

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB307

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 27, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB307 seeks to make four important changes to Nebraska laws addressing domestic violence and stalking:

1. Under current Nebraska law, assault in the first degree of a stranger is a class II felony, but if the assault is against an intimate partner, it's only a class III felony. LB307 seeks to equalize these penalties.
2. LB307 clarifies enhancement of penalties in a more consistent manner for all the domestic assault levels, 1st, 2nd, and 3rd.
3. LB307 addresses a large gap between domestic assault in the 1st degree and in the 3rd degree. First degree requires "serious bodily injury", which in Nebraska law basically translates to documentation of a permanent injury. 2nd degree requires the use of a dangerous instrument. In cases where injuries are minimal, a scratch, or one bruise, a 3rd degree charge is appropriate. However, many victims suffer substantial injury by the perpetrator's bare hands, such as broken bones, or significant bleeding, bruising and scarring just short of permanent injury. When this happens under current law, the prosecutor is forced to only charge the low level 3rd degree domestic assault.
4. The last piece that is addressed in LB307 is the stalking statute. Adding "communicating by electronic means" allows prosecutors to go after the technological aspect of stalking. LB307 inserts a venue description that has been needed to allow prosecution in either county where the offense occurred or where the victim resides. LB307 also seeks to simplify the definition of stalking by removing the "seriously terrifies" language that prevents many cases from moving forward.

Principal Introducer: _____

Senator Rick Kolowski