

BOSN: --get started. It is 1:30. Good afternoon, and welcome to the Judiciary Committee. I am Senator Carolyn Bosn, representing District 25: southeast Lincoln, Lancaster County, including Bennet. The committee will take up bills in the order posted outside the room. This is a public hearing and your opportunity to be part of the legislative process and express your position on the proposed legislation. If you are planning to testify today, please fill out one of the green testifier sheets on the table at the back. Be sure to print clearly and fill it out completely, listing every organization you represent, using the back if necessary. If you say an organization with-- when testifying that is not listed on your sheet, it will not be included on the committee statement. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets on the back table. These will be included as an exhibit in the official hearing record. When you come up to testify, speak clearly into the microphone, telling us your first and last name and spelling both to ensure we get an accurate record. We will begin each hearing today with the introducer's opening statement, followed by proponents, opponents, and then anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer if they so wish. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the light turns yellow, you have one minute remaining. And when the light turns red, I will ask you to wrap up your final thought and conclude. Questions from the committee may follow. Also, committee members may be coming and going during the hearing. This has nothing to do with the importance of the bills or is designed to be disrespectful. It's just part of the process, as senators have bills to introduce in other committees. A few final things. If you have handouts or copies, please bring ten copies up and give them to the page. Please note that thumb drives, CDs, DVDs, oversized documents, books, lists of signatures, and similar items will not be accepted as exhibits for the record. Please silence and turn off-- or turn off your cell phones. Verbal outbursts or applause are not permitted and may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. on the day of the hearing. The only acceptable method is via the Legislature's website at legislature.nebraska.gov. Written position letters will be included in the official hearing, but only those testifying in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

person before the committee will be included on the committee statement. Again, you may submit a position comment for the record or testify in person, but you may not do both. I will now have the committee members with us today introduce themselves, starting to my left.

HALLSTROM: Thank you. Bob Hallstrom, representing Legislative District 1 in southeast Nebraska: Otoe, Johnson, Pawnee, Nemaha, and Richardson Counties.

STORM: Good afternoon. Jared Storm, District 23: Saunders, Butler, Colfax County.

STORER: Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska.

McKINNEY: Terrell McKinney, District 11: north Omaha.

ROUNTREE: Victor Rountree, District 3: western Bellevue, eastern Papillion.

BOSN: Thank you. Also assisting the committee today: to my far right is our committee clerk, Laurie Vollertsen; and to my immediate left is our legal counsel, Tim Young, and also Denny Vaggalis will be stepping in at times. Our pages for the committee today are Kyanne Casperson, Kleh Say, and Luke Lawton. All three are students from UNL. So we want to thank them for being here as well. With that today, we will begin with the gubernatorial appointment for Christon MacTaggart.

CHRISTON MacTAGGART: Good afternoon.

BOSN: Welcome. If you'd state and spell your first and last name for the record and tell us a little bit about yourself.

CHRISTON MacTAGGART: Yes. Christon MacTaggart, C-h-r-i-s-t-o-n; last name, M-a-c-T-a-g-g-a-r-t. I am the executive director of the Nebraska Coalition to End Sexual and Domestic Violence. I have been in the field of working with crime victims or supporting crime victims for a little over 25 years. I've done that in a variety of capacities, both as someone who provided direct service to domestic sexual violence and trafficking survivors primarily. I worked at the State Patrol for eight years as their domestic and sexual violence program manager. And in my role prior to where I am now was at the Women's Fund of Omaha, where I oversaw a funding stream that

supported trafficking survivors and also coordinated a few local response teams made up of criminal, civil, and child welfare folks that were working to respond to those issues at our community. And then in my current role, I do a number of things, but, pursuant to this appointment, we provide support for the network of direct service providers across the state that are providing direct services to domestic sexual violence and trafficking survivors. And then we also act as a pass-through agency for both state and federal funds in a number of different ways to provide financial support for those services.

BOSN: Wonderful. Thank you. Let's see if there's any questions from the committee. Any questions? And this is a new appointment for you, is that correct?

CHRISTON MacTAGGART: It is a new appointment, yes.

BOSN: Seeing none. I will see if-- let's see if there's any opponents or proponents, and we'll kind of go from there. But thank you very much for being here and for your interest. Are there any individuals here wishing to testify in support of Christon MacTaggart's appointment? Anyone here wishing to testify in opposition? Or the neutral capacity? All right. Thank you very much. That will conclude our hearing. I know she's got another hearing to get to, so I will let her head out. And we will welcome Kendra Bryant, also for the Victim Reparations Committee. Welcome. If you'd state and spell your first and last name and then tell us a little bit about yourself.

KENDRA BRYANT: My name is Kendra Bryant, K-e-n-d-r-a B-r-y-a-n-t. I also work for the Nebraska Coalition to End Sexual and Domestic Violence. I have spent the last nine years of my life serving survivors of intimate partner violence in a variety of different capacities, but I am actually here representing lived experience. And I appreciate the committee understanding the importance of having lived experience on here. And I am honored to be the first person to fill this role.

BOSN: Awesome. Thank you very much. Are there any questions from the committee? And you're also a new appointment, is that correct?

KENDRA BRYANT: Yes.

BOSN: Awesome. All right. Thank you very much. Are there any individuals here wishing to testify in support of Ms. Bryant?

Opposition? Or in the neutral capacity? All right. Well, that will conclude your hearing. Thank you very much for being here and for your interest. All right. Next, we will take up Mark Langan for the Nebraska Board of Parole. Good afternoon.

MARK LANGAN: Thank you.

BOSN: If you would please state and spell your first and last name and then tell us a little bit about yourself.

MARK LANGAN: Yes, good afternoon, Chairperson Bosn and members of the Judiciary Committee. My name is Mark Langan, M-a-r-k L-a-n-g-a-n. It is an honor to be before you today seeking confirmation for my reappointment by Governor Pillen to the Nebraska Board of Parole. This is the third career choice of my professional life, all of which have taken me to this chair in front of the Judiciary Committee. For 26 years, I was a command officer of the Omaha Police Department, specializing in high-level gang and drug investigations. I participated in arrests, executed search warrants, and supervised wiretapping of large-scale drug dealers in the Omaha area. My 26 years as an Omaha police officer also allowed me to learn the culture of the street and how the criminal mind thinks. In 2004, I retired from the Omaha Police Department and began a challenging and rewarding second career as vice president of field operations for the Nebraska Humane Society. During my time with the Nebraska Humane Society, I collaborated with Senator Ernie Chambers to pass numerous state laws increasing the penalties for animal cruelty crimes and imposing pet ownership restrictions on those convicted of animal cruelty. It is safe to say that Senator Chambers and I were self-admitted enemies when I was on the Omaha Police Department, but during my career with the Nebraskan Humane City, we formed a healthy respect for each other, leading to Senator Chambers, a fellow dog lover, to say these words in my confirmation hearing on February 20, 2020, quote, I have no hesitation nor reservation about expressing my confidence in Mr. Langan. I believe that you're going to do a very good job. And those words did mean a lot six years ago. Since then, I have strived to do a good job with the Nebraska Board of Parole. I placed public safety as the priority of my paroling decisions while at the same time balancing fairness and equity towards the inmate that sits in front of me at parole board hearings. There are three primary areas I consider when a parole candidate sits in front of us at a hearing. First, how have they behaved during their incarceration? Institutional behavior is a good indicator of their conduct once released. Second, have they completed the mandatory core

programming? Whether it is sex offender treatment, drug programs, or classes geared towards domestic violence crimes, the individuals must complete the required classes before being considered for parole. And lastly, do the potential parolees have a realistic parole plan that will give them the best chance to succeed on parole? The use of transitional housing provides a parolee with past drug issues a better chance of avoiding relapse rather than simply paroling right back to the same old crowd that caused them to use and sell drugs in the first place. I promise to continue studying the background of each case, be prepared for all hearings, and to make the best decision I can on every case I hear. Lastly, I promise to be fair in all my decisions both to the state of Nebraska and the person still incarcerated in front of me. One final point. For the past two years, I've been a speaker in Seattle and Atlanta at the International Association of Paroling Authorities Conferences talking about victims of crimes and how they factor into paroling decisions. I humbly ask to be reconfirmed as a member of the Nebraska Board of Parole. Included in the packet, I gave you our letters of support from Omaha Police Chief Todd Schmaderer, Douglas County Sheriff Aaron Hanson, Douglas County Attorney Don Kleine, and Board of Parole Vice Chair Layne Gissler. Thank you. And I can answer any questions you might have.

BOSN: Thank you. Are there any questions from the committee? Senator Storer.

STORER: Thank you, Chairman Bosn. I just have a question of interest more than anything else. Your qualifications are, are very impressive, and certainly I'm glad that you shared the comments of support from former Senator Chambers.

MARK LANGAN: Thank you.

STORER: But I was just curious that you had sold a book or written a book or-- there's an indication that there was book sales. I was--

MARK LANGAN: I have written-- I have written two books about my career on the Omaha Police Department.

STORER: OK.

MARK LANGAN: One is called Busting Bad Guys and the other is called More Busting Bad Guys. And they contain stories of both individuals

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

that I arrested and put away and individuals that have turned their lives around and are now productive citizens in the community.

STORER: Fascinating. Thank you.

MARK LANGAN: Thank you for bringing up the books.

BOSN: Senator Hallstrom.

HALLSTROM: How long have you been on the parole board?

MARK LANGAN: Six years.

HALLSTROM: OK. And do you think over time that the parole board has become more efficient at processing the, the cases that come before you?

MARK LANGAN: Well, I will say this: the next person coming up is Dr. Janee Pannkuk, who's our chair, who has been there for a matter of a few months, and I'm telling you that she is doing a fantastic job at creating efficiency issues, improving efficiency issues on the Board of Parole. And I wholeheartedly support her. I think she's doing a fantastic job.

HALLSTROM: OK. Thank you.

MARK LANGAN: Mm-hmm.

BOSN: Any oth-- Senator McKinney.

McKINNEY: Thank you. Why do you think you should be reappointed to the Board of Parole?

MARK LANGAN: I feel as though I've done a good job in several areas. My attendance rate's been very high on the Board of Parole. I know there's been some issues over the past few years in regards to attendance rates. For example, last year, we had 120 hearings and I was present at 117 of them, and the other 3 I think fell under the exception written into the bill. I study the cases very hard prior to parole board hearings, and I, I do a lot of background information on each of the hearings. And when I get my list the month before of all the names for that month, my mindset is not, what can I do not to parole that person? My mindset is, what can I do to parole to that person? And then I go down a checklist. And if that person fills that checklist, they get my support for parole.

McKINNEY: Last one. How has the addition of parole school helped or improved the process?

MARK LANGAN: Well, I think the, the individuals-- and I don't call them inmates. I call them individuals-- I think, I think they enjoy the parole school. It's now going to go on their computers. So they're going to have access to it whenever they want to. I think it gives them a good opportunity to prepare themselves for talking in front of the board. Not everybody-- and I-- I'm not a published polic-- pu-- public speaker, but I've done a lot of public speaking. These individuals that come in front of us have done no public speaking and they have a board of five people in front of them that's going to dictate the rest of their life. I think parole school gives them an opportunity to better prepare for that hearing. And I've seen a big improvement in the quality of the presentations since we started doing the parole school.

McKINNEY: Thank you.

MARK LANGAN: You're welcome.

BOSN: Senator Rount-- oh. Sorry. Senator Rountree.

ROUNTREE: Thank you, Chair Bosn. Thanks for being here this, this afternoon now.

MARK LANGAN: Thank you.

ROUNTREE: Reading the letter from Sheriff Aaron Hanson, he states in 2022 you authored a code of conduct policy.

MARK LANGAN: I did.

ROUNTREE: Yes. Can you tell me a bit more about that? You are addressing lack of professionalism. Just want to hear your thoughts on that and how we improve through your code of conduct policy revision [INAUDIBLE].

MARK LANGAN: I've-- I'm sorry to interrupt. I felt at the time that we had one or two parole board members that maybe needed a policy written to better define how we should be treating people at parole board hearings. Lack of-- disrespect at times. That, that bothered me and some other board members, so I did author that code of conduct. Presented it to Governor Ricketts' Office at the time. They signed off on it. And it has now been incorporated into the SOP manual of

the Board of Parole. And since that came out, I've noticed a big change and much more professionalism of parole board members towards individuals.

ROUNTREE: All right. Thank you.

MARK LANGAN: You're welcome.

BOSN: All right. Let's see if there's anyone here to testify.
Awesome.

MARK LANGAN: Thank you.

BOSN: Thank you very much. Thanks for being here. Is there anyone here to testify in support? Anyone here to testify in opposition?
Good afternoon.

CHRISTOPHER MAAS: Christopher Maas, C-h-r-i-s-t-o-p-h-e-r M-a-a-s.

BOSN: Just one second. She-- he's going to grab the green sheet from you really quick. All right. If you'll start again, state and spell your first and last name.

CHRISTOPHER MAAS: Chris, C-h-r-i-s; Maas, M-a-a-s. And-- I don't really know how to do all this. You'll see on the form there what this-- I don't know how to-- I'm not very good at speaking, but there's a lot more that goes along with that page than, than what's written there. And I can answer any questions. Not necessarily--

BOSN: OK. Just to be clear, are you here for the appointment testimony or are you here for a bill that's coming up?

CHRISTOPHER MAAS: No, it's-- it goes along with the-- LB741.

BOSN: We are not quite to LB741 right now. So right now, we're just taking ti-- I-- if you don't mind, I'll have you just take a seat until we call that bill up if that's OK.

CHRISTOPHER MAAS: OK. I'm sorry.

BOSN: That's OK. No worries. Thank you very much. All right. Is there anyone here to testify in opposition to the app-- reappointment of Mark Langan? Anyone here to testify in the neutral capacity for Mark Langan? All right. That will conclude Mark Langan's hearing. And we'll next move on to the appointment of Janee Pannkuk. Good

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

afternoon. If you'll state and spell your first and last name and then tell us a little bit about yourself.

JANEE M. PANNKUK: OK. Good afternoon, Chairperson Bosn and members of the Judiciary Committee. My name is Dr. Janee M. Pannkuk, J-a-n-e-e M; and then Pannkuk, P-a-n-n-k-u-k. Thank you for the opportunity to appear before you today and for your service to the people of Nebraska. I am honored to be considered for confirmation to continue serving on the Nebraska Board of Parole. My vision for the board is grounded in public safety, accountability, fairness, and transparency. These principles work together. When parole decisions are evidence-based, consistent, and clearly communicated, they strengthen community safety, respect for victims, and successful reintegration when appropriate. This perspective is shaped by more than 35 years of public service in corrections, parole, reentry, and justice system reforms. Throughout my career, I have worked in adult corrections and parole, led community and nonprofit organizations, and have been deeply involved in juvenile justice reform and gang intervention efforts in Douglas County. I have worked alongside staff, administrators, community partners, victims, and justice-involved individuals, which has given me a practical, balanced understanding of accountability and public safety. I believe in a behavior-focused, evidence-based approach to parole decision-making. This does not mean lowering standards. It means holding individuals accountable while carefully evaluating risk, institutional behavior, treatment engagement, education, readiness for change. Clear expectations and consistent decision-making improve outcomes for institutions, communities, and public safety. As a board member, I am committed to impartial and independent decision-making grounded firmly in Nebraska statute. Every decision carries significant responsibility, and each case must be evaluated on its own merits without bias or outside influence. Transparency and respect are essential. Victims-- victims must be heard and treated with care, and individuals appearing before the board deserve a process that is understandable and fair. Transparency builds trust and strengthens the legitimacy of public-- of the parole system. I also believe strongly in collaboration. Public safety is a shared responsibility, and effective parole outcomes depend on strong coordination with the Nebraska Department of Correctional Services and community partners while maintaining the board's independence. If confirmed, I reaffirm my oath to uphold the constitution and laws of Nebraska to place public safety first and to serve with integrity,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

fairness, and accountability. Thank you for your time and consideration. And I'm happy to answer any questions.

BOSN: Thank you. Let's see if there's any questions from the committee. Senator McKinney.

McKINNEY: Thank you. And thank you. What is your definition of public safety--

JANEE M. PANNKUK: Public--

McKINNEY: --from the perspective of a parole board member?

JANEE M. PANNKUK: I'm sorry. One more time.

McKINNEY: From the perspective of a parole board member.

