

**ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022**  
**COMMITTEE STATEMENT**  
**LB1009**

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**Hearing Date:** Friday February 25, 2022  
**Committee On:** Judiciary  
**Introducer:** Brandt  
**One Liner:** Adopt the Domestic Abuse Death Review Act

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing  
Brooks, Slama

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Tom Brandt  
Nick Zadin  
Andie Koch  
Chad Christensen  
Kirby Williams  
Karen Bell-Dancy  
Andrea Edwards  
Christon MacTaggart  
George Welch

**Representing:**

Introducer  
Women's Fund of Omaha  
Self  
Self  
Self  
YWCA Lincoln  
Heartland Family Service  
Nebraska Coalition to End Sexual & Domestic Violence  
Nebraska Attorney General

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

LB 1009 establishes the Domestic Abuse Death Review Act and established a team under the Attorney General to investigate individual occurrences and compile data and information to determine causes and contributing factors that lead to an escalation of domestic abuse situations, with a goal of reducing future occurrences. The bill provides access to a variety of records and documents with strict confidentiality provisions. Team members come from a wide group of backgrounds from support and service to medical to legal and law enforcement.

The team reports annually on compiled information as well as recommendations to the Governor, Legislature, and Attorney General.

Section by section

Section 1 Title: Domestic Abuse Death Review Act.

Section 2 Findings and purpose: Need for a comprehensive review of domestic abuse deaths. Developing recommendations to prevent future domestic abuse deaths.

Section 3 Definitions: associated victim-family or household member of decedent victim.

Decedent victim: person who dies by homicide or suicide related to domestic abuse. Also includes responders to a domestic abuse call. Suicides included if result of domestic abuse including a protection order, receiving treatment or counseling, or a law enforcement report of a prior domestic abuse.

Family or household member (42-903)

Investigation (Section 4)

Law enforcement agency

Perpetrator

Team: State Domestic Abuse Review Act

Section 4 New section that describes elements of an investigation that reviews various records and other information including: protection orders, divorce, custody and support agreements, medical records parole and probation information, and law enforcement investigative reports. Attorney General can approve access to information if a law enforcement investigation is active.

Section 5 Creates State Domestic Abuse Death Review Team. Attorney General appoints at least nine members including: two survivors of domestic abuse, a member from an HHS affiliated organization providing services to domestic abuse victims, two members from nonprofits providing services to domestic abuse victims. Representatives from child advocacy centers, tribal members, physician or nurse, mental health professional, law enforcement officer, and county attorney. Other members include Chief Justice or designee, employee of State Patrol, HHS employee, employee of Probation Administration.

Attorney General provides administrative support and employs or contracts with a team coordinator. AG appointed members serve 5 year terms and others serve 2 year terms. Review team is not considered public body for Open Meetings Act purposes. Attorney General to consider diversity in appointments.

Section 6 Purpose of team is to prevent future domestic abuse deaths by understanding contributing factors, examining incidences, causes and contributing factors of such deaths, and making recommendations to prevent future deaths.

The team elects a chairperson annually, develops protocols to investigate and maintain confidentiality. Team meets at least twice per year, and provides a report annually to the Governor, Legislature, and Attorney General. The report includes: causes and contributing factors to deaths including trends, recommendations. Team can conduct public education activities. Team ensures confidentiality through agreements with people appearing, agencies, experts, and data storage entities. Can coordinate with State Child and Maternal Death Review Team.

Section 7 Chairperson calls meetings and ensures recommendations provided. Team Coordinator compiles necessary records, notifies members of meetings, ensure reporting and collection requirements met and oversees adherence to protocols.

Section 8 Team seeks to establish correlation between certain relationship events and escalation of abuse. Seeks to determine factors that contribute to deaths and the responses to the victims and perpetrators. Recommendations should address these factors.

Section 9 Provides for records made available to team including medical records, agency and local government records, court records, law enforcement records, parole and probation information.

Section 10 Provides that information and records compiled by team are confidential. Statistical information with no personal information is public record. De-identified information can be provided to researchers. Members cannot testify in proceedings and documents and records not subject to subpoena, discovery or entered as evidence.

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**Explanation of amendments:**

AM2165 is a white copy amendment that makes several changes suggested by the Attorney General.

Included in these changes:

Abuse must have occurred within 2 years of a suicide to be subject to an investigation.

Strikes language regarding Attorney General approval for a review team investigation while a criminal investigation is ongoing (to obtain documents or records) and provides language that certain records are not available until completion of the criminal action response.

Makes changes to membership of the review team including splitting advocacy nonprofits (2 in original bill) to 1 from rural areas and 1 from urban. Similarly the law enforcement members are split with 1 from rural areas and 1 from urban. The membership changes add a team coordinator as a member as well as a member from the Attorney General's office. A former judicial officer as a member is stricken.

The amendment increases the number of meetings to 4 per year and provides jurisdiction language for Attorney General subpoenas.

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Steve Lathrop, Chairperson