

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1098

Introduced by DeKay, 40; Brewer, 43; Holdcroft, 36; McDonnell, 5.

Read first time January 09, 2024

Committee: Judiciary

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, sections 25-2740, 28-311.04, 28-311.12,
5 28-358.01, 28-1206, 29-404.02, 29-422, 29-2292, 42-924.02, 42-925,
6 42-926, 43-1609, and 43-1611, Revised Statutes Cumulative
7 Supplement, 2022, and sections 28-1205, 42-903, and 42-924, Revised
8 Statutes Supplement, 2023; to adopt the Protection Orders Act; to
9 extend the initial period of protection orders; to define terms; to
10 provide penalties; to provide for powers and duties relating to such
11 orders; to transfer provisions; to harmonize provisions; to repeal
12 the original sections; and to outright repeal section 28-311.10,
13 Reissue Revised Statutes of Nebraska, and sections 28-311.09 and
14 28-311.11, Revised Statutes Cumulative Supplement, 2022.
15 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, or an attempt to
20 commit any of such offenses; or

21 (b) Subjecting or attempting to subject another person to sexual
22 contact or sexual penetration without his or her consent, as such terms
23 are defined in section 28-318.

24 Sec. 3. Section 42-924, Revised Statutes Supplement, 2023, is
25 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. Upon the filing of such a petition and affidavit in support
29 thereof, the court may issue a domestic abuse protection order, without
30 bond, granting the following relief:

31 (a) (i) Enjoining the respondent from imposing any restraint upon

1 the petitioner or upon the liberty of the petitioner;

2 (b) ~~(ii)~~ Enjoining the respondent from threatening, assaulting,
3 molesting, attacking, or otherwise disturbing the peace of the
4 petitioner;

5 (c) ~~(iii)~~ Enjoining the respondent from telephoning, contacting, or
6 otherwise communicating with the petitioner;

7 (d) ~~(iv)~~ Removing and excluding the respondent from the residence of
8 the petitioner, regardless of the ownership of the residence;

9 (e) ~~(v)~~ Ordering the respondent to stay away from any place
10 specified by the court;

11 (f) ~~(vi)~~ Awarding the petitioner temporary custody of any minor
12 children for a period not to exceed ninety days. If the order grants such
13 temporary custody, the order shall specify the number of days of custody
14 granted unless otherwise modified by the court;

15 (g) ~~(vii)~~ Enjoining the respondent from possessing or purchasing a
16 firearm as defined in section 28-1201;

17 (h) ~~(viii)~~ Directing that the petitioner have sole possession of any
18 household pet owned, possessed, leased, kept, or held by the petitioner,
19 the respondent, or any family or household member residing in the
20 household of the petitioner or respondent;

21 (i) ~~(ix)~~ Enjoining the respondent from coming into contact with,
22 harming, or killing any household pet owned, possessed, leased, kept, or
23 held by the petitioner, the respondent, or any family or household member
24 of the petitioner or respondent; or

25 (j) ~~(x)~~ Ordering such other relief deemed necessary to provide for
26 the safety and welfare of the petitioner and any designated family or
27 household member.

28 (2) ~~(b)~~ If sole possession of a household pet is ordered by a court
29 pursuant to subdivision (1)(h) ~~(1)(a)(viii)~~ of this section, such
30 possession shall be for the duration of the domestic abuse protection
31 order or until further order of the court. The grant of sole possession

1 of a household pet under such subdivision is not intended to permanently
2 determine ownership of such household pet. The petitioner shall not
3 permanently transfer, sell, or dispose of a household pet placed in the
4 petitioner's possession without prior court approval, except that court
5 approval shall not be required in cases where humane euthanasia of a
6 seriously ill or injured household pet is recommended by a licensed
7 veterinarian.

8 ~~(3) (c)~~ The petition for a domestic abuse protection order shall
9 state the events and dates or approximate dates of acts constituting the
10 alleged domestic abuse, including the most recent and most severe
11 incident or incidents.

12 ~~(d)~~ The protection order shall specify to whom relief under this
13 section was granted.

14 ~~(2)~~ Petitions for protection orders shall be filed with the clerk of
15 the district court, and the proceeding may be heard by the county court
16 or the district court as provided in section 25-2740. A petition for a
17 protection order may not be withdrawn except upon order of the court.

18 ~~(3)(a)~~ A protection order shall specify that it is effective for a
19 period of one year and, if the order grants temporary custody, the number
20 of days of custody granted to the petitioner unless otherwise modified by
21 the court.

22 ~~(b)(i)~~ Any victim of domestic abuse may file a petition and
23 affidavit to renew a protection order. Such petition and affidavit for
24 renewal shall be filed any time within forty-five days before the
25 expiration of the previous protection order, including the date the order
26 expires.