JANEE M. PANNKUK: For me, my perspective would be public safety evolves around that individual's journey regarding their institutional behavior, programming they have participated in, treatment they've participated in. Could be core program, could be substance use, could be their supports in the community. It's-- there's many-- it's very individualized and it's also extremely fluid, depending upon that person and where they're at in their program and their education, employment, that journey.

McKINNEY: OK. Last, why do you think you should continue to serve on the board?

JANEE M. PANNKUK: I believe I bring a diverse experience, public, private, nonprofit organizations, both on justice and victims, working with victims, justice-involved individuals, also partnering agencies that help support individuals, along with substance use and mental health treatment entities in various-- throughout the state, actually. So that's why I believe I'm a, a very good candidate to remain on the parole board.

McKINNEY: Thank you.

JANEE M. PANNKUK: Thank you.

BOSN: All right. Let's see if there's anyone here to testify.

JANEE M. PANNKUK: Thank you.

BOSN: Thank you for being here. All right. Anyone here to testify in support of Dr. Pannkuk? Opposition? Or in the neutral capacity? All right. Well, that will conclude our appointment hearings. Thank you both for being here. I, I am going to switch up the order for the bills that we're gonna hear this morning. I had told Senator Spivey she could go first, so we're going to start with LB751. Congratulations, you're our first legislative bill of the second session.

SPIVEY: Well, thank you. And this is my first hearing. So thank you, Chairwoman Bosn-- I know Vice Chair DeBoer is not here-- and then members of the Judiciary Committee for the opportunity to speak about LB751. I am Ashlei Spivey, A-s-h-l-e-i S-p-i-v-e-y. And I'm proud to represent District 13 in northeast and northwest Omaha. Before I begin, because of the nature of this bill, I just want to give a content warning for the people that are listening online, tuning in, as well as in the space. There may be some things that are, are hard to hear, may trigger some trauma, and so just please take care of yourself as we have this important discussion around missing black women and children. So as I mentioned, I am proud to introduce LB751, which commissions a study to help increase state criminal justice protective and investigation resources for reporting and identifying missing black women and children in Nebraska. The main components of this bill include convening meetings with state and local law enforcement partners, federal agencies, and urban community organizations to determine the scope of the problem, identify barriers, and create partnership to increase reporting and investigation of missing black women and children, and then producing a report, which would have recommendations to improve the reporting and identification of missing black women and children in Nebraska. This bill does not take resources or funds from the investigation of other missing Nebraskans, and it does not impose a mandate on law enforcement agencies to prioritize missing black women and children in Nebraska over missing Nebraskans. It really just ensures that we have better practices and can be informed around the issue that is in front of us. This bill seeks to understand any barriers that exist in reporting, connect law enforcement agencies with community organizations to help break down those barriers, as well as work to understand how do we increase information sharing between Nebraska State Patrol, the United States Department of Justice, and other or-- organizations that participate in this type of investigative resources and processes. So nationally, according to the National Crime Information Center, in 2022, 271,000, approximately, girls and

women were reported missing. And over 30%-- 36%, which is about 97,000, were black despite black women and girls only comprising 14% of the female population at the time. So we are disproportionately represented in the numbers in the amount of missing women and girls nationally. In Nebraska, it looks about the same. So I worked with the Research Office to pull with State Patrol over the last five years or a five-year period what did that look like. On average, there are about 700 per year of reported missing women and children, with the highest being in 2023 with 1,028. Of that 1,028 that were reported missing, 885 were missing black girls and about 143 were missing black women. This bill is modeled after similar legislation that we passed here in the body that was introduced by Senator Brewer-- it was LB154 in 2019-- and it really set the groundwork for missing and murdered Indigenous women and girls. In your folders, you do have the executive summary of that report. The full report can be found online as well if you would like to read it. So some of those findings from the report-- again, Senator Brew-- former Senator Brewer commissioned this type of research with State Patrol and other agencies. And what they found, I think, were tangible ways to go upstream to ensure that we are keeping women and girls safe, especially because Indigenous women and girls were disproportionately impacted by the same things that we are seeing with black women and girls. And so some of those key findings include that no Native American missing persons cases were listed on the National Center for Missing and Exploited Children while 6% of total cases were there at NCMEC. That's the acronym. The majority of missing Native Americans were males under the age of 17, nearly two-thirds-- 73% of the Native American missings persons were boys which were 17 and younger. And then more Native American missing persons are minors. And Native American missing person cases are open or still unsolved longer compared to the total missing person cases. And so from their kind of findings and trends, they put forward recommendations. How do we go upstream on this? What does this look like to ensure, again, that folks are protected and that there's community safety and that we don't have this epidemic happening in Nebraska? So some of the key recommendations that I pulled out were to develop and implement a missing persons policy for both juvenile and adult missing persons in each of Nebraska's law enforcement agencies, develop and provide a standard of operating procedure, or SOP, illustrating a step-by-step process for handling missing persons cases, when possible including the information of race of the missing person as well as their tribal affiliation-- which was really important for the demographic that was in front of us at that time of

that study-- work with the Department of Health and Human Services and Department of Education to provide school teachers with a better awareness of children who are being victimized as well as appropriate reporting mechanisms, engage victim service agencies regarding the need of the family members of missing persons, and then work to establish a task force used on the underlining issues in Native communities associated with going missing. So that is economic challenges, substance abuse, suicide, child abuse, and neglect, poverty, and pervasive hopelessness. And so, again, we have set the groundwork as a body. And I think the work that came out of Senator's ori-- Senator Brewer's original bill and then what the AG continued to do-- they created a position within the AG's Office to prosecute and investigate these cases-- has really been transformational for the community. The Indian Commission would have been here to testify around their experience, but Judy, who is the director, is out sick. So unfortunately, she will not be here today but would be happy to answer any questions at a later date just around their process and what did that look like. And so I wanted to take a minute before I wrap up to uplift some stories of some black girls and women that have gone missing in Nebraska that have really rocked our community to, to try to demonstrate and put a human component behind it. I talked a lot about data, but these are really people that we're talking about, and I want to be able to illustrate that. So first, I want to talk about Amber Harris. Amber Harris was last seen stepping off of her school bus 20 years ago on November 29, 2005, near Florence Boulevard in Pinkney Street in Omaha. That is actually Senator McKinney's district. Surveillance video from the bus was the last image ever captured of her. She was 12 years old. On November 29, 2005, Amber disappeared. She is the daughter of Michael and Melissa Harris and sister to Jeremy, Ashley, Justin, Jalesa, and Spencer. Detectives had almost no clues. They exhausted every lead, even investigating the family, because everyone was desperate to bring Amber home. Then on February 14, 2006, her bookbag was discovered in a trash can. DNA evidence linked the case to a suspect, 53-year-old Roy Lewis-- Ellis-- excuse me. Lead prosecutor, Douglas County Attorney Don Kleine, said, DNA was a very important breakthrough in the investigation. On May 11, 2006 Amber's body was found half buried in Hummel Park, which is in my district. The autopsy revealed that she died from blunt force trauma to the head. The investigation also revealed that she had been sexually assaulted before being killed. Roy Ellis Jr. was convicted of first-degree murder and sentenced to death. My mom actually worked at the school that she attended at the time, King Science Center, and so this was

very close to me. And I, and I didn't understand all of the, of the case in the same way but knew and saw the community being torn apart from this. Next is Tyler Thomas. Tyler Thomas was a 19-year-old at the time of her disappearance enrolled, enrolled as a student at Peru State College in the fall of 2010. Tyler was reported missing in the early mornings of-- early morning hours of December 3 by two students at Peru State after she did not return to her dormitory. Friends searched for her for several hours, and they were unable to find her. Then an extensive search conducted by civilian volunteers, law enforcement, and trained dog handlers in the, in the following days was not successful in finding her. Her body has never been recovered to date. The investigation was conducted by the Nemaha County Sheriff's Office, the Nebraska State Patrol, the FBI, the Nemaha County Attorney's Office, and the Nebraska Attorney General's Office. In 2020, a jury found Joshua Keadle guilty of second-degree murder in the death of Tyler Thomas. When questioned by police, Keadle admitted he had been with Thomas in the hours before her disappearance. He said he drove Thomas to a boat ramp along the Missouri River and left her there alive after the two argued. Again, her body has never been found, but she was declared legally dead in 2020-- 2013-- excuse me-- and she was 19 years old. Lastly, I want to read a letter-- this is also in your purple binders-- from Caprice Hollis, the sister of Camisha Hollis. I wanted to make sure-- Caprice has to work today, and she was unable to attend. And I did not want to uplift her story in my own words, so that's why I'm reading this letter to you all to be on the record. Hi, all. My name is Caprice Hollis, and I'm writing in support of LB751 and want to share my family's lived experience with the issue this bill seeks to address. I am the younger sister of Camisha Hollis, who went missing in Omaha in 2018. To this day, my sister's remains have never been recovered. And while it is incredibly sad for my family, it has given us a chance to advocate for other black, brown, and Indigenous missing persons in our community. Although on paper Camisha is a statistic, she was simply much more than that. And if you ever had the pleasure of getting to know her, your heart would crumple into pieces because her, her no longer being here is that influential. As a woman and a woman of color, I have noticed that I perceive to be-- I perceive to be inconsistencies with how we handle the disappearance and missing reports of black and brown women in our community. There is not one person to blame for the inequality or inequity that may exist in our world, but we should all be a part of the solution to-- that should be taking place. We must acknowledge that certain cases are not treated with the same urgencies, resources, or attention. That lack

of visibility and urgency sends painful messages to our community. And with the climate of everything going on already, we should not want anyone to feel less than anyone else. In LB751 is an impor-- is important because it acknowledges what so many families already know: there are ga-- gaps in how missing black women and children are reported, investigated, and prioritized. This bill does not assign blame. It seeks understanding, accountability, and improvement. By collecting data, identifying barriers, increasing coordination, and engaging community partners, Nebraska has an opportunity to, to do better for families like mine. Had there been clearer processes, stronger coordination, and a greater sense of urgency, my family's experience may have looked different. And while nothing can change what happened to my sister, this bill can help ensure that other families do not have to endure the same pain, confusion, and sense of being overlooked. I support LB751 not only in memory of my sister but on behalf of all the other black and brown women and children in our state whose disappearances deserve to be taken seriously, investigated thoroughly, and remembered with dignity. Professionally, I'm a mental health therapist and clinical social worker; but personally, the human in me will always be, be by my sister's advocate as well as others in our community who need it. Thank you again for your time, your consideration, and your willingness to listen to the voices of those most impacted. Respectfully, Caprice Hollis. I appreciate you all taking the time to hear LB751 today. I encourage you to support this bill moving out of committee so that we can improve the reporting and identification of missing black women and children, increase information sharing and resource coordination, and enhance public safety, ensure that any cases regarding black women and children are given proper attention. Thank you again. I'll be happy to answer any of your questions.

BOSN: Thank you. Questions from the committee? Senator Hallstrom.

HALLSTROM: Thank you, Senator Spivey. I-- just help me walk through this. As I listen to your testimony, I'm trying to figure out in my mind how we address the lack of reporting at, at the source. Isn't that an obligation of the people who have lost a loved one-- temporarily, hopefully-- but, but perhaps in the long term, is there another element of reporting that you're interested in or that this study would investigate?

SPIVEY: Yeah. Absolutely. Thank you for the question, Senator Hallstrom. And I think that's really the core of the study. So just going to use the Indigenous Commission study as a kind of grounding

for that. So in the report, they were wondering that same question. How do we get ahead of reporting? Is there a breakdown in how to report? Is the reporting not accessible? Is it because there is mistrust with law enforcement in the community? Like, help, help us understand how do we get to a place where there's better reporting so that the parties that are responsible for helping to recover these loved ones can better do their job. And so the recommendations from that report investigated that, and then they found that there was some training opportunities for the tribal officers and state law enforcement and better connection. And then I, I uplifted around the SOPs and processes around reporting and for investigation, those things, and better help people to get the information so they can start the investigation.

HALLSTROM: So it may be an aspect of organizations as opposed to on the personal level?

SPIVEY: Yeah. I think it's a mix, and I think that's what the study will uncover. So I don't want to make the assumption. We just know, again, from working with the Research Office, I just pulled, hey, tell me five years what this data shows, and it's unclear, especially that-- for me, it's very alarming that there's so many children that go missing. What happens to them? Were they found? Were they murdered? Was it because of sex trafficking? Was it-- were they in out-of-home placements and what-- like, we don't have any idea, and so we cannot do upstream solutions through policy without that data to better guide us. And so that is one of the integral parts of this legislation, is that it helps us form those ideas through data and through conversations. They can do focus groups, they can interview community orgs. Like, there is the opportunity to really put together that report in a way that's meaningful and intentional to answer those questions.

HALLSTROM: And it seems like you've got a mixed bag of investigations. The first two-- and, and I recall the Peru State situation and the Amber Harris. We, we determined what happened in Amber Harris, unfortunately. Extensive investigation and an ultimate criminal finding in the other one. It was the last one then that suggested maybe there was some gaps or some shortcomings in the investigation. So--

SPIVEY: Absolutely.

HALLSTROM: --we may find it all over the board.

SPIVEY: Absolutely. And again, this is to give us that foundation so we can say, based on what we know, here are accessible ways through policy that we can ensure the safety of black women and, women and girls in our state. And so it may be that there are gaps and that's only in the metro area where in other parts of the state there's not. And that's just an education piece. Like, there, I think, will be a stratified approach that we learn from this bill.

HALLSTROM: Thank you.

SPIVEY: Thank you for your question.

BOSN: Any other questions? Senator Rountree.

ROUNTREE: Thank you, Chair Bosn. And thank you so much, Senator Spivey, for this testimony. We're hearing some alarming numbers here, highest in 2023, 143 adults and 885 children. But you mentioned also with Indian Affairs-- Judy gaiashkibos will be able to come back at some time-- they've established their position up in the judiciary to focus on Native American types. Would you be looking at something also like that for this or a collaborative effort or we'll hear from her and then see how we go forward?

SPIVEY: Yeah. So-- and also I just want to uplift-- and thank you, Senator Rountree. On the synopsis document in your folder, the research that I received from the Research Office you also have, so you can see the four-- the five-year span of data to compare. So when originally I talked to the Indian Commission-- I mean, I also talked to Senator Jane Raybould, who was the chair of the State-Tribal Relations. I also sit on that committee, as well as you, Senator Rountree. We talked about, like, what did they learn from their process. And just given their numbers and some of the other complexities of Indigenous populations, the AG felt really strongly to add that position to that office. They were not mandated to. That was something that they wanted to do and felt like it was the right next step as the state. As I talked to Senator Raybould, there's some opportunity as the AG is shifting that position that whatever comes out of this study that that person or position could look at, helping to prosecute those cases, and that we think about these two population-specific groups because they are disproportionately overrepresented. There might be different strategies, but we can have some convergence on resources and, and how we think about how do we address this. And so we have started those conversations. And I do feel like the first step is to really be grounded in what's

happening. Like, we need that data. We need that information. And we really need to work very closely with law enforcement and community organizations to help us chart that path through policy.

ROUNTREE: All right. Thank you so much.

SPIVEY: Thank you, Senator Rountree.

BOSN: I just maybe have a couple of follow-up questions. And I-- when I read this, it's essentially-- you're asking for a one-year study for a roadmap on how we can move forward, perhaps through legislation or just improvements in our investigation. Is that fair to say?

SPIVEY: Yes. That's correct, Chair Bosn.

BOSN: And it was interesting on the fiscal note. The notice says that NSP didn't submit a response, but there was an assumption there would be a fiscal impact, but it was indetermined.

SPIVEY: Yeah. So we--

BOSN: Do you know what the fiscal impact was when they did the--

SPIVEY: So there was no fiscal impact previously with the first study with LB154. I have-- I sit on Appropriations, and so I just popped over to the Fiscal Office to ask-- Kenny is who has this agency around that, and I think we've kind of come to the conclusion that if there is any impact where the-- maybe they're taking time from someone to help work on this-- that they would be able to absorb it in the agency based on what the study is asking and from previous models. And so that is what Fiscal has told me to date when we followed up on that.

BOSN: And-- I appreciate that answer, but even still this is a one-year study. This isn't something in perpetuity--

SPIVEY: Nope.

BOSN: --at least not at this juncture.

SPIVEY: No. It's one-year study. And the other key partner would be the Neb-- Nebraska Commission on African American Affairs. So again, the same structure from LB154 that had the Indian Commission. They are committed to, based on their strategy, willing to help shepherd this and add capacity to this work. And so I think it's a, a really

great opportunity for collaboration. And again, it does have that stop date. It's one year. And then we can decide through policy what happens next. Right.

