of a Class II
15 misdemeanor and may be proceeded against as described in sections 19 and
16 20 of this act ~~42-928 and 42-929~~.

17 **Sec. 41.** Section 43-1609, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 43-1609 (1) Child support referees shall be appointed when necessary
20 by the district courts, separate juvenile courts, and county courts to
21 meet the requirements of federal law relating to expediting the
22 establishment, modification, enforcement, and collection of child,
23 spousal, or medical support and domestic abuse protection orders issued
24 under the Protection Orders Act ~~section 42-924~~.

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

29 (3) To be qualified for appointment as a child support referee, a
30 person shall be an attorney in good standing admitted to the practice of
31 law in the State of Nebraska and shall meet any other requirements

1 imposed by the Supreme Court. A child support referee shall be sworn or
2 affirmed to well and faithfully hear and examine the cause and to make a
3 just and true report according to the best of his or her understanding.
4 The oath or affirmation may be administered by a district, county, or
5 separate juvenile court judge. A child support referee may be removed at
6 any time by the appointing court.

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

10 **Sec. 42.** Section 43-1611, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 43-1611 A district court, separate juvenile court, or county court
13 may by rule or order refer or assign any and all matters regarding the
14 establishment, modification, enforcement, and collection of child,
15 spousal, or medical support, paternity matters, and domestic abuse
16 protection orders issued under the Protection Orders Act ~~section 42-924~~
17 to a child support referee for findings and recommendations.

18 **Sec. 43.** Section 60-3209, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-3209 (1) Captured plate data held by a governmental entity is not
21 considered a public record for purposes of sections 84-712 to 84-712.09
22 and shall only be disclosed to the person to whom the vehicle is
23 registered or with the prior written consent of the person to whom the
24 vehicle is registered or pursuant to a disclosure order under subsection
25 (2) of section 60-3205 or as the result of a match pursuant to subsection
26 (2) of section 60-3203.

27 (2) Upon the presentation to a governmental entity of a valid,
28 outstanding protection order pursuant to the Protection Orders ~~from~~
29 ~~Domestic Abuse Act~~ or ~~the~~ Uniform Interstate Enforcement of Domestic
30 Violence Protection Orders Act ~~,~~ or ~~section 28-311.09 or 28-311.10~~
31 protecting the driver of a vehicle jointly registered with or registered

1 solely in the name of the individual against whom the order was issued,
2 captured plate data may not be disclosed except pursuant to a disclosure
3 order under subsection (2) of section 60-3205 or as the result of a match
4 pursuant to subsection (2) of section 60-3203.

5 **Sec. 44.** Original sections 28-311.02, 28-311.05, 42-901, 42-905,
6 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and
7 60-3209, Reissue Revised Statutes of Nebraska, and sections 25-2740,
8 28-311.04, 28-311.12, 28-358.01, 28-1205, 28-1206, 29-404.02, 29-422,
9 29-2292, 42-903, 42-924, 42-924.02, 42-925, 42-926, 43-1609, and 43-1611,
10 Revised Statutes Cumulative Supplement, 2024, are repealed.

11 **Sec. 45.** The following sections are outright repealed: Section
12 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09
13 and 28-311.11, Revised Statutes Cumulative Supplement, 2024.