27 ~~(ii)~~ A protection order may be renewed on the basis of the
28 petitioner's affidavit stating that there has been no material change in
29 relevant circumstances since entry of the order and stating the reason
30 for the requested renewal if:

31 ~~(A)~~ The petitioner seeks no modification of the order; and

1 ~~(B)(I) The respondent has been properly served with notice of the~~
2 ~~petition for renewal and notice of hearing and fails to appear at the~~
3 ~~hearing; or~~

4 ~~(II) The respondent indicates that he or she does not contest the~~
5 ~~renewal.~~

6 ~~(iii) Such renewed order shall specify that it is effective for a~~
7 ~~period of one year to commence on the first calendar day following the~~
8 ~~expiration of the previous order or on the calendar day the court grants~~
9 ~~the renewal if such day is subsequent to the first calendar day after~~
10 ~~expiration of the previous order and, if the court grants temporary~~
11 ~~custody, the number of days of custody granted to the petitioner unless~~
12 ~~otherwise modified by the court.~~

13 ~~(4) Any person, except the petitioner, who knowingly violates a~~
14 ~~protection order issued pursuant to this section or section 42-931 after~~
15 ~~service or notice as described in subsection (2) of section 42-926 shall~~
16 ~~be guilty of a Class I misdemeanor, except that any person convicted of~~
17 ~~violating such order who has a prior conviction for violating a~~
18 ~~protection order shall be guilty of a Class IV felony.~~

19 ~~(5) If there is any conflict between sections 42-924 to 42-926 and~~
20 ~~any other provision of law, sections 42-924 to 42-926 shall govern.~~

21 Sec. 4. (1) Any victim who has been harassed may file a petition
22 and affidavit for a harassment protection order as provided in this
23 section. Upon the filing of such a petition and affidavit, the court may
24 issue a harassment protection order, without bond, enjoining the
25 respondent from:

26 (a) Imposing any restraint upon the person or liberty of the
27 petitioner;

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

30 (c) Telephoning, contacting, or otherwise communicating with the
31 petitioner.

1 (2) The petition for a harassment protection order shall state the
2 events and dates or approximate dates of acts constituting the alleged
3 harassment, including the most recent and most severe incident or
4 incidents.

5 (3) This section does not apply to conduct which occurs during labor
6 picketing.

7 Sec. 5. (1) Any victim of a sexual assault offense may file a
8 petition and affidavit for a sexual assault protection order as provided
9 in this section. Upon the filing of such a petition and affidavit, the
10 court may issue a sexual assault protection order, without bond,
11 enjoining the respondent from:

12 (a) Imposing any restraint upon the person or liberty of the
13 petitioner;

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

16 (c) Telephoning, contacting, or otherwise communicating with the
17 petitioner.

18 (2) The petition for a sexual assault protection order shall state
19 the events and dates or approximate dates of acts constituting the sexual
20 assault offense, including the most recent and most severe incident or
21 incidents.

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 ex parte under section 9 of this
6 act, the court shall immediately schedule an evidentiary hearing to be
7 held within fourteen days after the filing of the petition, and the court
8 shall cause notice of the application to be given to the respondent
9 stating that the respondent may show cause why such order should not be
10 entered.

11 (b) If a harassment protection order is not issued ex parte under
12 section 9 of this act, the court may schedule an evidentiary hearing to
13 be held within fourteen days after the filing of the petition, and in
14 such case the court shall cause notice of the application to be given to
15 the respondent stating that the respondent may show cause why such order
16 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 2022, is amended to read:

27 42-925 (1) A protection ~~An order issued under section 42-924~~ may be
28 issued ex parte to the respondent if it reasonably appears from the
29 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 an ex parte order if the specific facts included in the affidavit
6 (a) do not show that the petitioner will suffer irreparable harm, loss,
7 or damage or (b) show that, for any compelling reason, an ex parte order
8 should not be issued. If the court declines to issue an ex parte
9 harassment protection order, the court may dismiss the petition without
10 prejudice or schedule an evidentiary hearing as provided in section 8 of
11 this act.

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

21 (4) Upon receipt of a timely request for a show-cause hearing ~~or~~
22 the request of the petitioner, ~~or upon the court's own motion,~~ the court
23 shall immediately schedule a show-cause hearing to be held within thirty
24 days after the receipt of such the request for a show-cause hearing and
25 shall notify the petitioner and respondent of the hearing date. The court
26 may also schedule such hearing on its own motion. ~~The petition and~~
27 affidavit shall be deemed to have been offered into evidence at any show-
28 cause hearing. ~~The petition and affidavit shall be admitted into evidence~~
29 unless specifically excluded by the court. If the respondent appears at
30 the hearing and shows cause why such order should not remain in effect,
31 the court shall rescind the temporary order.