BOSN: Perfect. Thank you very much.

SPIVEY: Yeah. Thank you, Chair.

BOSN: All right. Thank you very much for being here. Are you staying to close?

SPIVEY: Of course.

BOSN: OK. Perfect. All right. We will-- can I see a show of hands how many individuals are here to testify in some capacity on LB751? Two, four, six. All right. Thank you. We'll start with proponents. Anyone here to testify in support of LB751?

EBONI CARIDINE: Hello, and--

BOSN: Good afternoon, and welcome.

EBONI CARIDINE: Hi. Thank you, Chairman Bosn and members of the committee for the opportunity to speak today. My name is Dr. Eboni Caridine. I am a commissioner. My name is spelled E-b-o-n-i C-a-r-i-d-i-n-e. And I am here speaking on behalf of the African American Commission in full support of LB751. As Nebraska's primary body representing African American and African diasporic communities, we are committed to ensuring that black women and children are seen, valued, and protected, yet there is a significant research gap that Senator Re-- Senator Spivey mentioned regarding missing black women and children in our state-- a gap with real consequences for families living with unanswered questions and unresolved grief. Nationally, of the roughly 600,000 missing children reports filed each year, more than 30% represent African American children. These numbers are not just statistics. They represent real families and real pain when searches are delayed and cases go unresolved. LB751 affirms dignity through action. By dedicating time, resources, and research, Nebraska acknowledges that missing black women and children deserve the same urgency and care as any other missing person. This bill also strengthens efforts to prevent harms linked to unresolved cases, including exploitation and trafficking, while improving public understanding of the issue. At the heart of LB751 are families who wake up every day not knowing where their loved one is. When the state commits to searching and solving these cases, it tells families

that they are not alone. We urge the committee to advance LB5-- LB751 to affirm that no family search or-- for answers will be ignored. Thank you.

BOSN: Thank you very much for your-- let's see if there's any questions. Any questions from the committee for this testifier? All right. Thanks for being our first testifier.

EBONI CARIDINE: Absolutely.

BOSN: All right. Any other proponents? Good afternoon, and welcome.

JOY KATHURIMA: Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Joy Kathurima, spelled J-o-y K-a-t-h-u-r-i-m-a. And I'm testifying on behalf of I Be Black Girl in support of LB751, which requires a study to improve the reporting and investigation of missing black women and children in Nebraska. According to the Black and Missing Foundation, in 2019, black children made up about 33% of all missing child cases but comprised only 7% of media references. As Senator Spivey mentioned, over 600 black women and children go missing in Nebraska every year, and the majority of those are children. Black women and girls are disproportionately underreported, underinvestigated, and underprotected when they go missing. Families often face delayed law enforcement responses, limited media coverage, and a lack of coordination across agencies. These gaps are not accidental. They reflect long-standing disparities in how cases are prioritized and resourced. By identifying the barriers that exist in how missing persons cases for black women and children are handled, there can be improved data collection and reporting systems to ensure accurate, timely, and transparent tracking of cases, strengthen partnerships with community organizations that are often the first to respond and the last to give up, and an assurance that families receive consistent communication, support services, and accountability. The request for this study is not a criticism of law enforcement but rather an investment in better outcomes and continuous improvement in public safety. The state has made a commitment to protecting women and children, and this bill is a step in living up to that commitment. For these reasons, we urge the committee to advance LB751 to General File. Thank you. And I'd be happy to answer any questions.

BOSN: Thank you. Any questions from the committee? All right. Seeing none. Thank you very much for being here.

JOY KATHURIMA: Thank you.

BOSN: Next proponent.

ANAHI SALAZAR: Hello. Good afternoon, Chairperson Bosn and members of the Judiciary Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r. And I am here on behalf of Voices for Children in Nebraska, here in support of LB751. And you've heard a lot of the data, so I won't repeat it, but a missing child is a parent's worst nightmare. Studies from the Legislature can help improve our responses to crises like the silent epidemic, a term black and Native American parents or loved ones use to describe their unthin-- unthinkable experience in looking for their child or family member. Voices for Children in Nebraska supports LB751, which would require a study to improve reporting on missing black women and children. In 2019, the Legislature passed LB154, like Senator Spivey mentioned, which required a study of missing Native women and children in Nebraska. The result showed that two-thirds of Nebraska's reported missing persons were minors, 18 years old or younger. And this report then led to collaborations with state agencies on further examining the context of missing Native children and women, specifically for out-of-home care placements. Reports are helpful in identifying issues across trends and data, finding possible solutions, and analyzing the impact solutions can have. Reports can also shed light on disparities such as the noted responses in AMBER Aler-- Alert usage due to differences in case classification, like runaway or endangered. A study like this would further help identify systemic factors that could be leading to missing black women and children in Nebraska such as poverty, housing instability, or foster care involvement, and that could be tracked and seen, as well as including policy recommendations to help mitigate the harm to black communities across Nebraska. A study like this could also show the implications for public safety and how black women and children can remain safe across the state. So these are just a few things that we thought of, of why the study would be really helpful. And we want to thank Senator Spivey for bringing such important legislation and the committee for your time and consideration.

BOSN: Thank you very much. Any questions for this testifier? Seeing none. Thanks for being here.

ANAHI SALAZAR: Thank you.

BOSN: Next proponent. Good afternoon, and welcome.

CHLOE FOWLER: Good afternoon. We-- I'm a discombobulated mess right now.

BOSN: You're fine. Take your time.

CHLOE FOWLER: I'm sure you all understand. All right. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Chloe Fowler, that is C-h-l-o-e F-o-w-l-e-r. And I am the child welfare policy analyst for the Nebraska Children's Commission and here to testify on behalf of the Children's Commission in support of LB751. The Nebraska Children's Commission was established to identify system gaps, improve coordination across agencies, and advance policies that protect children and strengthen families. LB751 directly aligns with that mission by requiring a study to improve the reporting, investigation, and response to cases involving missing black women and children. Within the Children's Commission, the Strengthening Families Act Committee focuses on child safety, stability, and well-being, particularly for children who experience system involvement or family disruption. That work is directly connected to the issues directly embedded within LB751-- or, addressed by LB751. Children who go missing often have current or prior contact with child welfare, juvenile probation, behavioral health services, or the court system. When reporting is delayed, investigations are inconsistent, or data is fragmented across agencies, those failures undermine the protective structures the Strengthening Families Act is intended to enforce-- or, reinforce. These risks are compounded for black children, who are disproportionately represented in child-serving systems and more likely to experience inequitable responses when they go missing. LB70-- LB751 provides a necessary, data-driven first step by requiring a formal study to examine how cases involving missing black women and children are handled in Nebraska, whether disparities exist in response and outcomes, and what changes are needed to improve accountability and coordination. The Children's Commission is well-suited to this work. It brings together representatives from child welfare, juvenile justice, law enforcement, the courts, and community stakeholders, and it routinely examines cross-system gaps, data gaps, and policy failures that place children at risk. The Strengthening Families Act Committee is positioned to assess how breakdowns in reporting and investigation compromise child safety and family stability. LB751 does not presume conclusions or assign blame. Instead, it creates a structured process to identify gaps and recommends solutions that strengthen families and protect children. Passing LB751 affirms that child safety must be equitable and that no

child should be overlooked due to race or systemic failure. For those reasons, the Nebraska Children's Commission respectfully urges the Judiciary Committee to advance LB751 to General File. And I have attached a copy of the-- a quick overview of some questions you might have as to why we are relevant in this bill and additionally a copy of the slip law that was signed in 2016 that outlines the Nebraska Strengthening Families Act in coordination with our federal government, because SFA is a-- initially a federal policy that is implemented on the state level. And I'm happy to answer any questions.

BOSN: Great job. Thank you. Any questions from the committee? Seeing none. Thanks for being here.

CHLOE FOWLER: Fantastic.

BOSN: Next proponent. Welcome back.

KENDRA BRYANT: Thank you. Good afternoon. Again, my name is Kendra Bryant, K-e-n-d-r-a B-r-y-a-n-t, and I am the Survivor Leadership Project coordinator for the Nebraska Coalition to End Sexual and Domestic Violence. I am here today testifying in support of LB751 on behalf of our 20 network programs that provide free and confidential services to survivors of domestic violence, sexual assault, dating violence, and trafficking across Nebraska, often when safety is most at risk. In my role, I work closely with survivors and advocates across the state. I am also a survivor myself, and I have experienced firsthand how important system response and accurate reporting can be for safety outcomes. LB751 directs the Nebraska State Patrol to conduct a study to improve reporting and investigation of missing and murdered black women and children in Nebraska. By identifying gaps, barriers, and opportunities for better coordination, this study has the potential to improve safety outcomes and accountability for some of our most vulnerable populations-- black women and children-- who are dispro-- disproportionately impacted by violence and too often fall through the cracks when the system fails to respond consistently or effectively. This bill is critical from an intimate partner violence lens. Intimate partner violence is often a major risk factor in cases where women and children go missing or are later harmed or killed. In fact, black women are-- black women experience physical violence from intimate partners at higher rates than all but Native American and Indigenous women and are two and a half times like-- more likely to be killed by a male partner. Survivors may disappear while trying to leave abusive relationships after escalating violence

or after repeated contact with systems that fail to recognize the risk. In addition, approximately 40% of identified trafficking victims are black, black women and girls, many of whom are identified as runaways or are missing from care. These disparities make clear why impor-- while improved reporting, investigation, and coordination are essential for both safety and accountability. This Legislature has already taken important steps in this area through LB154, which authorized a study to improve the reporting and investigating-- investigation of missing Native American women and children. This bill recognized that when certain communities are disproportionately impacted by violence, systems must be examined and strengthened. And LB751 builds on that same approach. Our network programs hear from survivors that confusion, lack of follow-through, and inconsistent responses can be incredibly discouraging and dangerous. LB751 creates an opportunity to improve system accountability in ways that directly impact safety not just for individuals but for entire communities. By advancing LB751, this committee can take a meaningful step towards improving safety and accountability for some of Nebraska's most vulnerable populations. For these reasons, I respectfully ask for you to support LB751 and move it out of committee. Thank you for your time. And I'm happy to answer any questions.

BOSN: Thank you very much. Any questions from the committee? All right. Thanks for being here. Next proponent. Good afternoon, and welcome.

SEAN HILL: Chairperson. Members of the committee. My name is Sean Hill. That's S-e-a-n H-i-l-l. I am a U.S. citizen, a registered federal entity with an office in Omaha, Nebraska and three years of litigating in the federal circuit. I am an expert of my experience. It is my opinion that no person may be segregated or discriminated from the programs and the services funded by federal disbursements and state taxpayer revenue. Additionally, it's also my opinion that our system should be effective, reduce waste, fraud, and abuse. Therefore, I approach the committee in support of Senator Spivey's proposition, LB751. In 2025, Kamesha, Makiah Starr Craig, and Sahmya Rice were just a few of the additional names of missing black children in this region that you've already heard. Currently, State Patrol officers have a searchable database for missing persons, and law enforcement interagency communication continues. This is a boom as the march continues. Kamesha, Makiah, and Sahmya are evidence that there is a need for response, and, in urban search and rescue, that response must be fast. If there is a discrepancy between reporting missing persons based on a protected class, then a duty exists to

understand the reasons and implement solutions for those discrepancies, a duty constitutional for the persons of color and for the Indigenous. In my practice, I have sought discovery and I've solicited Freedom of Information Act requests. And I know that these processes can be difficult, but the system does work. Just a bit frustrating from time to time. But the only way to determine if the discrepancy occurs is to open the inf-- the agency for information, to take these surveys, and to step forward into this process. I therefore reaffirm my support for Senator Spivey's LB751. Thank you.

BOSN: Thank you. Any questions for this testifier? Seeing none. Thank you for being here. All right. Next proponent. Any other proponents? Anyone here wishing to testify in opposition? Anyone here to testify in opposition of LB751?

CHRISTOPHER MAAS: It doesn't matter necessarily which LB-- Christopher Maas. Sorry.

BOSN: Do you have a green sheet?

CHRISTOPHER MAAS: Yeah. I gave it to you earlier.

BOSN: OK. Perfect. All right.

CHRISTOPHER MAAS: These are all positions of the JAG Grant, right? Each bill is-- what you have with the JAG is a, is a judiciary fail-- failure. It goes against everyone's rights. It deprives them of-- it's at-- law under the color of law. I'm not good at speeches, so. I'm, I'm kind of screwing this up. But on the paper-- its allocations are going in the wrong direction. I mean, the-- this-- these stuff here, it looks fine. But when, when you-- gets ahold of it by Jon Bruning or other peoples in, in, in the deal, it-- it's getting misused. I'm, I'm not necessarily on your side of the fence, but I've been on the wrong side of the fence and have more experience with the-- what the JAG Grant does than anybody probably in the state, which is kind of bad, but. It's depri-- de-- deprives the-- due process. Every time it goes to court, every time you're, you're talking to a cop out on the street-- any of that. It's much larger than what, what I was able to give you with the little bit of paper here just to keep it simple. But I have, I have evidence. I have-- you know, to produce what I'm saying. I can't get the ability to write it. I can't get the ability to sleep at-- sleep right with my-- and get my head working right to write it all down. And I've had problems in district court, in county court multiple times. The--

they're, they're losing, losing my evidence or my, my filings. They won't file them. All kinds of things are going on with it. And I don't know how to bring you this information without being able to get the opportunity to write it. And so I guess that's pretty much what I'm here for, is to see if I can get a computer in the office for a little bit-- or, not a little bit. They're probably-- a good-- I have evidence from probably 36 different counties out of 93. And like I said, it doesn't matter which one of these I come up here to sit, sit with. It-- it's, it's a problem with the entire Judiciary Committee. I mean, it-- it's, it's your failure. And I don't know how to present it to you. So I guess that's what I got for you.

BOSN: Thank you. Before we take any questions, can I have you spell your first and last name for the record?

CHRISTOPHER MAAS: Chris Maas, C-h-r-i-s M-a-a-s.

BOSN: Thank you. Any questions for this testifier? Seeing none. Thank you for being here. Next opponent. Anyone here in the neutral capacity? All right. Senator Spivey, welcome back.

SPIVEY: Thank you, Chair Bosn, again, members of the Judiciary Committee. I thank and appreciate-- I want to thank all of the other testifiers in support, folks that are on the ground, on the front lines working with families and folks that have been deemed missing and/or murdered for the various different reasons we discussed already. Again, my hope is that you all would advance this bill out of committee. I think this is a very accessible way to ensure that we are getting the right data and information that we need to better curate policy. I'm really proud of the work that the body did before I was elected with LB154 on this for Indigenous populations, and I'm excited to see what we can do from this. So with that, I will wrap. And I will take any other questions that this committee may have.

BOSN: Thank you. Any questions? Senator Hallstrom.

HALLSTROM: Senator Jacobson asked me not to sing this morning, so if you can rap, that would be OK.

SPIVEY: You know, in my heyday, Senator Hallstrom, I was known to be driving to the car in high school with my best friend, Markela Dean [PHONETIC]-- I'll put this on the record-- and we would do some raps and songs in the car. So maybe I'll lend myself to your, to your work tomorrow on the mic and I can add to that.

BOSN: I look forward to it. Thank you for being here.

SPIVEY: All right. Thank you, Chair Bosn. Thank you, members.

BOSN: All right. That will conclude LB751. Next up, LB741 from our very own Senator McKinney. While he's getting up there, can I see a show of hands of anyone who's here to testify on behalf of LB741? Two hands. All right. Thank you. Good afternoon, and welcome, Senator McKinney.

