

LEGISLATIVE BILL 804

Approved by the Governor April 11, 2012

Introduced by Lautenbaugh, 18; Coash, 27; Fulton, 29; Price, 3; Janssen, 15; Schilz, 47.

FOR AN ACT relating to crimes and offenses; to amend section 28-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to justification for use of force; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 28-1416, Reissue Revised Statutes of Nebraska, is amended to read:

28-1416 (1) In any prosecution based on conduct which is justifiable under sections 28-1406 to 28-1416, justification is an affirmative defense.

~~(2) The fact that conduct is justifiable under sections 28-1406 to 28-1416 does not abolish or impair any remedy for such conduct which is available in any civil action.~~

(2) The justification defenses provided for under sections 28-1406 to 28-1416 shall be available in any civil action for assault and battery or intentional wrongful death and, where applicable, shall be a bar to recovery.

Sec. 2. Original section 28-1416, Reissue Revised Statutes of Nebraska, is repealed.