1 ~~(5) (2)~~ A temporary ex parte order shall be affirmed and deemed the
2 final protection order and service of the temporary ex parte order shall
3 be notice of the final protection order if the respondent has been
4 properly served with the temporary ex parte order and:

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

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

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

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

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

30 ~~(5) An order issued under section 42-924 shall remain in effect for~~
31 ~~the period provided in subsection (3) of section 42-924, unless dismissed~~

1 ~~or modified by the court prior to such date. If the order grants~~
2 ~~temporary custody, such custody shall not exceed the number of days~~
3 ~~specified by the court unless the respondent shows cause why the order~~
4 ~~should not remain in effect.~~

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

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

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

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

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

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

24 Sec. 11. (1) A petitioner may file a petition and affidavit to
25 renew a protection order. Such petition and affidavit for renewal shall
26 be filed any time within forty-five days before the expiration of the
27 protection order, including the date the order expires.

28 (2) A protection order may be renewed on the basis of the
29 petitioner's affidavit stating that there has been no material change in
30 relevant circumstances since entry of the order and stating the reason
31 for the requested renewal if:

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

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

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

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

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

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

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

23 Sec. 14. Section 42-926, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 ~~42-926~~ (1)(a) (1) Upon the issuance of a temporary ex parte
26 protection order or final protection order under section 42-925, the
27 clerk of the court shall forthwith provide, free of charge:

28 (i) The petitioner, without charge, with two certified copies of
29 such order; - The clerk of the court shall also forthwith provide the

30 (ii) The local police department or local law enforcement agency and
31 the local sheriff's office, without charge, with one copy each of such

1 order and one copy each of the sheriff's return thereon; and -

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

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

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

18 (3) ~~(2)~~ If the respondent was present at a hearing convened pursuant
19 to section 9 of this act following issuance of an ex parte protection
20 order 42-925 and the protection order was not dismissed, the respondent
21 shall be deemed to have notice by the court at such hearing that the
22 protection order will be granted and remain in effect and further service
23 of notice described in ~~subsection (1)~~ of this section is not required for
24 purposes of prosecution under ~~subsection (4)~~ of section 18 of this act
25 42-924.

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

1 enforcement.

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

7 Sec. 16. Section 42-924.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 ~~42-924.01~~ (1) Fees to cover costs associated with the filing of a
10 petition for a protection order or the issuance or service of a
11 protection order seeking only the relief provided by the Protection
12 Orders from Domestic Abuse Act shall not be charged, except that a court
13 may assess such fees and costs if the court finds, by clear and
14 convincing evidence, that the statements contained in the petition were
15 false and that the protection order was sought in bad faith.

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

20 Sec. 17. Section 42-924.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 ~~42-924.03~~ When ruling on a petition for a domestic abuse protection
23 order, a A court shall only grant a respondent a domestic abuse
24 protection order if (1) the respondent files a cross or counter petition
25 seeking a protection order and (2) the issuing court makes specific
26 findings of domestic or family abuse against the respondent and
27 determines that the respondent is entitled to a protection order.

28 Sec. 18. (1) Any person, except the petitioner, who knowingly
29 violates a protection order issued pursuant to the Protection Orders Act,
30 after service or notice as described in subsection (3) of section 14 of
31 this act, or a valid foreign protection order recognized pursuant to

1 section 23 or 24 of this act, shall be guilty of an offense and punished
2 as provided in this section.

3 (2) For a violation involving a domestic abuse protection order or a
4 sexual assault protection order, a violation of this section is a Class I
5 misdemeanor for a first offense and a Class IV felony for any second or
6 subsequent offense.

7 (3) For a violation of a harassment protection order, a violation of
8 this section is a Class II misdemeanor.

9 Sec. 19. Section 42-928, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 ~~42-928~~ A peace officer shall with or without a warrant arrest a
12 person if:

13 (1) ~~The~~ the officer has probable cause to believe that the person
14 has committed a violation of a protection order under section 18 of this
15 act or an order issued pursuant to section 42-924, a violation of section
16 ~~42-925,~~ a violation of an order excluding a person from certain premises
17 issued pursuant to section 42-357; ~~, or a violation of a valid foreign~~
18 ~~protection order recognized pursuant to section 42-931 and~~

19 (2) ~~A~~ a petitioner or person protected by a protection order or
20 ~~under section 42-924 or 42-925,~~ an applicant for an order excluding a
21 person from certain premises issued pursuant to section 42-357, ~~or a~~
22 ~~person protected under a valid foreign protection order recognized~~
23 ~~pursuant to section 42-931~~ provides the peace officer with a copy of such
24 ~~a protection order or an order excluding a person from certain premises~~
25 ~~issued under such sections~~ or the peace officer determines that such an
26 order exists after communicating with the local law enforcement agency.

