

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB128**

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**Hearing Date:** Wednesday January 23, 2013  
**Committee On:** Judiciary  
**Introducer:** Coash  
**One Liner:** Create the offense of disarming a peace officer

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Chambers, Coash, Christensen, Lathrop, McGill, Seiler
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Davis
<b>Present Not Voting:</b>		

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**Proponents:**

SEN. COLBY COASH  
JOHN FREUDENBERG  
TERRY WAGNER  
BRYAN VAN DEUN  
DON KLEINE

**Representing:**

INTRODUCER  
ATTORNEY GENERAL'S OFFICE  
NE SHERIFF'S ASSOCIATION  
SELF  
COUNTY ATTORNEYS

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**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 128 would amend the Nebraska Criminal Code to create the new offense of "disarming" or the "attempt of disarming" a peace officer. Such offenses would occur if a person "intentionally" or "knowingly" removes or attempts to remove a firearm from a peace officer engaged in the performance of their duties.

A conviction under this act would be a Class III felony.

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**Explanation of amendments:**

AM238 would strike the existing bill and replace it with the following change:

Would add a new section to 28-906 (Obstructing a peace officer; penalty. ) which makes it a violation under this section to "intentionally and knowingly remove a firearm or weapon from a peace officer in uniform or a peace officer displaying a badge of authority who is engaged in the performance of their official duties."

A violation of this new section would be a Class I misdemeanor.

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Brad Ashford, Chairperson