McKINNEY: Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I represent District 11. And I'm here to present LB741. LB741 addresses representation and parity among Nebraska's statutorily created commissions. This bill was brought forward by the-- brought to me by the Nebraska Commission on African American Affairs, which was established by the Legislature in 2020, after identifying that certain statutory roles granted to other commissions were not included in this enabling legislation. Si-- since the early 2000s, the Nebraska Criminal Justice and Law Enforcement Commission's Racial Profiling Committee has included representation from the executive directors of the Commission on Indian Affairs and the Nebraska Commission on Latino American Affairs-- that, that advisory committee reviews traffic stop data each year and provides recommendations to the Nebraska Crime Commission regarding how law enforcement agencies identify, address, and discipline racial profiling. LB741 would allow the Commission on African American Affairs to be included in this advisory process so it may provide input on this important work and to ensure broad representation from communities impacted by racial profiling. Additionally, since the early 2010s, the Nebraska Children's Commission has included designated tribal representation with input from the Nebraska Commission on Indian Affairs. The Children's Commission coordinates work across the juvenile justice system, foster care system, child welfare system, and other state agencies involved in protecting children and families. Given the disproportionate involvement of African American children and families within these systems, LB-- LB741 seeks to provide the Commission on African American Affairs a similar opportunity to participate in the work of the Children's Commission. This bill does not create new programs or expand authority. Instead, it, it aligns with statutory representation across commissions and ensures consistency in how advisory bodies incorporate community perspectives. And I look forward to testimony today. And thank you. And I'm open to answer any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

BOSN: Thank you, Senator McKinney. Any questions from the committee?
Senator Hallstrom.

HALLSTROM: Senator McKinney, do you, do you know how active the representative or the director of the Commission on Latino Americans and the Commission on Indian Affairs have been in this process?

McKINNEY: On these commissions or just the legislative process?

HALLSTROM: In, in this commission that you're expanding.

McKINNEY: I'm not exactly sure how involved they've been. I haven't talked to them about it.

HALLSTROM: OK. Thank you.

McKINNEY: Yup.

BOSN: Any other questions? So have you-- do you sit on the Nebraska Children's Commission?

McKINNEY: No, I don't.

BOSN: I belie-- OK. All right. So this would be add-- adding a member to that commission who's selected from a panel of three finalists from the African American Commission.

McKINNEY: Yes.

BOSN: OK. And have you spoken or had any conversations with anyone from the Nebraska Children's Commission as to whether or not they support this?

McKINNEY: No, I haven't.

BOSN: OK.

McKINNEY: And they haven't reached out either.

BOSN: OK. Any other questions? All right. Thank you.

McKINNEY: All right. Thanks.

BOSN: I assume you're staying to close.

McKINNEY: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

BOSN: First proponent. Anyone here to testify in support? Good afternoon, and welcome.

TIM CLARK: Good afternoon. Hello. Thank you, Chairwoman Bosn and Judi-- Judiciary Committee for this opportunity to speak today. My name is Tim Clark, T-i-m C-l-a-r-k. I'm here representing as the chair of the African American Affairs Commission in support of LB741. Nebraska Legislature created the commission to ensure African American Nebraskans have a consistent, credible voice in the state government. In our work, we hear from parents striving to keep children safe, young people seeking trust in public institutions, community members asking, do we have a voice where decisions are made? LB741 answers that question with action-- practical, responsible, aligned with how Nebraska treats other commissions. We support LB741 because these seats are not symbolic. They are where data is reviewed, accountability discussed, and improvements designed. When a community is disproportionately impacted by public safety practices and systems serving children and families, good governance requires that community perspectives be present where solutions are shaped. Nebraska already applies this principle by granting similar access to Commission on Indian Affairs and Commission on Latino Affairs. LB741 brings the Commission on African American Affairs into alignment with that standard of fairness. We-- when the community are excluded-- when communities are en-- excluded, problems persist, distrust grows. When voices are welcomed, we see stronger accountability, solutions that work. LB741 is, is a step towards Nebraska-- a Nebraska where systems listen earlier and respond better. On behalf of the commission, we respectfully urge you to advance LB741. And as stated, this is really an opportunity to fall in alignment with what already exists in terms of those two commissions, the Native American-- the Indian Affairs Commission and the Latino Commission. And to have added voices, it just makes for good sense for added solutions. Thank you very much.

BOSN: Thank you. Any--

TIM CLARK: Any questions?

BOSN: Any questions for this testifier?

TIM CLARK: Would love to have some questions.

BOSN: Well, Senator Storer's going to grant your wish.

STORER: I'll take the bait.

TIM CLARK: Just one. Just one question. I got to be somewhere at, at 3:00.

STORER: Thank you, Chairman Bosn. And thank you for being here today.

TIM CLARK: Thank you.

STORER: Yeah. This seems like a very straightforward, commonsense bill and proposal. I guess I just always kind of-- it's helpful to know how we got to this point or sort of where the need is, if there has been a long-term history that there's an imbalance on the commission or members that have been denied-- a pattern of denial based on the representative-- the, the communities that they represent.

TIM CLARK: Yeah. I, I think this is really an effort towards just adding voices that, you know, is largely affected when you think about racial profiling and really children and, you know, acting in the best interest of protecting and loving and caring for our children. And, and we just feel that it's just a step in the right direction in terms of African American Affairs to have that additional voice at the table that really will just add to a greater representation of Nebraskans and having their voice at the table.

STORER: So that-- there's not a recommendation to add an additional member but that one of those members specifically be recommended and selected from the African American Commission.

TIM CLARK: Right. And, and that pertains to the Children's Commission. And then the recommendation as I see it is to add in terms of invi-- advisory capacity in terms of the racial profiling.

STORER: Thank you.

TIM CLARK: Was that correct, Tom? OK. Got to have a support team.

STORER: You can always have a phone-a-friend.

TIM CLARK: Yeah. You-- if you can do it by yourself, it's just not big enough, right? OK.

BOSN: Keeps us humble.

TIM CLARK: Any other questions?

BOSN: Any other questions for this testifier? Seeing none. Thank you for being here.

TIM CLARK: Thank you so much. Thank you. Thank you.

BOSN: Next proponent. Welcome back.

CHLOE FOWLER: Welcome, welcome. All right. OK. Let me get comfortable. I imagine there's going to be questions on this one. OK. Hello again, Chairwoman Bosn, members of the Judiciary Committee. My name is Chloe Fowler, C-h-l-o-e F-o-w-l-e-r, and I'm the child welfare policy analyst for the Nebraska Children's Commission. And I am here to testify on behalf of the Children's Commission in support of LB741. The Children's Commission exists to improve outcomes for children and families by bringing together cross-system leadership and informed perspectives. A core principle of that work is ensuring that voices from communities most impacted by child service systems are present at the decision-making table. LB741 proposes to add a representative from the Nebraska Commission of African American Affairs to the Children's Commission. This proposal follows a clear legislative precedent. In 2013, the Legislature passed LB269, which was signed by Governor Heineman on June 4, 2013, adding a representative from the Nebraska Commission on Indian Affairs to the Children's Commission. This bill recognized that Indigenous children were disproportionately impacted by child welfare and juvenile justice systems and that meaningful reform required direct representation. LB741 applies that exact same logic and legislative intent to African American children and families. Black children in Nebraska are disproportionately represented across child welfare and juvenile justice systems. These disparities are long-standing, well-documented, and persist despite decades of reform efforts. Addressing these disparities require more than pro-- programmatic changes. It requires structural inclusion of expertise grounded in lived experience and community-specific knowledge. Including the representation of the NCAAA to the Children's Commission strengthens our ability to, one, identify root causes of racial disproportionality, two, evaluate policies through a culturally competent and informed lens, and, three, develop recommendations that more accurately reflect the realities facing black children and families and children and families across the state. Importantly, LB741 does not expand the authority or the scope of the Children's Commission. It simply aligns its membership with the Legislature's

prior recognition that representation matters when systems consistently produce disparate outcomes. For these reasons, and consistent with the precedent set by LB269 in 2013, the Nebraska Children's Commission respectfully urges this committee to advance LB741 with a recommendation of support to General File. Thank you for your time and consideration. I have provided additional data gathered from a few national data dashboards as well as our Foster Care Review Office to kind of help paint a better picture of the "disporsionalities" that we are seeing specifically in Nebraska, nationally, and how Nebraska is kind of a bit of an outlier within that. So I'm here to answer any and all questions.

BOSN: Thank you. Any questions from the committee? I have just a few.

CHLOE FOWLER: Go for it.

BOSN: So I recall you and I had an email exchange and-- the Judiciary Committee has a representative but is a nonvoting member, and my recollection is-- and he affirmed-- Senator Rountree is our representative on behalf of our committee.

CHLOE FOWLER: Yes.

BOSN: This would add another voting position to the committee as someone that the African American Affairs Commission selects-- they would select to be their representative on the committee.

CHLOE FOWLER: Yes. My understanding is that this would operate in a similar sense-- and Senator McKinney can correct me if I'm wrong-- this would operate in a similar sense to how LB269 operated, which was the Nebraska Commission on Indian Affairs submitted three individuals' names forward to the Governor, and then the Governor chose who they wanted to serve. So it would be adding another individual, but it would just be in line with making sure that we have that direct representation on our boards and within our leadership, so.

BOSN: You're right. I was confusing--

CHLOE FOWLER: No worries.

BOSN: So it would add a seat for the Racial Profiling Advisory Committee, who's the chair of the African American Affairs Commission. But for purposes of your commission, it would be a panel

of three individuals who are submitted to the Governor to select as one to be the representative.

CHLOE FOWLER: Correct. Yes.

BOSN: OK. And it's fair to say that the-- have you had a conversation as a commission as to whether or not you come in in support of this or is this in your personal capacity?

CHLOE FOWLER: We did have a conversation in support of this. We had discussed it. We met individually with the Nebraska Commission on African American Affairs and I've had conversations with both the chair and the vice chair of the Children's Commission, and everybody across the board agrees similarly to what Senator Storer was saying, that this is a very commonsense thing and-- if anything, all of us, including my boss, were like, this is, this is well overdue. Why didn't we do this earlier? So yes, we're all on board with it.

BOSN: Awesome. Thank you very much.

CHLOE FOWLER: Of course.

BOSN: Senator Storer.

STORER: Thank you, Chairman Bosn. So just-- now, now I may be confused again. Just in terms of the number of people on the-- the way I was reading this, it's just suggesting that one of those 15 people appointed by the Governor include very specifically an individual from a list of three nominees submitted by the Commission on African American Affairs. So is it-- wha-- identifying one person from-- for the total of 15 be specific or adding another member for a total of 16?

CHLOE FOWLER: I would have to review the specificities of the bill, but my-- I would have to review that. I don't want to give an answer and be wrong. I will review it.

BOSN: I think if I could just clarify, there's two sections. Section 1 deals with the Racial Profiling Advisory Committee, of which she is not representing.

STORER: OK.

BOSN: Section 2 deals with Nebraska Children's Commission, and you're here in that capacity.

CHLOE FOWLER: Yes.

STORER: And that would be-- am I understanding that one correctly?
OK.

CHLOE FOWLER: Yes, that would be adding.

STORER: Thank you.

CHLOE FOWLER: Yes.

BOSN: OK. All right. Thank you for being here.

CHLOE FOWLER: Thank you so much.

BOSN: Next proponent. All right. Anyone here in opposition? Anyone here to oppose LB741? Anyone here in the neutral capacity? Good afternoon, and welcome.

SCOTT THOMAS: Good afternoon, Chairwoman Bosn-- excuse me-- and the Judiciary Committee. My name is Scott Thomas, and I'm here representing Village in Progress, Nebraska. We deal with human rights issues. And I'm going to testify in the neutral capacity because I understand the intention of the bill. I think it's well-intentioned, but I would ask that something be done about the language. I don't want to bog the bill down, so I'll just go ahead and put my comments on the record accordingly. Article 1, the 1948 Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights. And Article 2 prohibits discrimination based on race, color, sex, language, religion, origin, or status. Article 7 further asserting equality of those rights for the protection under the law. So if the bill's called, change the membership of the Racial Profiling Advisory Committee and the Nebraska Children's Commission, isn't the process for selecting the selectee for the committee fit the description of racial profiling? And if that's the case, then is the intention of the Racial Profiling Advisory Committee to reduce racial profiling or to perpetuate it? I'm just real curious about those points if somebody could clear that up for me. Because I think that protecting children is a technical issue. And in so much as it is, those categories are indistinct at best. Latino, black, what have you. I don't see any representation up here for people who are Christian that believe that the government might target Christians predominantly for certain actions. Are we going to put somebody like that on the advisory committee? Will there be different

representations of faith or is this strictly racially motivated? Any questions for the senators? Happy to answer.

BOSN: Any questions for this testifier? Seeing none. Thank you for being here.

SCOTT THOMAS: Thank you so much.

BOSN: Any other neutral testifiers? All right. Senator McKinney, if you'd like to come up and close. Welcome back.

McKINNEY: Thank you. And thank you to everyone who came to testify. I think this is a simple bill just to get some representation on the Racial Profiling Committee and the Nebraska Children's Commission. I'm not sure why it hasn't happened yet. Maybe-- I think it's just oversight when they established the, the, the commission. So I'm sure-- there was also oversight when we established the Pacific Islanders Commission too. So my assumption is that probably there'll be something coming later for them as well because their populations are rising in our state too. And with, you know, juvenile justice for sure, so. I'm open to any questions.

BOSN: Can you tell me when we created the African American Commission?

McKINNEY: I believe it was 2020. It wa-- I think it was the year before I got in here, so I think 2020.

BOSN: Any other questions? Thank you.

McKINNEY: No problem. Thanks.

BOSN: I also forgot to include how many testifiers we had, so before we conclude, on LB741, we had 11 proponents, 0 opponents, and 0 neutral testifiers. And going back to Senator Spivey's-- I apologize-- LB751, she had 22 proponents, 1 opponent, and 1 neutral online comment submitted. So that will conclude LB741. Next up, we have LB753 from also our very own Senator Rountree. And while he's coming up and so that I don't forget a third time, I will announce that we had 13 proponents, 0 opponents, and 0 neutral comments submitted online. Welcome to your committee.

ROUNTREE: Thank you so much. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Victor Rountree, V-i-c-t-o-r R-o-u-n-t-r-e-e, and I represent District 3, which is made up of

Bellevue and Papillion. Today, I'm here to introduce LB753, which would ensure military protective orders may be admissible as evidence in court. LB753 was created with the partnership of the Department of Defense to close a critical gap in our reporting system. In our state, we have seen too many instances of domestic violence and death which could have been prevented. We must work to make sure that when there are clear issues we do not let anyone slip through the cracks. I don't know if we got a chance to pass out our letter. OK. Just gonna pause and have our letter passed out. OK. All right. I'm having a letter passed out of support from Michelle Reichert of the Department of Defense. In the letter she says-- and you can have it for your reading-- addressing this important policy in Nebraska is of great significance with over 15,000 active duty, National Guard, and reserve military members and nearly 7,000 spouses of military members stationed and living in the state. Our service members hold a crucial role in protecting the interests of the United States both at home and abroad and ensuring our overall national security. Through development of interpersonal violence policies at the state level facilitating enhanced implementation at local levels, states can help empower victims, deter offenders, and create an environment for military families that ensures their well-being and enhances their resilience and readiness. Interpersonal violence extends well beyond an individual victim, as the effects of violence directly impact our-- all our service members, their families, the units to which they are assigned, and our greater national security. Without coordinated communication between authorities, offenses can go unaddressed, leaving victims at risk and undermining a commander's ability to ensure the welfare of their unit. LB753 provides two essential solutions to bridge this jurisdictional gap. First, it allows military protective orders, MPOs, as evidence. The bill enables state courts to consider a commander-issued MPO as evidence when a victim seeks a temporary civilian restraining order. This allows a victim's advocates to tell their clients a MPO would be admissible in court instead of telling their clients it should be. Second, it enhances information sharing. The bill encourages reciprocal information sharing between civilian and military law enforcement. Peace officers will ascertain whether a MPO registered in the FBI's National Crime Information Center database has been issued against someone who was arrested and associated with the armed forces. If so, the peace officer would notify the law enforcement agency which entered the MPO. These provisions directly complement federal law and the DOD's own efforts, including our Family Advocacy Program, to prevent and respond to domestic abuse. By strengthening

the partnership between Nebraska and the military, this legislation will improve the well-being of our service members and their families, thereby enhancing the readiness of our force. I believe we must do all we can to protect survivors in our state. By improving communication and allowing military protective orders in court, we will be able to prevent harm to a lot of families. I appreciate your attention to this bill and the committee's work in this area over the past years. There's still more to be done, and I ask for your support on this legislation as one small part of the efforts to protect those in our state. With that, I will be happy to answer any questions that you may have.

BOSN: Thank you. Any questions from the committee? Well, lucky you. All right. Thank you very much. We'll start-- can I see a show of hands how many individuals are here to testify in some capacity? Two hands. All right. Thank you very much. Starting with proponents. Good afternoon, and welcome.