27 Sec. 20. Section 42-929, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~42-929~~ A peace officer making an arrest pursuant to section 19 of
30 this act ~~42-928~~ shall take such person into custody and take such person
31 before a judge of the county court or the court which issued the

1 protection order or other order. At such time the court shall establish
2 the conditions of such person's release from custody, including the
3 determination of bond or recognizance, as the case may be. The court
4 shall issue an order directing that such person shall have no contact
5 with any person protected by such order ~~the alleged victim of the abuse~~
6 ~~or violation~~.

7 Sec. 21. Section 42-924.02, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 ~~42-924.02~~ (1) The clerk of the district court shall make available
10 standard petition and affidavit forms for all types of protection orders
11 provided by law with instructions for completion to be used by a
12 petitioner.

13 (2) Affidavit forms shall request all relevant information,
14 including, but not limited to: A description of the most recent incident
15 that was the basis for the application for a protection order and the
16 date or approximate date of the incident and, if there was more than one
17 incident, the most severe incident and the date or approximate date of
18 such incident.

19 (3) The clerk and his or her employees shall not provide assistance
20 in completing the forms.

21 (4) The State Court Administrator shall adopt and promulgate the
22 standard petition and affidavit forms provided for in this section as
23 well as the standard temporary ex parte and final protection order forms
24 and provide a copy of such forms to all clerks of the district courts in
25 this state. These standard ~~temporary ex parte and final protection order~~
26 forms shall be the only such forms used in this state.

27 Sec. 22. When provided by the petitioner, the court shall make
28 confidential numeric victim identification information, including social
29 security numbers and dates of birth, available to appropriate criminal
30 justice agencies engaged in protection order enforcement efforts. Such
31 agencies shall maintain the confidentiality of this information, except

1 for entry into state and federal databases for protection order
2 enforcement.

3 Sec. 23. Section 42-931, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~42-931~~ A valid foreign protection order related to domestic or
6 family abuse issued by a tribunal of another state, tribe, or territory
7 shall be accorded full faith and credit by the courts of this state and
8 enforced pursuant to the Uniform Interstate Enforcement of Domestic
9 Violence Protection Orders Act.

10 Sec. 24. Section 28-311.12, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 ~~28-311.12~~ (1) A valid foreign harassment or sexual assault
13 protection order or an order similar to a harassment or sexual assault
14 protection order issued by a court of another state, territory,
15 possession, or tribe shall be accorded full faith and credit by the
16 courts of this state and enforced as if it were issued in this state.

17 (2) A foreign harassment or sexual assault protection order issued
18 by a court of another state, territory, possession, or tribe shall be
19 valid if:

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

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

25 (c) The harassment or sexual assault protection order from another
26 jurisdiction has not been rendered against both the petitioner and the
27 respondent, unless: (i) The respondent filed a cross or counter petition,
28 complaint, or other written pleading seeking such a harassment or sexual
29 assault protection order; and (ii) the issuing court made specific
30 findings of harassment or of sexual assault offenses against both the
31 petitioner and respondent and determined that each party was entitled to

1 such an order.

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

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

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

9 Sec. 26. Section 25-2740, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 25-2740 (1) For purposes of this section:

12 (a) Domestic relations matters means proceedings under the
13 Protection Orders Act, sections 28-311.09 and 28-311.10 (including
14 harassment protection orders and valid foreign harassment protection
15 orders), sections 28-311.11 and 28-311.12 (including sexual assault
16 protection orders and valid foreign sexual assault protection orders),
17 the Conciliation Court Law and sections 42-347 to 42-381 (including
18 dissolution, separation, annulment, custody, and support), section
19 43-512.04 (including child support or medical support), ~~section 42-924~~
20 ~~(including domestic protection orders),~~ sections 43-1401 to 43-1418
21 (including paternity determinations and parental support), and sections
22 43-1801 to 43-1803 (including grandparent visitation); and

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

26 (2) Except as provided in subsection (3) of this section, in
27 domestic relations matters, a party shall file his or her petition or
28 complaint and all other court filings with the clerk of the district
29 court. The party shall state in the petition or complaint whether such
30 party requests that the proceeding be heard by a county court judge or by
31 a district court judge. If the party requests the case be heard by a

1 county court judge, the county court judge assigned to hear cases in the
2 county in which the matter is filed at the time of the hearing is deemed
3 appointed by the district court and the consent of the county court judge
4 is not required. Such proceeding is considered a district court
5 proceeding, even if heard by a county court judge, and an order or
6 judgment of the county court in a domestic relations matter has the force
7 and effect of a district court judgment. The testimony in a domestic
8 relations matter heard before a county court judge shall be preserved as
9 provided in section 25-2732.