MELANIE KIRK: Thank you. Good afternoon, Chairperson Bosn, members of the Judiciary Committee. My name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k. I'm the legal director at the Nebraska Coalition to End Sexual and Domestic Violence. The Nebraska Coalition is testifying in support of LB753 in support-- on behalf of the coalition and its network of programs across the state. Our network of programs collectively serve all 93 counties and are the primary service providers for domestic and sexual violence survivors. Since this bill has been introduced, I've had lots of people contacting me asking me to explain what the difference between a military protection order and civil protection order are, so I thought this might be a good idea to give you an overview. It's a good question. Both military and civilian protective orders are intended to increase the safety of victims by ordering the offending party to stop doing something, and that could vary about what it's ordered. The procedures for getting the two are quite different, though, and the duration and impact can also vary. A military protection order is issued by a commanding officer. The abuser does not have to be served with notice, does not have the right to a hearing, and does not have a right to testify. Military protection orders are indefinite and will be in place until the commanding terminates the order or issues a replacement order. And a military protection can be terminated if a service member is transferred to a new command because the military protection order is specific to the command that issued it. Now, a final-- a civil protection order may only be issued by a state court after notice and an opportunity to be heard at a hearing. This due process is why

civil protection orders are granted full faith and credit across state lines and, depending on the type of protection order issued, could trigger federal restrictions on the respondent's ability to own or possess firearms during the term of the protective-- protection order. Violations of civil protection orders may be enforced by law enforcement anywhere in the country because of the full faith and credit provision in the Violence Against Women Act. Military protection orders can't be enforced by civilian law enforcement. What law enforcement can do if they believe that there has been a violation of a military protection order is to report the violation to the commanding officer, and that procedure is what often happens, especially in communities around a military base. This would codify it in Nebraska, make it more consistent, and assist those who aren't always around a-- dealing with military protection orders. It is possible to have both a military protection order and a civilian protection order in place at the same time. For survivors of domestic violence, having both in place can hold their abuser-- abuser accountable both on base and off. This bill also makes a provision to allow a military protection order to be introduced as evidence at a civil protection order hearing as evidence of past conduct and to convey the need for the civil protection order. The changes in this bill would provide consistency statewide for survivors of domestic violence and would provide additional accountability to their abusers. We urge you to support this bill, and thank Senator Rountree for bringing it into session.

BOSN: Any questions for this testifier? Senator McKinney.

McKINNEY: Thank you. Thank you. I just got one question. How would law enforcement know of a military protect-- like, how's-- wha-- where's the notification?

MELANIE KIRK: So if they were called to an incident, the survivor might tell them that there's a military protection order in place.

McKINNEY: OK. So if there's no incident, they wouldn't know.

MELANIE KIRK: Well, there would need to be an incident for them to be alerted to it.

McKINNEY: OK. No, I'm just wond-- I gue-- I, I don't know. Maybe I'm a little confusing myself. I'm wondering if, like, the command officer issues the protection order, does the police have to be called or military poli-- I-- I'm just-- out of curiosity.

MELANIE KIRK: I actually don't know the answer to the question. I may not be the best person to answer it.

McKINNEY: Thank you.

BOSN: It appears there's someone behind you who may have the answer, so you might get a phone-a-friend here in a minute. Any other questions for this testifier? Seeing none. Thank you for being here. Next proponent. The phone-a-friend.

ROBERT FORD: Still have two lifelines left. Excellent.

BOSN: You do, yeah.

ROBERT FORD: Good after-- good afternoon, Chairperson Bosn, members of the Judiciary Committee. I am Robert Ford, R-o-b-e-r-t F-o-r-d. I am the State Military Affairs Liaison for the Nebraska Commission on Military and Veteran Affairs, and I'm here to offer testimony in support of LB753. As a retired Army colonel with 36 years of service, I was privileged to command a company and battalion at brigade levels. I am not here representing the Department of Defense but rather as a former commander who understands the challenge of deconflicting the authority granted military leaders under the Uniform Code of Military Justice and the civilian judiciary activities that occur outside the installation. First, as was mentioned, LB753 introduces to Nebraska a clear definition of military protective orders, ensuring that military administrative actions are recognized and better understood during civil legal proceedings. It explicitly permits the inclusion of military protective orders as admissible evidence within the Protective Orders Act to demonstrate past conduct and justify the need for protection from a civil court. Furthermore, it will improve communication and enforcement across jurisdictional lines when verifying whether an arrested service member has a military protective order registered. This was the question Senator McKinney asked. We register all military protective orders in the Federal National Crime Information Center. And this bill would, with probable cause, ensure that the military chain of command is notified if there is activity outside the installation. This ensures both military and civilian protection orders are effectively enforced both on and off base. The successful passage of LB753 is vital for protecting individuals from interpersonal violence and ensuring their well-being as well, as well as the readiness of the service. LB753 is a necessary legislative step forward, aligning Nebraska's legal framework with federal

requirements for military protective orders, enhancing enforcement capabilities, ensuring safety of military families as well the [INAUDIBLE] and discipline of our armed forces. I strongly urge the passage of LB753 to demonstrate our unwavering support for Nebraska's military community and their families. I thank you for your attention and consideration. Be happy to answer any questions.

BOSN: Thank you. Any questions for this testifier? Senator Hallstrom.

HALLSTROM: Can you just walk through the process of how these military protective orders are issued?

ROBERT FORD: Yes, sir. As was mentioned, the, the military commanders at all levels, company, battalion, brigade, have authority to give lawful orders to their, to their subordinates. So a-- there's typically two types of orders. There's a no-contact order where we might just say, do not contact-- we're not concerned about protection. Oftentimes used during an investigation or something to prevent witnesses from talking to the investigation, et cetera. Or the military protective order, and that-- we don't register the no-contact orders in the database, but the protective order is. There's a form. We always have our staff judge advocate with us as well as our senior enlisted typically. And there is not a requirement for initially a written counseling, but there's a form that eventually is filled out that is, that is filed. It is routinely-- no-contact orders are routinely used, and it is a-- it is a tool that is available. The limitation, sir, is there is no expectation that civilian law enforcement are going to enforce a military protective order. They, they are not expected to. There's a different level of, of requirement. So most of the protected individuals are encouraged to apply for both. That way, the military protective order is taking care of activities on the installation and UCMJ that comes with that should they violate it. And there is a civil protection order that is run through the normal pre-- process that can then apply and provide protection outside the installation. Where we run into the problem, sir, is if they-- and I will say Bellevue-- I think it was brought up-- like, Bellevue is used to dealing with this, but the farther you get away from the installation, the less likely they are to go check if a mili-- if an arrested service member is in the federal database as having a military protective order. Getting that information back prevents the, the military chain of command not knowing what may have happened or is happening outside the installation at their home of record.

HALLSTROM: So the commanding officer in every case is issuing the protective order. How does it get released?

ROBERT FORD: Same, that-- the military commander has the authority to release it. As was mentioned, there is no-- there is no end date. It, it can be as long as it needs to be. There is a requirement to regularly review it to ensure that it is still in place and can't-- and doesn't need to be modified or removed. It does end if the service member changes commands, but there is a requirement to notify the [INAUDIBLE] command that there was a military protection order in place. And if it is still necessary, the new command will also-- will, will just create the same protection, sir.

HALLSTROM: Thank you very much.

ROBERT FORD: Yes, sir.

BOSN: Any other questions for this testifier? Seeing none. Thank you very much for being here. Next proponent. Anyone else here in support? Anyone here in opposition? Anyone here in the neutral capacity? All right. Senator Rountree. We'll welcome you back up here.

ROUNTREE: All right. Thank you so much, Chair Bosn and to the members of our Judiciary Committee and to our testifier. I spent 30 years in our United States Air Force, and six of those years I served as a United States Air Force First Sergeant, the right arm of my commander. So I have processed and walked this process up and down in protecting our unit members, ensuring their readiness. So I think this is a good opportunity to ensure that we come-- we keep that readiness available as well as protecting our members when MPOs are put into place, so. I would ask that we advance our bill out of committee and get it to the floor for debate and then pass it this year. Thank you.

BOSN: Awesome. Any questions? Seeing none. Thank you for being here.

ROUNTREE: Thank you so much.

BOSN: Yeah. That will conclude our hearing on LB753. Next up, Senator Hallstrom and LB876. While we're getting started, can I see a show of hands how many individuals are here to testify in some capacity on this bill? Two, four. Got it. Thank you.

HALLSTROM: Madam Chair Bosn, members of the Judiciary Committee, my name is Bob Hallstrom, B-o-b H-a-l-l-s-t-r-o-m, representing Legislative District 1. I am here this afternoon to introduce LB876. LB876 establishes an immediate protective order that may be issued by a law enforcement officer to victims of domestic abuse and/or sexual abuse. The order would subsequently be forwarded to a judge to affirm, modify, or diff-- dissolve the order. The purpose of this act is to provide immediate, short-term protection for 72 hours to victims who face an imminent risk of harm. This short period allows any victims to seek a longer protection order while still under the protection of an immediate protective order. Victims of domestic and sexual abuse are often at the greatest risk immediately following an incident and prior to judicial intervention. By authorizing law enforcement officers to issue an immediate protective order, this legislation seeks to enhance victim safety, prevent further violence, and gives law enforcement officers an additional tool to protect victims. Domestic and sexual violence are pervasive public safety and public health issues. Research consistently shows that the period immediately after an abusive incident is very dangerous for victims. Delays in obtaining protective orders can expose victims to retaliation, coercion, or repeated abuse. Victims may face barriers to accessing co-- courts promptly, including fear, injury, transportation challenges, or lack of information. Despite these risks, mary-- many jurisdictions rely solely on court-issued protective orders, which may take hours or days to obtain. During this gap, victims remain vulnerable. LB876 balances the urgent need to protect victims with appropriate procedural safeguards, ensuring due process while prioritizing public safety and the prevention of future-- fur-- of further abuse. Victims of domestic and sexual abuse face a high risk of serious injury or death in the hours and days immediately following an incident. Current law requires victims to wait for judicial review before a protective order can be issued, leaving a dangerous gap in protection. In many cases, domestic or sexual abusers get released from custody with the condition to refrain from direct or indirect contact with the victim. However, there are problems with the current process. First, there's a gap in protection for the victims. Oftentimes while in jail, the abuser will make the first call to the victim. Second, in many cases, the victim does not know this is a condition of release for the abuser and that there is protection. LB876 provides clarity for law enforcement, the victim, and the abuser that there is immediate protection in place. LB876 authorizes trained law enforcement officers to issue immediate, short-term protective orders at the scene of the incident. Such

legislation enhances victim safety, prevents escalation of violence, and strengthens coordinated responses between law enforcement and the courts while maintaining due process safeguards. LB876 also provides a cleanup fix of the protection order statutory changes we made last year in LB80, which I introduced. Recent protection order hearings in Douglas County have given rise to the need for these revisions. With the changes suggested on page 8 of the bill, we make clear that if the respondent is present in court when the judge issues the final order, that satisfies the notice requirements and no further service is needed. This closes an unintended gap in the statute that we unwittingly created last session where the, quote, present in court, end quote, language only applies when the respondent was present for an ex parte hearing. Authorizing law enforcement officers to issue immediate protective orders fills a critical gap in victim protection. By providing swift, temporary relief during the most dangerous moments, this legislation strengthens public safety, supports survivors, and reinforces a coordinated justice response to domestic and sexual abuse. Advancing LB876 represents a proactive, evidence-informed step toward preventing further violence and saving lives. I'd be happy to address any questions and would encourage the committee to advance LB876 for further consideration.

BOSN: Thank you. I'll start with Senator McKinney.

McKINNEY: Thank you. And thank you, Senator Hallstrom. Two questions. The first, what if law enforcement does not file the protection order? Is there any risk of liability or anything?

HALLSTROM: I would probably let the witnesses after me talk to-- as to that issue. I, I don't imagine that that's going to be the case. When we, when we first talked about the legislation, Senator McKinney, I, I had suggested and recommended that we had to have the immediacy or the promptness of the judicial follow-up, so I'm not sure that we will have situations, at least under the statute, where there-- where that situation would arise where the protective order would not be filed promptly with the court in compliance with the requirements of the statute.

McKINNEY: OK-- no. I, I guess I mean-- let's say a situation happens, one party requests it and, for whatever reason, law enforcement doesn't file the immediate protection order and then--

HALLSTROM: Oh. They, they make a decision that-- based on the facts and circumstances.

McKINNEY: Yeah, and then down the line-- well, maybe not even down the line-- it doesn't get filed and then an-- a situation happens where the person who wanted it ends up harmed. Is there any risk?

HALLSTROM: Yeah, I might have to think about that more, but I'm not sure that I see any difference between the, the, the current situation anytime that law enforcement gets involved. If they take action or they don't take action, I would presume there's some element of risk that somebody would say you should have done something differently. You shouldn't have arrested me, you should have arrested me-- whatever the case might be.

McKINNEY: All right. Thank you.

HALLSTROM: Thank-- thank you.

McKINNEY: Yup.

BOSN: All right. Thank you very much.

HALLSTROM: Thank you.

BOSN: We'll have our first proponent. Good afternoon, and welcome.

MATT BARRALL: Good afternoon, Madam Chairwoman, Chairwoman, members of the committee. My name is Matt Barrall. I'm the vice president of the Nebraska Fraternal Order of Police. My name is spelled M-a-t-t B-a-r-r-a-l-l. I'm here to speak as a proponent for this bill, specifically because this is a bill that I have personally tried to bring to the Judiciary for the last three years. I am an active member of law enforcement. I have been an active member of law enforcement for 27 years now. I have investigated hundreds of cases of domestic violence and sexual assault. As Senator Hallstrom so eloquently spoke, the times immediately after an arrest are the most dangerous times for a victim-- actually, a survivor-- of domestic violence or sexual assault. I personally have arrested a suspect and been still writing my probable cause affidavit when I was notified that they were contacting my victim. I've also still been in the jail when a suspect was released and was notified that they had already returned back to the residence. And unfortunately, the system of a bond review as a no-contact clause just doesn't work. We need to shore this up. We need to be able to protect the victims. 38% of victims of domestic violence unfortunately are revictimized. If there is a subsequent second incident of domestic violence, that percentage jumps over 50%. What this does is this gives a survivor a tool to

protect themselves and law enforcement also a tool to protect them. I also believe I'm the only person in the room who has served for an agency in this state in which there was an emergency or immediate protective order. I was a law enforcement officer in California for ten years, and we had what they called an emergency protective order. This was an extremely good tool for law enforcement to protect victims. With that, I can take any questions, especially as Senator McKinney asked Senator Hallstrom what law enforcement would do.

BOSN: Why don't we start with that? If you want to just tell us sort of how it works in terms of if they don't issue one. And then we'll go to Senator Rountree if that's OK.

MATT BARRALL: The immediate protection order is based on probable cause. If we have probable cause to arrest someone for a crime of domestic violence or sexual assault, we have probable cause to issue that immediate protective order. I can only hope that every agency would implement a policy where that would go hand-in-hand. It would be, upon arrest of a specific crime, the officer shall also issue that protective order. So that's the, the best way in which I can say that that would be accomplished. And that's-- realistically, that's how it should be accomplished.

BOSN: Senator Rountree.

ROUNTREE: Thank you, Chair Bosn. And my question was going to be just share your experience in California. When you arrived at the scene, walk me through it. That's probably what you just did, but.

MATT BARRALL: Certainly.

ROUNTREE: Just want to hear your experience.

MATT BARRALL: When I was an officer in California, when we would respond to an incident of domestic violence or sexual assault, after interviewing the parties and obtaining the information, we would establish probable cause for an arrest. If there was probable cause for an arrest, we were dictated by state law to issue an emergency protective order for the survivor, meaning we would fill out-- it was a quadruplicate form. Everything that went down in there was a statement of probable cause that was specifically put on the form. Those forms would accompany that arrest, and they would all go over to jud-- the judicial portion of, of the area, and then it would be reviewed by a judge. So each-- just as a probable cause for a

warrantless arrest is reviewed by judge or an arrest affidavit for a felony is reviewed by a judge, so would immediate protective order be reviewed by a judge to ensure that there was due process.

ROUNTREE: Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. Cur-- curious question. I don't know if you answered this. So let's say you file the emergency protective order, then down the line they get charged with domestic assault. They-- the charges end up getting dismissed or dropped or something happens where the, the case doesn't continue or they're found not guilty. Does that immediate protection order still-- I don't know how to-- does it still follow them because of the, the other case got dropped or something?

MATT BARRALL: I believe I understand what you're saying. The immediate protective order that has been introduced by Senator Hallstrom is good for 72 hours. After that, it is dismissed. That allows the victim to go forward and get that immediate protective order. So if the arrest was found to be-- you know, if, if the affidavit for a warrantless arrest was denied and a judge said, no, there was not probable cause, since the immediate protection order would be going with that, I-- again, I, I can't speak for what a judge would do-- however, I, I can only assume that that would also no longer be valid. Or, at the end of the 72 hours, it would be removed.

McKINNEY: O-- so would it say dis-- you think it would say dismissed? Both would say dismissed?

MATT BARRALL: I, I would think so. Yes, sir.

McKINNEY: OK. Thank you.

BOSN: I just have a couple of clarification questions. So if I'm understanding you correctly, the way this operated in California-- was the protect-- emergency protective order in effect until the judge signed it or only if the judge signed it?

MATT BARRALL: No, it was immediate.

BOSN: OK. And so--

MATT BARRALL: It, it was, it was immediate. It was put into place right then. The suspect received a copy of that order. It was then still reviewed by a judge, you know, within 24 hours, just like this would be.

BOSN: So is it enforceable during that first 24 hours--

MATT BARRALL: Yes.

BOSN: --the same as it was the 24 hours after the judge reviewed it and signed it?

MATT BARRALL: Yes.

BOSN: OK. OK. That answers my question. Any other questions from the committee? Thank you for your service and thank you for being here.

MATT BARRALL: Thank you.

BOSN: Next proponent. Good afternoon, and welcome.

PATRICK DEMPSEY: Good afternoon. Afternoon, everybody. My name's Patrick Dempsey, P-a-t-r-i-c-k D-e-m-p-s-e-y. And I am here on behalf of the hardworking men and women of the Omaha Police Officer's Association. I'm here to testify as a proponent to LB876. And thank you to Senator Hallstrom for bringing meaningful legislation forward to help protect vulnerable individuals. Domestic violence calls are some of the most challenging situations law enforcement has to deal with and some of the most volatile and dangerous situations law enforcement can be placed in. In 2024, Omaha had three homicides directly, directly related to domestic partners of domestic violence. In 2025, that number grew by 100% and there were six. Unfortunately, we see this as an upward trend continuing across the state. In 2025, there were 12 DV-related murders with a total of 25 homicide or murder-suicide victims, some of those being children. Just speaking directly with my members in the domestic violence unit about this bill, they agreed that anything we can do to limit the ability of a suspect to contact a victim who comes forward about abuse or comes forward about a sexual assault is a step in the right direction. This gives the victim the ability to have a 72-hour period to either move forward with getting a protection order, gives them the ability to process what just happened, gives them the ability to potentially make a life-changing decision like moving, all while protected from being harassed by the suspect. On the other hand, when a suspect is booked into jail, I know through my own training experience that the

first phone call they make is to the victim to apologize. The second thing that comes out of their mouth is to go down-- or, ask their victim to go down and tell the police that they did not do it. Implementing a 72-hour protection order allows for the suspect to maybe take some time and realize the harm they have done, gives them a chance to calm down, and maybe we can see better outcomes. With that, I'm here in support of LB876. And I can take any questions.

BOSN: Any questions for this testifier? Senator McKinney.

McKINNEY: Thank you. Quick question. So if this was the past, when you took somebody to booking, who would notify the suspect that this immediate protection order's in place? Ju-- just kind of wondering just in case somebody, you know, gets booked and don't know that the, the order's in place.

PATRICK DEMPSEY: I think that would have to be part of, like, policy and procedures where you have to notify them, whether it's a form that you have to read them, whether you have to tell them, hey, this is in place for the next 72 hours. Cause like I had testified, that first call they always make from corrections is usually to that victim telling them not to prosecute for what just happened.

McKINNEY: All right. Thank you.

BOSN: All right. Thank you for being here.

PATRICK DEMPSEY: Thank you.

BOSN: Next proponent. Welcome back.

MELANIE KIRK: Thank you. Good afternoon, Chairperson Bosn, members of the Judiciary. Again, my name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k. I'm the legal director for the Nebraska Coalition to End Sexual and Domestic Violence, testifying on behalf of the coalition and the network programs of-- that serve all 93 counties across Nebraska. We are in support of LB876. There's a lot to digest in this bill, and Senator Hallstrom did not go halfway here. Like many across the state, Senator Hallstrom has be-- has seen the incredible harm that domestic violence can cause. In 2025, there were 30 domestic violence homicides in Nebraska. This bill provides a procedure by [INAUDIBLE] arresting officer can act to protect a victim when the officer believes that the restrained person poses a threat of harm against the victim or their family members. The emergency protective order is immediate and temporary. It would only remain in place for three

days. That gives survivors the time to request a civil protection order. It gives survivors time to meet with an advocate to develop a safety plan. It gives survivors time to get important documents, medications for themselves and their children, find a safe place to think about what comes next. Some breathing room. This is a new concept in Nebraska, but it's something that has existed in other states for a very long time. The state of Texas enacted a law that created magistrate's order of emergency protection all the way back in 1993. Other states have been doing this for decades, and Nebraska can as well. I want to say-- thank Senator Hallstrom for including a small cleanup provision from the Protection from Abuse Act. As you know, last year the Legislature passed a bill creating the Protection Orders Act. It moved all protection orders under one section, standardized the language to simplify the process. We've had overwhelmingly positive responses from advocates across the state who have shared they find the new forms more straightforward and simpler to understand for survivors. The Protection Orders Act also increased the possible length of protection orders up to two years. And we're hearing that judges are starting to grant two-year protection orders. All of those positives, but we have encountered a hiccup. The section of the act that outlines the further notice not required if a respondent is present at the hearing and a judge rules from the bench specifies in this language only if an ex parte order had been granted. We received word from Douglas County that the new language inadvertently singled out those orders if an ex parte was issued. So if there was not an ex parte order issued and there was a hearing and the judge entered an ex-- entered a final order, even if the sus-- respondent was there, because of the way that it was worded, they needed to be served before it would go into effect. And basically what we're trying to fix is if, if there's a, a hearing and the judge says from the bench, I'm entering a domestic violence protection order, these are the terms of the order, it should be clear that, regardless of whether or not an ex parte order had previously been entered, if a respondent is present when a judge rules that a final protection order is issued the respondent has notice of that protection order. The protection order goes into effect immediately, not after a process server can track the respondent down afterwards. Senator Hallstrom included this cleanup, and we're very grateful. And that section that I'm talking about is found on page 8, lines 18 to 24. We ask you to consider passing this bill along.

BOSN: Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

MELANIE KIRK: Thank you.

BOSN: Next proponent. Anyone else here to testify in support of LB876? Good afternoon.

AMANDA GERSHON: Good afternoon. I just say-- thank the senator for putting forward all the work on this bill. My name's Amanda Gershon, A-m-a-n-d-a G-e-r-s-h-o-n. I'm here because, for 20 years, I've helped DV victims quietly until Jamie Hagen passed away last year, in memory of a friend who didn't make it. This bill would have saved her. I've taken many, many abused people into my home. Sometimes they stay for a day or two, sometimes they stay a week. My last victim was with me a year and a half and is out on her own. And I'm so grateful. But those first 72 hours are awful. Whenever I find a victim who is not ready to leave, I don't let them be isolated. That's the game: isolate them. So my phone is full of pictures of abuse. And when it reaches the point where they finally leave or call the police or someone in the community calls the police, it's brutal. My victim had her teeth broken in front of her children. We needed protection in those first 72 hours, but luckily he had no idea who I was or where to find her because we spent a year and a half fighting for safety and protection, and I was only able to do this because I had roommates in my house to help me with this project. But this is essential. If a victim decides not to pursue after the 72 hours, then no harm, no foul. We just move on. But if they do have that moment of reflection, if they could connect with any of the advocates, the police, someone like me who will go to bat for them, maybe we can save more people. Last year was hard for me. I cried a lot. So I'm so glad we're doing this. I feel like I need to be in every meeting room today. But thank you for letting me testify. And if anyone has any questions.

BOSN: Let's see if there's any questions from the committee. Anyone have any questions for this testifier? Senator Storer.

STORER: Thank you, Chairman Bosn. I don't really have a question, just a thank-you to the work you do. It is very important. And I love how you went all out for purple, for domestic violence awareness.

AMANDA GERSHON: Yes. Very much so. Thank you. All right. OK.

BOSN: Thank you for being here.

AMANDA GERSHON: Wonderful afternoon, everyone.

BOSN: You as well. Thank you. Any other proponents? Anyone here to testify in support of LB876? Anyone here in opposition? Any opponents? Good afternoon, and welcome.

SPIKE EICKHOLT: Thank you, Chair Bosn, members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in opposition to LB876. I did visit with Senator Hallstrom and explained, at least generally, our opposition. We have a couple of points of opposition to this bill. First, the bill, in our opinion, is fundamentally flawed, and that is it allows a police officer, an arresting officer to perform a judicial function. I don't know what other states provide for, but I know in Nebraska only a judge can issue an order like this. An arresting officer is not a judge. An arresting officer is not a neutral magistrate. It's important to note that the argument for this is that this is an immediate, temporary, quick fix, but an officer believing they have probable cause is not the same thing as probable cause. Probable cause is determined by a judge. This order-- or, this bill would provide for an officer to issue an order-- a violation of which is a criminal penalty-- before a prosecutor has even looked at the case and decided whether there is even going to be a charge from the arrest. And more importantly, before a judge has even determined that there was probable cause to arrest and hold the person to begin with. That simply cannot be done. If you look on page 4 of the bill, the remedies, if you will, or what the protective order provides for is essentially the same as a regular civil protection order, and that would, in our opinion, show that this is something only a judge can do. I don't think it matters, respectfully, whether it is temporary in nature. That still does not cure the, the problem, the separation of powers problem. Officers don't issue their own search warrants. They don't issue their own arrest warrants. They simply can't issue a protective order like this. Another point that's, that's important is that an officer can, according to this bill, get a protective order whether the alleged victim wants one or not. Officers are not trained in the law. They're not attorneys. They can't represent other people in court. They can't file legal documents on behalf of other people. They can't. It's the unauthorized practice of law. It's different than a civilian getting their own protection order and representing themselves or getting assistance because they are the party. They are the petitioner. And in this case, it would provide that the arresting officer is. So there are other reasons we have concerns about it. Our concern [INAUDIBLE] I point out that for almost-- in almost all the

jurisdictions in the state-- certainly for a sexual assault, but for most domestic assaults-- if someone is arrested, they're going to be held in jail before they see a judge. They're not gonna be released immediately. And I understand that that would not necessarily prevent somebody from calling from the jail and reaching or trying to reach a victim, but that is already a crime. It's called witness tampering, and there's significant penalties for that. And this would just add to that level in such a way that is just fundamentally unfair. And I would answer any questions if anyone has any.

BOSN: Any questions for this testifier? Are you familiar with the reference to the California statute?

SPIKE EICKHOLT: I googled it really quickly, and it's not accurate. And, and it looked to me that the, the-- it's-- the materials I saw is that an, that an officer can request it, but it still needs to be approved by a judge before it has effect. Now, that's not an exhaustive research and I'm not saying that-- the officer said was wrong when he testified earlier, but my review of looking online is that a judge has to issue or at least approve that request from the officer.

BOSN: Before it would be enforceable is your position.

SPIKE EICKHOLT: And I think-- if I could just add one thing-- that matters. And we haven't talked about it-- and I'm not here for the gun people, nothing like that, but there is a U.S. Supreme Court case that talks about deprivation of Second Amendment rights. You have to have a hearing before a judge before that. And on page 4, Section 4 of the bill, this protective order allows-- or, prohibits somebody from possessing or purchasing a firearm. I don't know that you can do that absent a hearing before a judge.

BOSN: All right. Thank you. Any other questions? Seeing none. Thank you for being here. Next opponent. Good afternoon, and welcome.

TIM HRUZA: Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Tim Hruza, last name's spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in opposition to LB876. I do want to thank Senator Hallstrom at the outset for the conversations that we've had about our concerns. On behalf of the Bar Association, we review bills with an eye toward access to justice, fundamental fairness in the process, constitutionality, and that's the basis for my appearing here before

you in opposition to the bill. I think the conversations that we've had with respect to this deal with some of what Mr. Eickholt said but particularly focusing on the separation of powers concerns that have been raised as well as the due process concerns when you allow a-- an officer of the executive branch to issue what ultimately amounts to a judicial order depriving somebody potentially of their rights. All of that is to say too-- I, I, I think everything that Mr. Eickholt said is right there. All of the prohibitions in this are, to the extent that they are effective, are really potential deprivation of people's-- of certain individuals' rights without the potential for a judicial review. There is-- excuse me-- there is judicial review post-entry of the order, right? A judge can go in under this statute and could dismiss it or could issue something else at their request of it but doesn't allow for that sort of pre-due process standard before depriving a person of their rights. Let me-- it was also-- in some of the conversations I've had with advocates for the bill as well as Senator Hallstrom, it was pointed out to me prior to the hearing today that other states have similar things. Everything I have found does require a judge to order it. And I wrote down some of those states that I was looking at earlier this morning. California is one that-- my understanding is it requires a judge to issue that order. Basically-- you know, similar to, like, a request for a warrant. But an application is filed along with the arrest and the judge issues an order. Texas has a magistrate order. Virginia, Alaska, Arizona, Colorado are all states too where, as I understand it, a judge issues those orders. That's our ask. I've had that conversation with Senator Hallstrom. I expect to continue our conversation there, but that's the basis of the extent of our opposition, so. I'm happy to answer any questions you might have.

BOSN: I just want to clarify. In those states, is it the officer who's requesting it, though, or is it the victim?

TIM HRUZA: Yes, Chair. My understanding is that, in, in all those states, these emergency protective order structures do allow an officer-- I know Mr. Heickholt [SIC] addressed it before me-- but do allow an officer to make a request on behalf of the person, right, as part of the emergency protective structure. So the application may be prepared at the same time as the arrest, as the officer who testified earlier spoke to. It's then submitted, as I understand it, and reviewed quickly by a judge, right, that's on call-- just as you would with warrant or something in those situations-- to issue that temporary order with the potential then for an appearance before a judge or a hearing a-- at a, at a later date, which is similar to

what we do with a current protection order, right? You-- those are issued ex parte with a hearing that comes later. They're done on an affidavit of the victim, though, right, in a regular protection order. So it's not as quick of a process as probably this would be. But again, we believe that you'd need fundamental judicial review to ensure separation-- a-- adequate separation of powers in due process.

BOSN: So my question is, do those states require the victim's consent for the officer to apply for it?

TIM HRUZA: I don't know the answer to that question.

BOSN: Perfect. Thank you. Oh. Senator Holdcroft.

HOLDCROFT: Thank you, Chairwoman Bosn. Just for my own edification--

TIM HRUZA: Yes, sir.

HOLDCROFT: I'm not a lawyer. How long does it take to get a judge? You talked about a judge being on call. Is that for any-- whether it's a misdemeanor or a felony or, or-- I mean, how long does it take to get something out of a judge [INAUDIBLE]?

TIM HRUZA: I mean, in most instances, it, it-- I mean, it can take some time to get a hearing, sir. No question about that. And that's why-- you know, you've had me appear before you with respect to protection orders, generally, based on concerns about court time needed for that. In this instance, what I would tell you is the way I envision it is similar to how a police officer might request an-- the issuance of a warrant from a judge. Judges take those phone calls, those-- at two in the morning. There's an on-call judge that reviews those requests for a warrant, issues it, which then would allow a police officer to execute a search warrant or do something like that. I would imagine a process working similar to that. I, I think that's how it works in most of the states that have these situations.

HOLDCROFT: OK. So a phone call. He gets a phone call. What kind of information? I mean, does it have to be-- does he have to get a text that kind of lays it all out for him or does he go FaceTime or does he just listen on the phone and say, OK?

TIM HRUZA: I don't know for sure exactly how that process goes down. I, I think there's obviously electronic submissions. Those sorts of things happen nowadays. I've, I've never been a judge or a police officer, so I don't know that I know the process, but.

HOLDCROFT: OK.

TIM HRUZA: My apologies.

HOLDCROFT: Thank you.

BOSN: Any other questions? Seeing none. Thank you for being here.

TIM HRUZA: Thank you.

BOSN: Next opponent. Anyone else here in opposition? Good afternoon, and welcome back.