10 (3) In addition to the jurisdiction provided for paternity or
11 custody determinations under subsection (2) of this section, a county
12 court or separate juvenile court which already has jurisdiction over the
13 child whose paternity or custody is to be determined has jurisdiction
14 over such paternity or custody determination.

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

17 28-311.02 (1) It is the intent of the Legislature to enact laws
18 dealing with stalking offenses which will protect victims from being
19 willfully harassed, intentionally terrified, threatened, or intimidated
20 by individuals who intentionally follow, detain, stalk, or harass them or
21 impose any restraint on their personal liberty and which will not
22 prohibit constitutionally protected activities.

23 (2) For purposes of sections 28-311.02 to 28-311.05, ~~28-311.09, and~~
24 ~~28-311.10~~:

25 (a) Harass means to engage in a knowing and willful course of
26 conduct directed at a specific person which seriously terrifies,
27 threatens, or intimidates the person and which serves no legitimate
28 purpose;

29 (b) Course of conduct means a pattern of conduct composed of a
30 series of acts over a period of time, however short, evidencing a
31 continuity of purpose, including a series of acts of following,

1 detaining, restraining the personal liberty of, or stalking the person or
2 telephoning, contacting, or otherwise communicating with the person;

3 (c) Family or household member means a spouse or former spouse of
4 the victim, children of the victim, a person presently residing with the
5 victim or who has resided with the victim in the past, a person who had a
6 child in common with the victim, other persons related to the victim by
7 consanguinity or affinity, or any person presently involved in a dating
8 relationship with the victim or who has been involved in a dating
9 relationship with the victim. For purposes of this subdivision, dating
10 relationship means frequent, intimate associations primarily
11 characterized by the expectation of affectional or sexual involvement but
12 does not include a casual relationship or an ordinary association between
13 persons in a business or social context; and

14 (d) Substantially conforming criminal violation means a guilty plea,
15 a nolo contendere plea, or a conviction for a violation of any federal
16 law or law of another state or any county, city, or village ordinance of
17 this state or another state substantially similar to section 28-311.03.
18 Substantially conforming is a question of law to be determined by the
19 court.

20 Sec. 28. Section 28-311.04, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 28-311.04 (1) Except as provided in subsection (2) of this section,
23 any person convicted of violating section 28-311.03 is guilty of a Class
24 I misdemeanor.

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

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

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

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

1 (d) The person was also in violation of any protection order issued
2 under the Protection Orders Act or any section ~~28-311.09, 28-311.11,~~
3 ~~42-924, or 42-925, or in violation of a~~ valid foreign harassment
4 protection order recognized pursuant to section 23 or 24 of this act
5 ~~28-311.10 or a valid foreign sexual assault protection order recognized~~
6 ~~pursuant to section 28-311.12~~ at any time during the violation; or

7 (e) The person has been convicted of any felony in this state or has
8 been convicted of a crime in another jurisdiction which, if committed in
9 this state, would constitute a felony and the victim or a family or
10 household member of the victim was also the victim of such previous
11 felony.

12 Sec. 29. Section 28-311.05, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 28-311.05 Sections 28-311.02 to 28-311.04, ~~28-311.09, and 28-311.10~~
15 shall not apply to conduct which occurs during labor picketing.

16 Sec. 30. Section 28-358.01, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 28-358.01 (1) Isolation means intentional acts (a) committed for the
19 purpose of preventing, and which do prevent, a vulnerable adult or senior
20 adult from having contact with family, friends, or concerned persons, (b)
21 committed to prevent a vulnerable adult or senior adult from receiving
22 his or her mail or telephone calls, (c) of physical or chemical restraint
23 of a vulnerable adult or senior adult committed for purposes of
24 preventing contact with visitors, family, friends, or other concerned
25 persons, or (d) which restrict, place, or confine a vulnerable adult or
26 senior adult in a restricted area for purposes of social deprivation or
27 preventing contact with family, friends, visitors, or other concerned
28 persons.

29 (2) Isolation does not include (a) medical isolation prescribed by a
30 licensed physician caring for the vulnerable adult or senior adult; ~~or~~ (b)
31 action taken in compliance with a protection order issued under the

1 ~~Protection Orders Act, a harassment protection order issued pursuant to~~
2 ~~section 28-311.09, a valid foreign harassment protection order recognized~~
3 ~~pursuant to section 23 or 24 of this act 28-311.10, a sexual assault~~
4 ~~protection order issued pursuant to section 28-311.11, a valid foreign~~
5 ~~sexual assault protection order recognized pursuant to section 28-311.12,~~
6 ~~an order issued pursuant to section 42-924, an ex parte order issued~~
7 ~~pursuant to section 42-925, or an order excluding a person from certain~~
8 ~~premises issued pursuant to section 42-357; or a valid foreign~~
9 ~~protection order recognized pursuant to section 42-931, or (c) action~~
10 ~~authorized by an administrator of a nursing home pursuant to section~~
11 ~~71-6021.~~

12 Sec. 31. Section 28-1205, Revised Statutes Supplement, 2023, is
13 amended to read:

14 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
15 knuckles, or any other deadly weapon to commit any felony which may be
16 prosecuted in a court of this state commits the offense of use of a
17 deadly weapon to commit a felony.

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

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

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

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

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

30 (3)(a) Any person who carries a firearm or a destructive device
31 during the commission of a dangerous misdemeanor commits the offense of

1 carrying a firearm or destructive device during the commission of a
2 dangerous misdemeanor.

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

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

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

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

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

14 (6) For purposes of this section:

15 (a) Dangerous misdemeanor means a misdemeanor violation of any of
16 the following offenses:

17 (i) Stalking under section 28-311.03;

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

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

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

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

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

26 ~~(vi) (vii)~~ Unauthorized use of a propelled vehicle under section
27 28-516;

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

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

- 1 ~~(ix) (x)~~ Resisting arrest under section 28-904;
- 2 ~~(x) (xi)~~ Operating a motor vehicle or vessel to avoid arrest under
3 section 28-905;
- 4 ~~(xi) (xii)~~ Obstructing a peace officer under section 28-906; or
5 ~~(xiii) Knowing violation of a domestic abuse protection order under~~
6 ~~section 42-924; or~~
- 7 ~~(xii) (xiv)~~ Any attempt under section 28-201 to commit an offense
8 described in subdivisions (6)(a)(i) through ~~(xi) (xiii)~~ of this section;
- 9 (b) Destructive device has the same meaning as in section 28-1213;
- 10 (c) Misdemeanor crime of domestic violence has the same meaning as
11 in section 28-1206; and
- 12 (d) Use of a deadly weapon includes the discharge, employment, or
13 visible display of any part of a firearm, a knife, brass or iron
14 knuckles, any other deadly weapon, or a destructive device during,
15 immediately prior to, or immediately after the commission of a felony or
16 communication to another indicating the presence of a firearm, a knife,
17 brass or iron knuckles, any other deadly weapon, or a destructive device
18 during, immediately prior to, or immediately after the commission of a
19 felony, regardless of whether such firearm, knife, brass or iron
20 knuckles, deadly weapon, or destructive device was discharged, actively
21 employed, or displayed.

22 Sec. 32. Section 28-1206, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 28-1206 (1) A person commits the offense of possession of a deadly
25 weapon by a prohibited person if he or she:

26 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
27 or she:

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

29 (ii) Is a fugitive from justice;

30 (iii) Is the subject of a current and valid ~~validly issued domestic~~
31 ~~violence protection order issued under the Protection Orders Act, or a~~

1 current and valid foreign protection order recognized under section 23 or
2 24 of this act, , harassment protection order, or sexual assault
3 protection order and is knowingly violating such order; or

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

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

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

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

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

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

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

19 (b) If in possession of a recreational license, possession of a
20 knife for purposes of butchering, dressing, or otherwise processing or
21 harvesting game, fish, or furs.

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

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

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

29 (iii) Is committed by another against his or her spouse, his or her
30 former spouse, a person with whom he or she has a child in common whether
31 or not they have been married or lived together at any time, or a person

1 with whom he or she is or was involved in a dating relationship as
2 defined in section 28-323.

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

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

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

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

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

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

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

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

19 (ii) In the case of a prosecution for a misdemeanor crime of
20 domestic violence for which a person was entitled to a jury trial in the
21 jurisdiction in which the case was tried, either:

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

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

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

26 (a) Archery equipment means:

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

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

31 ~~(b) Domestic violence protection order means a protection order~~

1 ~~issued pursuant to section 42-924;~~

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

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

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

14 Sec. 33. Section 29-404.02, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 29-404.02 (1) Except as provided in section 19 of this act sections
17 ~~28-311.11 and 42-928~~, a peace officer may arrest a person without a
18 warrant if the officer has reasonable cause to believe that such person
19 has committed:

20 (a) A felony;