SCOTT THOMAS: Good afternoon, Chairwoman Bosn. I'm Scott Thomas from Village in Progress, S-c-o-t-t T-h-o-m-a-s. And obviously, we have the same concerns as the last two opponents about due process issues. And I just-- I didn't intend to fill out a form. I thought everything was nicely put on the record, but I just wanted to be able to support. This is the ACLU I remember from when I was in school, man, you know? Standing up to stuff like this, so. God bless everybody that's here today and all the work y'all doing and everybody that came to testify for or against any of these bills. Appreciate everybody's time. Any questions?

BOSN: Any questions for this testifier? Seeing none. Thank you for being here. Next opponent. Moving to neutral testifiers. Anyone here in the neutral capacity? All right. We will welcome Senator Hallstrom back up to close. While he's making his way up, I will note for the record that we had 10 proponent, 1 opponent, and 1 neutral testifier submit-- or, 1 neutral online comment submitted.

HALLSTROM: Thank you, Senator Bosn. I appreciate everyone that came in to testify. And I, and I do want to note for the record that both Mr. Eickholt and Mr. Hruza had contacted me before the hearing, so I was aware of their concerns and, and will take those into consideration. I think it's heartwarming, and hope it tugged at your heart, the testimony today about the immediacy with which action is required to make progress in this area. You hear about the increased homicides in Omaha, you hear about the tragedy in Seward, the issues that have happened and are happening on an ongoing and regular basis. We're not going to be perfect. We're not going to stop everything from happening, but being able to get in, in those early hours-- I talked to county attorneys-- or, cit-- city and county attorneys and it kind of opened my eyes to the fact-- I, I would usually think that, if I'm in jail, my first call is going to be to somebody to get

me out of there ASAP, and instead what happens routinely in these cases is the first call is to the victim to try and dissuade them from continuing to suggest that something bad happened to them and getting them to drop any charges that may flow from the activities. I will certainly look into some opportunities or options that-- if Mr. Eickholt, Mr. Hruza have some language to share with me to address their concerns, I will take a serious look at it. But I believe the most important thing of this whole process is to get relief to the victims and protection to those victims as quickly as possible, and that's what the bill is designed to do. With that, I'd be happy to address any questions.

BOSN: Any questions for Senator Hallstrom? Seeing none. That will conclude our hearing on LB876. Next up, we have LB818 with our own Senator Storer. While she's making her way up, I will note we had-- for LB818, we had 3 proponents, 1 opponent, and 1 neutral comment submitted online. Good afternoon, and welcome to your Judiciary Committee.

STORER: Good afternoon. It is-- feels like we never left, actually. I am very happy to be introducing LB818. I'm-- my name for the record, Tanya Storer, T-a-n-y-a S-t-o-r-e-r, and I represent Legislative District 43. Again, I'm here today to introduce LB818. This is legislation that responds to a reality that we can no longer ignore. Domestic violence in Nebraska is escalating in frequency, severity, lethal-- lethality, and our statutes have not kept pace with those realities. Over the past year, Nebraska has experienced one of its most troubling periods for domestic violence in recent memory with advocates, law enforcement, and prosecutors reporting increased calls, more repeat offenders, and more incidents involving strangulation, weapons, and serious bodily injury. At the same time, resources intended to support survivors remain uncertain and in some cases unavailable, placing even greater weight on the criminal justice system to intervene effectively when violence occurs. LB818 strengthens Nebraska's domestic violence and assault statutes by focusing on the most dangerous conduct and the highest risk offenders. This bill increases penalties for second- and first-degree domestic assault so that they are aligned with comparable straight assault offenses, recognizing that violence committed to an intimate relationshi-- in a-- in an intimate relationship carries unique risks of coercion, escalation, and repeat harm. It also modernizes our statutes to explicitly include reckless conduct that results in bodily injury or serious bodily injury involving dangerous-- involving a dangerous instrument, conduct that prosecutors and law

enforcement increasingly encounter but that our current law does not always address cleanly. Importantly, LB818 ensures accountability for repeat offenders by recognizing prior domestic assault and strangulation convictions from other states and from federal court. Domestic violence offenders are mobile. Survivors move, offenders move. Nebraska's sentencing framework should reflect the full history of an offender's violent conduct regardless of where that conduct occurred. This approach is not new to this committee. In 2021, Senator John Cavanaugh introduced LB315, a bill that similarly sought to strengthen penalties for serious and repeat domestic violence offenses and to address strangulation as the high-risk predictive crime that it is. Testimony at that time made clear that strangulation and repeat domestic assault are among the strongest indicators of future serious injury or homicide and that gaps in our statutes limit the ability of the courts to respond proportionately. LB818 builds on that work and reflects what we have learned since that time, that domestic violence cases involving recklessness, strangulation, and repeat conduct are not anomalies, They are patterns. This bill is about aligning our laws with the reali-- with that reality, improving consistency in charging and sentencing, and sending a clear message that repeated and escalating violence in the home or in intimate relationships will be met with serious consequences. What I, what I learned along the way as-- working on this bill and, and obviously initially what prompted me to introduce the bill was really quite shocking. And, you know, the, the summation of all that I've said is that, in Nebraska, you could walk out-- what-- be walking down the street and hit a stranger-- cause serious injury to a stranger with a baseball bat and be charged with a higher penalty than if you went home and hit your wife with a baseball bat causing the same serious bodily injury. It is-- quite frankly, I'm going to give the benefit of the doubt to our system that when our assault penalties were increased that we simply failed to recognize that we needed to bring along the domestic assault penalties along with them. So technically, you could consider this a cleanup bill. With that, I'm happy to answer any questions.

BOSN: Questions for Senator Storer? Seeing none. Thank you for being here. Can I see a show of hands how many individuals are here to testify? One, two, three, four. Perfect. Thank you. Oh.

STORER: I did forget, if I may, one more additional-- so I did pass out a white copy amendment, and that is handed to you today because we were working on this bill up until about 12:30 this afternoon. I didn't, I didn't get-- I-- I'd hoped to get that submitted before we

adjourned so it would be in the record and you would have a copy of that online, but we didn't quite make that in time. So I am offering this amendment. Happy to walk you through what those changes are to the original bill as presented, but just really addressing some concerns that, that some folks had. I think we-- everybody is comfortable with those relatively moderate changes. A couple of things we've included: tribal as well as state and federal court for other prior offenses. And, and just clarified the language that if you're using those out-of-state offenses that they are of similar nature to what the-- they would have been charged here in Nebraska. So if you have any questions on the amendment that is in front of you, I'm happy to, to try and answer that. There will be others coming behind me that can address those changes as well.

BOSN: Perfect. Am I correct that this was a consensus reached with one of the opponents on the online comments?

STORER: Yes, you are correct. And I-- you will note that you will not be-- I, I do not anticipate that you'll be hearing from that opponent in testimony today.

BOSN: This resolved their opposition?

STORER: Yes.

BOSN: And that being Mr. Eickholt?

STORER: Yes.

BOSN: Perfect. Thank you.

STORER: Thank you.

BOSN: All right. First proponent. Anyone here in support of LB818? Good afternoon, and welcome.

JENNIFER MECKNA: Good afternoon. Good afternoon, Chair Bosn and fellow Judiciary members. My name is Jennifer Meckna, J-e-n-n-i-f-e-r; last name, M-e-c-k-n-a. And I am here representing the Nebraska County Attorneys Association with respect to LB818. It's, it's my absolute pleasure to be here today, and I, I thank Senator Storer for introducing this, as it is something that I have come across in the last 27 years that I've been a prosecutor with the Douglas County Attorney's Office. I have a lot of things that I'd like to say in that regard, but, but before I do, I'd to share

something else with you. On my way down here from, from Omaha, I got a, a phone call from my mom telling me that my aunt had passed away. 85. And, you know, not only was she a-- like, a special woman to me, but she was an extra special woman because she was the first woman senator in the state of Oklahoma. And she served 16 years from 1980 to 1996. And so with that, I wanted to extend to you my overwhelming sense of appreciation and honor to be able to be a part of this process today. I learned a lot from her. I was able to gather a lot about the process. I was even able to a, a page in the Senate when I was younger. And she was probably the primary reason why I became an attorney. I've been practicing for about 30 years, and as I said before, I have spent the last 27 years with the Douglas County Attorney's Office. I am the current supervisor of the domestic violence unit, and I have held that capacity since 2011. I-- like I said before, I am also very appreciative to Senator Storer for introducing this, as this is something that was very important to me with-- in my capacity, and it has come up in so many different ways. As the supervisor of the domestic violence unit with Douglas County, I not only supervise four misdemeanor attorneys, but I also supervise other felony attorneys who are qualified to handle crimes of domestic violence. And that ha-- entails not only just the day-to-day charging, where we review cases that are presented to us for fresh arrests and for warrants, but it also involves involvement in the community with respect to our community response team, which is a team of agency members from law enforcement, county attorneys' office, probation, et cetera, to which we have to meet on a monthly basis pursuant to grant requirements, not only for VAWA but also ICJR. And in that capacity, we meet-- we address things within our community mainly to address any gaps within. As part of that community response team, we are now on our third community safety assessment, which is something that has-- takes about five years a piece to, to complete. The first--

BOSN: Ma'am, that-- that's your time. Let's see if there's any questions from the committee, OK? Any questions for this testifier? Senator Hallstrom.

HALLSTROM: Thank-- I, I just wanted to comment. Sorry for your loss. And I'm, I'm glad that we were able to provide a public forum for you to make a testimonial to your aunt.

JENNIFER MECKNA: Thank you so much.

BOSN: Any other questions for this testifier? Senator Holdcroft.

HOLDCROFT: Thank you, Chairwoman Bosn. So Senator Storer intimated that there is a different standard of punishment for just a straight assault versus a domestic. Can you summarize that to me? I mean, what is the typical difference between those [INAUDIBLE]?

JENNIFER MECKNA: Yes, thank you for asking that. So back in 2015, there was an amendment in the statute that changed things, and it mainly had to do with postrelease supervision. But at that time, it left a, a huge gap with respect to the number of-- or, the penalty for different assaults. So we have assault first degree, assault second degree, and assault third degree. Assault first degree is essentially in-- in-- intentionally inflicting serious bodily injury. Assault second degree is when you're using a weapon to do that. Assault third degree starts out as a misdemeanor and if you-- as you collect those over time, then they are enhanceable. Like she pointed out, the difference between non-DV-- as I call it-- and DV statute-- assault statute under 28-323, the assault penalties for any DV-- non-DV offense were significantly higher than any D-- DV-- did I say non-DV-- significantly higher for any non-DV assaults as opposed to the DV ones. So for example, like, assault first degree in a-- or actually, I'll use Senator Storer's example. Assault second degree if you're talking about the use of a weapon. In-- with the difference in penalties, the assault second degree for the use of a, a weapon, non-DV was a Class IIA felony that was punishable from 0 to 20 years, as opposed to a Class IIIA felony for a domestic assault crime, which is only 0 to 3. So the, the differences in the penalties have been astounding in the sense that when I go to charge something, I often have to drop the DV tag just so that I can have a higher penalty.

HOLDCROFT: Thank you.

BOSN: Senator Rountree.

ROUNTREE: Thank you so much, Chairman Bosn. And thank you for your testimony today. You were talking about the study. You're coming towards the end of it. It's a five-year study. And we're approaching the end of that and wanted to hear the results of that, but. Also as you're looking at the end results, how do we get back to prevention? How do you incorporate that and work from that side? You know, we don't want anybody to experience domestic violence and assault, but how do we focus on preventing that from happening?

JENNIFER MECKNA: That's part of what that community safety assessment does and that's also part of the duties and responsibilities of the

community response teams. So the community safety assessment has been broken into three parts. The first five years was one in which we looked from our survivors' standpoint. Their interaction with the first part of law enforcement, meaning 911, [INAUDIBLE] officers, all the way up until the point where it was transferred for investigation with any specialty victim crime units. The second five years then looked at the victim survivor interaction with a-- with the system when-- starting with investigation-- follow-up investigation with any specialized victim units as well as prosecution and probation. And then now we're on to encompassing all of that with protection orders. That whole-- the whole idea behind that was to identify all the gaps in the system so that we could do preventative measures within each one of the agencies. So at the very end of those, a report was generated with suggestions for each one of those agencies to, to make changes in order to do preventative work. And then also collectively as a community response team so that when we would meet on a monthly basis, what can we do ahead of time to try and prevent these things happening.

ROUNTREE: And did we get some good outcomes? Did we get, get some good input that we could put in place for those CRTs?

JENNIFER MECKNA: Yes, 100%. The-- all of the-- in our community, all the agencies were very open to the suggestions. And it was never a finger-pointing type of thing. It was a very collective system to come up with. And one example I'll give you is it-- throughout-- from the second community safety assessment that we did, that led our office to adopt the model Department of Justice policy and protocol with respect to the prosecution of domestic violence. We, we had a policy and protocol in place-- excuse me-- dating all the way before 2005. But based upon this, I think we're even the first county in the state of Nebraska to do that. And then-- through the pushing also with Emily-- I don't know if she's here-- the Crime Commission. So that was one of the things that, that came out of it. There's a-- there was a lot more of, but that's the one I'm most proud of.

ROUNTREE: OK. Thank you.

BOSN: So if I-- I'm-- I used to handle domestic assault cases for years, and there were times where I would not charge it as a domestic. I would just charge it as a first-degree assault because I knew those penalties were heightened and why add another layer of elements to prove for myself that they were in an intimate dating relationship. I would just charge the first-degree assault. And if I

needed to make a plea offer because I had witness cooperation issues, I would say, well, I'll let you plead. I'll offer, even though my first offer is always the complaint as filed. I'll make a second offer and let you plead to a domestic first degree.

JENNIFER MECKNA: Yes.

BOSN: As part of, you know, plea negotiations. This sort of removes that. I mean, I, I see your point, and I certainly am supportive. But do you see where I'm coming from, that you lose some of that negotiation of-- this is-- you can plead to the first-degree assault or I can try it as a first-degree assault because I-- there's nothing that precludes me from doing that as a prosecutor-- to saying, now I have an added element, but there's no, there's no negotiation benefit, if that makes sense, for a defense attorney to say, well, this is a benefit to my client if we agree to plead to the domestic.

JENNIFER MECKNA: Sure. I, I, I understand exactly what you're saying. And I-- that was part of the process that went into trying to figure out what-- how I'm going to start that process. But what, what was completely frustrating was the fact that-- the-- having that intimate partner relationship ironically had a lower penalty when it really should have a higher penalty due to the lethality of those situations, particularly if a person has a criminal history or a pattern of, of such behavior. So there-- there's a lot of nuances like you're talking about with respect to deciding what the starting point is and whatnot, but the, the fact that there was a lower starting point for intimate partners was astounding to me.

BOSN: And offensive probably to some of your victims.

JENNIFER MECKNA: Yes.

BOSN: Yeah. Any oth--

JENNIFER MECKNA: Particularly when you talk about strangulation, when that's-- you, you, you only come out of that two ways. You either don't, or if you do, you're, you're injured. And so it's the equivalent in my mind of attempted murder.

BOSN: Thank you. Any other questions for this testifier? Thank you for being here. And I'm sorry for your loss.

JENNIFER MECKNA: Thank you. Thank you very much for this opportunity.

BOSN: Next proponent. Welcome.