21 (b) A misdemeanor, and the officer has reasonable cause to believe
22 that such person either (i) will not be apprehended unless immediately
23 arrested, (ii) may cause injury to himself or herself or others or damage
24 to property unless immediately arrested, (iii) may destroy or conceal
25 evidence of the commission of such misdemeanor, or (iv) has committed a
26 misdemeanor in the presence of the officer; or

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

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

31 (ii) Placing, by physical menace, another in fear of imminent bodily

1 injury; or

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

4 (2) For purposes of this section:

5 (a) Household members includes spouses or former spouses, children,
6 persons who are presently residing together or who have resided together
7 in the past, persons who have a child in common whether or not they have
8 been married or have lived together at any time, other persons related by
9 consanguinity or affinity, and persons who are presently involved in a
10 dating relationship with each other or who have been involved in a dating
11 relationship with each other; and

12 (b) Dating relationship means frequent, intimate associations
13 primarily characterized by the expectation of affectional or sexual
14 involvement, but does not include a casual relationship or an ordinary
15 association between persons in a business or social context.

16 Sec. 34. Section 29-422, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 29-422 It is hereby declared to be the policy of the State of
19 Nebraska to issue citations in lieu of arrest or continued custody to the
20 maximum extent consistent with the effective enforcement of the law and
21 the protection of the public. In furtherance of that policy, except as
22 provided in sections 19 and 20 of this act ~~28-311.11, 42-928, and 42-929,~~
23 any peace officer shall be authorized to issue a citation in lieu of
24 arrest or continued custody for any offense which is a traffic
25 infraction, any other infraction, or a misdemeanor and for any violation
26 of a city or village ordinance. Such authorization shall be carried out
27 in the manner specified in sections 29-422 to 29-429 and 60-684 to
28 60-686.

29 Sec. 35. Section 29-2292, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 29-2292 (1) Upon a finding of guilt for which a judgment of

1 conviction may be rendered, a defendant may request the court defer the
2 entry of judgment of conviction. Upon such request and after giving the
3 prosecutor and defendant the opportunity to be heard, the court may defer
4 the entry of a judgment of conviction and the imposition of a sentence
5 and place the defendant on probation, upon conditions as the court may
6 require under section 29-2262.

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

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

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

12 (c) The offense is a violation of section 60-6,196 or 60-6,197 or a
13 city or village ordinance enacted in conformance with section 60-6,196 or
14 60-6,197; or

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

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

19 (4) Except as otherwise provided in this section and sections
20 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
21 to a deferred judgment shall be governed by the Nebraska Probation
22 Administration Act and sections 29-2270 to 29-2273.

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

29 (6) Upon satisfactory completion of the conditions of probation and
30 the payment or waiver of all administrative and programming fees assessed
31 under section 29-2293, the defendant or prosecutor may file a motion to

1 withdraw any plea entered by the defendant and to dismiss the action
2 without entry of judgment.

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

7 Sec. 36. Section 42-901, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 42-901 Sections 42-901 to 42-930 ~~42-931~~ shall be known and may be
10 cited as the Protection from Domestic Abuse Act.

11 Sec. 37. Section 42-903, Revised Statutes Supplement, 2023, is
12 amended to read:

13 42-903 For purposes of the Protection from Domestic Abuse Act,
14 unless the context otherwise requires:

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

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

19 (b) Placing, by means of credible threat, another person in fear of
20 bodily injury. For purposes of this subdivision, credible threat means a
21 verbal or written threat, including a threat performed through the use of
22 an electronic communication device, or a threat implied by a pattern of
23 conduct or a combination of verbal, written, or electronically
24 communicated statements and conduct that is made by a person with the
25 apparent ability to carry out the threat so as to cause the person who is
26 the target of the threat to reasonably fear for his or her safety or the
27 safety of his or her family. It is not necessary to prove that the person
28 making the threat had the intent to actually carry out the threat. The
29 present incarceration of the person making the threat shall not prevent
30 the threat from being deemed a credible threat under this section; or

31 (c) Engaging in sexual contact or sexual penetration without consent

1 as defined in section 28-318;

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

3 (3) Family or household members includes spouses or former spouses,
4 children, persons who are presently residing together or who have resided
5 together in the past, persons who have a child in common whether or not
6 they have been married or have lived together at any time, other persons
7 related by consanguinity or affinity, and persons who are presently
8 involved in a dating relationship with each other or who have been
9 involved in a dating relationship with each other. For purposes of this
10 subdivision, dating relationship means frequent, intimate associations
11 primarily characterized by the expectation of affectional or sexual
12 involvement, but does not include a casual relationship or an ordinary
13 association between persons in a business or social context; and

14 ~~(4) Household pet means any animal maintained for companionship or~~
15 ~~pleasure but does not include any animal kept primarily for commercial~~
16 ~~purposes or for consumption or any livestock animal as defined in section~~
17 ~~54-902; and~~

18 (4) ~~(5)~~ Law enforcement agency means the police department or town
19 marshal in incorporated municipalities, the office of the sheriff in
20 unincorporated areas, and the Nebraska State Patrol.

21 Sec. 38. Section 42-905, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-905 The comprehensive support services shall include, but not be
24 limited to:

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

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

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

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

31 (5) Assistance in completing the standard petition and affidavit

1 forms for persons who file a petition and affidavit for a domestic abuse
2 protection order under the Protection Orders Act.

3 Sec. 39. Section 42-927, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 42-927 All law enforcement agencies in the state shall provide
6 officers employed by them with an education and training program designed
7 to inform the officers of the problems of domestic abuse, procedures to
8 deal with such problems, the Protection from Domestic Abuse Act, the
9 Protection Orders Act, and the services and facilities available to
10 abused family and household members.

11 Sec. 40. Section 43-2,107, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-2,107 On application of a party or on the court's own motion, the
14 court may restrain or otherwise control the conduct of a person if a
15 petition has been filed under the Nebraska Juvenile Code and the court
16 finds that such conduct is or may be detrimental or harmful to the
17 juvenile. Notice of the application or motion and an opportunity to be
18 heard thereon shall be given to the person against whom such application
19 or motion is directed, except that the court may enter a temporary order
20 restraining or otherwise controlling the conduct of a person for the
21 protection of a juvenile without prior notice if it appears to the court
22 that it is necessary to issue such order forthwith. Such temporary order
23 shall be effective not to exceed ten days and shall not be binding
24 against any person unless he or she has received a copy of such order.
25 Any individual who violates an order restraining or otherwise controlling
26 his or her conduct under this section shall be guilty of a Class II
27 misdemeanor and may be proceeded against as described in sections 19 and
28 20 of this act 42-928 and 42-929.

29 Sec. 41. Section 43-1609, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 43-1609 (1) Child support referees shall be appointed when necessary

1 by the district courts, separate juvenile courts, and county courts to
2 meet the requirements of federal law relating to expediting the
3 establishment, modification, enforcement, and collection of child,
4 spousal, or medical support and domestic abuse protection orders issued
5 under the Protection Orders Act ~~section 42-924~~.

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

10 (3) To be qualified for appointment as a child support referee, a
11 person shall be an attorney in good standing admitted to the practice of
12 law in the State of Nebraska and shall meet any other requirements
13 imposed by the Supreme Court. A child support referee shall be sworn or
14 affirmed to well and faithfully hear and examine the cause and to make a
15 just and true report according to the best of his or her understanding.
16 The oath or affirmation may be administered by a district, county, or
17 separate juvenile court judge. A child support referee may be removed at
18 any time by the appointing court.

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

22 Sec. 42. Section 43-1611, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 43-1611 A district court, separate juvenile court, or county court
25 may by rule or order refer or assign any and all matters regarding the
26 establishment, modification, enforcement, and collection of child,
27 spousal, or medical support, paternity matters, and domestic abuse
28 protection orders issued under the Protection Orders Act ~~section 42-924~~
29 to a child support referee for findings and recommendations.

30 Sec. 43. Section 60-3209, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

8 (2) Upon the presentation to a governmental entity of a valid,
9 outstanding protection order pursuant to the Protection Orders from
10 ~~Domestic Abuse Act~~ or ~~the Uniform Interstate Enforcement of Domestic~~
11 ~~Violence Protection Orders Act,~~ ~~or section 28-311.09 or 28-311.10~~
12 protecting the driver of a vehicle jointly registered with or registered
13 solely in the name of the individual against whom the order was issued,
14 captured plate data may not be disclosed except pursuant to a disclosure
15 order under subsection (2) of section 60-3205 or as the result of a match
16 pursuant to subsection (2) of section 60-3203.

17 Sec. 44. Original sections 28-311.02, 28-311.05, 42-901, 42-905,
18 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and
19 60-3209, Reissue Revised Statutes of Nebraska, sections 25-2740,
20 28-311.04, 28-311.12, 28-358.01, 28-1206, 29-404.02, 29-422, 29-2292,
21 42-924.02, 42-925, 42-926, 43-1609, and 43-1611, Revised Statutes
22 Cumulative Supplement, 2022, and sections 28-1205, 42-903, and 42-924,
23 Revised Statutes Supplement, 2023, are repealed.

24 Sec. 45. The following sections are outright repealed: Section
25 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09
26 and 28-311.11, Revised Statutes Cumulative Supplement, 2022.