GEORGE WELCH: Thank you. Good morning, Chairperson Bosn and members of the Judiciary Committee. My name is George Welch, G-e-o-r-g-e. I'm an Assistant Attorney General with the Nebraska Attorney General's Office. I'm assigned to the Criminal Bureau and prosecute crimes of domestic violence, including murder, throughout the state of Nebraska. I am also a member of the Nebraska Domestic Abuse Death Review Team. I come here today on behalf of the Attorney General's Office in support of LB818. Crimes of domestic violence tear at the fabric of society. Not only do survivors often bear physical and emotional scars for a lifetime but reports provided from the CDC indicate children who are exposed to these acts between their parents or caregivers are more likely to perpetrate or experience similar assaults in their lifetime. In 2004, the Legislature enacted the domestic assault and strangulation statutes to address the unique threats these crimes pose on society. At the time, penalties for first offense domestic assault or equal with their counterparts in the assault statute. Throughout subsequent legislation, the penalties for assault initially increased while the penalties for domestic assault counterparts have not followed. This is true even though the domestic assault statutes require proof of an additional element that the assault was perpetrated by an intimate partner. LB818 increases the penalties for dom-- first offense domestic assault, assuring that our most violent abusers receive a mandatory minimum sentence that will ensure survivors the opportunity to remove themselves from the situation and access much needed resources. It also provides an enhanced penalty for repeat offenses of second- and third-degree domestic assault. In addition, LB818 allows the use of an out-of-state convictions to enhance penalties for enhancement purposes in domestic violence and stranguca-- strangulation cases. As our laws are currently constructed, only a previous conviction pursuant to Nebraska's domestic assault or strangling statutes can be used to enhance a new offense. This means that a previous conviction for a domestic violence crime committed in Council Bluffs cannot be used to enhance a current offense five miles away in Douglas County. But a previous convection from 450 miles away in Scotts Bluff can enhance the current Douglas County offense. The language for out-of-state enhancements is modeled after those found in the sexual assault of a child statutes but is also seen in varying forms elsewhere in Nebraska. LB818 allows for a previous conviction for a greater domestic assault offense such as first degree to enhance a lesser current third degree. By increasing penalties and allowing for

out-of-state convictions to be used to enhance a current offense, law enforcement, prosecutors, and the courts will be able to better hold offenders accountable for their actions and provide safety and security for those victims in our society most in need. We thank Senator Storer and her team for having the courage to bring this bill forward. Thank you for your time today. And I welcome any questions from the committee.

BOSN: Thank you. Senator Holdcroft.

HOLDCROFT: Thank you, Chairwoman Bosn. You mentioned that you were on AG's investigative something for--

GEORGE WELCH: Domestic Abuse Death Review Team.

HOLDCROFT: So we-- is that a-- that's a special thing we have in Nebraska, or is that common-- I mean, what kind of-- what other investigative teams do we have for those kinds of things?

GEORGE WELCH: I think that's a two-part question. I'll answer it in, in two parts. The, the Domestic Abuse Death Review Team was created approximately four years ago to review specific instances of domestic abuse deaths in Nebraska. So the-- there's a statutory provision found in Chapter 73, I-- 71, I believe. I'd have to look that up specifically. But it is a team of individuals from across the state with law enforcement, county attorneys, advocacy, service providers, medical and mental health professionals, and others who review domestic abuse deaths across the state. Regarding your second question, specific teams that we have, I would have to think for other similar teams-- there is the Maternal Death Review Team. There was a recently enacted Suicide Review Team. I don't know the exact-- how that's exactly defined, but, but they're named.

HOLDCROFT: So what-- why did we do this? Why did we bring these teams together? What is the-- what is your product that you produce that we need that do these investigations?

GEORGE WELCH: Well, you've heard some of the product throughout testimony today regarding the tracking of domestic abuse deaths that have [INAUDIBLE] across the state. We have a team coordinator who tracks and keeps stats for all the domestic abuse deaths that occur across the state. Tho-- and then we meet as a team on a twice-a-year basis to do in-depth review of specific domestic abuse deaths that have occ-- occurred throughout the state.

HOLDCROFT: OK. Thank you.

GEORGE WELCH: There is a report that is generated by the team that's available every August. There's been two reports produced so far.

HOLDCROFT: Thank you.

BOSN: All right. I believe that was legislation passed by our former committee member, Senator Brandt, in 2022 with the help of our missing vice chair, Senator DeBoer.

GEORGE WELCH: That sounds--

BOSN: So in her absence, I'll give them both a shout-out.

GEORGE WELCH: That sounds correct.

BOSN: But I think they call it the DADRT team. Is that right?

GEORGE WELCH: Yes. That's what we refer to it as, the Domestic Abuse Death Review Team.

BOSN: All right. Next proponent.

GEORGE WELCH: Thank you.

MELANIE KIRK: You guys tired of me yet?

BOSN: No. Never.

MELANIE KIRK: All right. Good afternoon, Chairperson Bosn, members of the Judiciary Committee. Again, my name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k. I'm the legal director for the Nebraska Coalition to End Sexual and Domestic Violence. And we're testifying in support of LB818 on behalf of the coalition and the network of domestic violence and sexual assault programs across the state. The 20 programs collectively serve all 93 counties. This bill adds a category of behavior that is often used by abusers as a loophole to avoid accountability. Recklessly, abusers use more than just their fists to intimidate and cause harm, harm to their victims. It is far too common for an abuser to inflict harm and sow fear by indirect means. It might mean throwing something through a window that a survivor is standing next to. It might mean shoving a pull-- full pot of soup off the kitchen table so that scalding liquid splashes all over her. And then if police get involved or a doctor is needed, the

abuser claims it was an accident to avoid accountability, no intent. Abuse inflicted through reckless action can be just as harmful as that-- done with intent. This bill also removes the provision "threatens an intimate partner with menacing manner," which more clearly aligns with the requirements for offenses that qualify for federal firearm prohibition. Now, this is the main part that I really hope that you will take away from this today. This bill rights a long-existing wrong in our statutes. Currently, the charge for third-degree assault and third-degree domestic assault are the same. However, for first-- first- and second-degree assault, the categorization for domestic assault is lower if there's not a prior conviction. That means that the consequences for assaulting a stranger are higher than for assaulting an intimate partner. Basically, the first one's a warning if it's your partner. Compound that with what we know about how infrequently survivors report an assault to police, how few of those cases ever see charges filed is even more appalling because it's rarely the first time. Usually it's the 5th or the 20th. And the message this sends to the public is one that we are continuing to fi-- to fight every single day to overcome. Domestic violence is not less serious than other forms of violence. Violence in the home is never acceptable. What happens behind closed doors is not outside the purview of the law. This narrative has to stop. I provided a chart for your reference, Senator Holdcroft. It answers your question from earlier regarding comparing the different consequences. So thank you for your attention in this matter. I hope that you'll vote this bill out of committee and fight to get it passed on the floor because survivors across the state are watching.

BOSN: Any questions for this testifier?

HOLDCROFT: Yes.

BOSN: Senator Holdcroft. Sorry. I didn't see--

HOLDCROFT: So as we heard from the chairwoman, is, is it up to the county prosecutor to decide whether this is a domestic assault or anonymous? I mean, what, what criteria do you use to deter-- to put the de-- the domestic tag on the offense?

MELANIE KIRK: It's a prosecutorial decision. And it-- in the statute, there is an additional piece that they have to prove under the definition of an intimate partner.

HOLDCROFT: OK. I'm interested in that, intimate partner. Is that a married couple or is it-- could be boyfriend, girlfriend, or a roommate? Or-- I mean, how's that-- how do you make that determination?

MELANIE KIRK: So there is a very specific group-- and I don't have the statute directly in front of me-- and I was never in-- a prosecutor-- I did private law-- but I will tell you that it's a, a specific category of individuals that have an ongoing relationship or a past relationship. So the-- they lived together. Have they had a relationship together? Do they share children together? Those are the different categories. And it's up to the prosecutors to decide what pieces they can prove and what their goal is when they're charging this. And, and like Senator Bosn said, sometimes it's part of a negotiation before they go into plea agreements and things like that. So it is complicated. But I think that the underlying issue that, that I hope that you listen to about this is this is sending a message that violence against a spouse is OK the first time, or violence against a girlfriend, violence against somebody that you know is less serious the first time, you get a second go before you're held accountable to the same standard. And that message is problematic.

HOLDCROFT: OK. Thank you.

BOSN: Any other questions? Thank you very much for being here.

MELANIE KIRK: Thank you.

BOSN: Next proponent. Anyone else here in support?

TOM VENZOR: Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference here in support of LB818. In Nebraska, the Catholic Church operates a shelter and a home for those fleeing domestic violence. In 2024, Catholic Charities of Omaha-- which, for the last 55 years has provided the only de-- dedicated domestic violence shelter in Douglas County-- provided nearly 5,000 nights of secure and confidential shelter for those facing domestic violence, sexual assault, and human trafficking. Since 2011, Catholic Social Services of Southern Nebraska has operated St. Gianna Women's Home, which provides year-long housing for those fleeing domestic violence, human trafficking, and abortion coercion. Since that time, CSS has assisted

200-- has assisted over 270 women. If you count children, that's nearly 700 people. In 2024, they provided nearly 20,000 nights of shelter. These shelters and homes not only provide a secure place to sleep, but both agencies provide holistic wraparound care which includes basic supplies, case management, access to food market services, child advocacy programming, mental health therapists, pastoral counseling, and safe community. The church's intimate experience with those facing domestic abuse is what drives our support for LB818. As the U.S. Bishops have stated, in response to much-- to so much crime and treatment of those touched by crime, this strong and growing movement has emerged that advocates on behalf of those crime victims and seeks to make the justice system more responsive to their concerns. We believe that these efforts deserve support. We encourage and stand with victims and those who assist them. A fundamental measure of the criminal justice system is how it responds to those harmed by crime. The U.S. Bishops have also stated that the human person is not only sacred but also social. How we organize our society in economics and politics and law and policy directly affects human dignity and the capacity of individuals to grow in community. Marriage and family are the central social institutions that must be supported and strengthened, not undermined. LB818 provides an important harmonization of criminal law to ensure that the crime of domestic assault is treated on equal footing with the regular-- with regular forms of assault. By making it harder to prove domestic assault and making the penalties less severe, our criminal law sends a message that victims and survivors of domestic abuse and violence are not as important or valued as victims of regular forms of assault. The rest of it is just basic information that you've already heard about in terms of the difference between the two, but know that we continue to stand ready to care for those who are in need of services and also to advocate on their behalf. So is there any questions? I'm happy to take those.

BOSN: Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

TOM VENZOR: Thank you very much.

BOSN: Yeah. Next proponent. Anyone else here to testify in support? Opposition. Anyone here to testify in opposition to LB818 or its amendment? Anyone in the neutral capacity? All right. Senator Storer. You want to come on back up?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee January 21, 2026
Rough Draft

STORER: Thank you again, Chairwoman Bosn. I can't say that quite as good as Senator Holdcroft.

BOSN: No one can.

STORER: I cannot express the gratitude enough for those that have helped get this bill to this point. Certainly I am not an attorney and I have relied heavily on those with that experience. The, the coalition, this-- again, when it came to my attention that our current laws had such disparity, I was very moved to do something about that. And, and so again, I appreciate the testimony today, appreciate the questions, and certainly hope to see us be able to move this out of committee in the name of protecting that vulnerable po-- population and recognizing that need. So again, thank you. Happy to answer any additional questions that you might have with the amendment, or. All right. Perfect.

BOSN: Any questions? Seeing none.

STORER: Thank you.

BOSN: Thank you very much. That leads us to last but not least, myself, LB789. And Senator Holdcroft has agreed to chair the committee in the absence of the vice chair.

HOLDCROFT: [INAUDIBLE] gavel?

BOSN: I do not have a gavel. But I will say that, before I get started, there were-- let's see-- 3 proponent, 0 opponent, and 0 neutral comments.

HOLDCROFT: Welcome.

BOSN: Thank you. Thank you, Vice-Vice Chair Holdcroft, and good afternoon to the members of the committee. For the record, my name is Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n, and I represent District 25, which consists of southeast Lincoln, Lancaster County, including Bennet. LB789 adopts Nebraska's version of the forfeiture by wrongdoing hearsay exception modeled on the federal rule. The principle behind this bill is simple and fair. A defendant should not benefit from silencing a witness. When a defendant intentionally causes or acquiesces in causing a witness to become unavailable in order to prevent testimony, the defendant forfeits the ability to block that witness' prior statements as hearsay. Members of the committee, the confrontation clause of the Sixth Amendment guarantees

criminal defendants the right to face their accusers in court, ensuring that they can challenge witness testimony. But no one should be permitted to take advantage of his or her own wrong. We guarantee the right to confront but not the right to obstruct. I can tell you from my professional experience, time and time again this doctrine is ex-- is especially important in domestic violence cases, where intimidation, manipulation, and coercion are often used to isolate victims and keep them from testifying. A victim may initially report abuse to law enforcement or seek medical help only to later re-- withdraw because of pressure. This pressure can come in the form of verbal threats, written threats, action, and inaction. Without this rule, defendants can exploit that silence to avoid accountability. Quotes I have heard from my own-- from victims in cases I have personally tried. If I don't drop this case, he's going to kick me out. If I don't change my story, he's going to kill my dog. He said he loves me and we can get married if this case weren't pending. If I continue with this case, it's going to put my children at risk when they're on court-ordered visitation with my ex. These are just a few of the examples. But this case is also not limited to domestic violence. It also arises in human trafficking cases where traffickers routinely threaten victims or their families to prevent cooperation with law enforcement. Victims may give statements early in an investigation and later disappear or refuse to testify for their own safety. LB789 allows courts to admit those prior statements when the defendant's own misconduct is the reason the witness is unavailable. LB789 does include important safeguards. The court must determine that the defendant intentionally caused or acquiesced in causing the witness's unavailability, and judges retain full discretion through an evidentiary hearing. This bill does not lower the burden of proof or bypass defendants' rights. It simply prevents misuse of those rights when the defendant's own actions undermine the justice process. I would also note that I have been approached by at least one of the opponents of this bill with some concerns, and I am open to working with them and others to try to address their concerns while still providing protections for victims and to the public in their pursuit of justice. LB789 aligns Nebraska's evidence law with the federal standard and provides courts with a clear, principled tool to address witness intimidation in serious cases. I respectfully ask for this committee's cooperation. And I'm happy to answer any of your questions.

HOLDCROFT: Thank you, Senator Bosn. Are there any questions? Yes, Senator McKinney.

McKINNEY: Thank you, Vice Chair-Chair Holdcroft.

HOLDCROFT: Vice-Vice Chair.

McKINNEY: Vice-Vice Chair. Thank you, Senator Bosn. Just kind of for my practical clarification, this is just saying that if a victim makes a statement then pulls it back or doesn't show up you still could use that statement in court?

BOSN: Only if the defendant is the per-- reason that they pulled back or refused to show up.

McKINNEY: OK.

BOSN: You'd have to show that it was the defendant who caused or acquiesced in causing their unavailability under the unavailability exception to the hearsay rule.

McKINNEY: OK. Thank you.

HOLDCROFT: Any other questions from the committee? Senator Hallstrom.

HALLSTROM: Is this kind of an evidentiary counterpart to the criminal offense of tampering with a witness?

BOSN: It is. They can be separate or the same. So, you know, there's different ways of doing things in terms of intimidation, and that's why I say action or inaction. But yes, they're-- it's along those lines.

HALLSTROM: Thank you.

HOLDCROFT: Any other questions? Will you be here for closing?

BOSN: I will.

HOLDCROFT: Then let's have the first proponent. Proponent.

GEORGE WELCH: Good afternoon, Senator Holdcroft and members of the Judiciary Committee. My name is George Welch, G-e-o-r-g-e W-e-l-c-h. I'm an Assistant Attorney General. I come here today on behalf of the Attorney General's Office in support of LB789. This bill codifies the forfeiture by wrongdoing hearsay exception into Nebraska statutes, which is the generally accepted idea that when a defendant intentionally prevents a witness from testifying in court that defendant has lost the right to cross-examine that witness. The

defendant forfeits the right to confrontation. Federal courts have established a three-part test for this exception: one, the defendant engaged or acquiesced in wrongdoing; two, that was intended to render the declarant unavailable as a witness; and three, that did in fact render the declarant unavailable as a witness. This may often occur when an, an investigator undercover-- uncovers that the defendant has committed some intentional act-- for example, a threat by way of jailhouse phone call or social media message-- that is intended to prevent the victim from testifying. If the prosecutor either has direct knowledge the victim is unavailable at trial-- for example, the witness cannot be located for subpoena-- or otherwise expects them to be unavailable, the prosecutor could present evidence at a pretrial hearing as to the intentional threat that resulted in the witness's unavailability. The court could then make a conditional ruling that if the victim is unavailable at trial, specific testimonial statements made by the victim are allowed at trial. The language of LB789 hearsay exception is identical to that of our federal counterpart. At the federal level, the burden of proving the defendant intentionally prevented a witness from testifying is analyzed under the preponderance of evidence standard. When a Nebraska evidence rule is substantially similar to a corresponding federal rule of evidence, Nebraska courts will look to a federal decision interpreting the corresponding federal rule for guidance in construing the Nebraska rule. Currently in Nebraska, we do not have a clearly defined forfeiture statute. And in situations where a defendant intentionally causes the unavailability of a witness at trial, a prosecutor is left attempting to offer the testimonial statements in through the residual hearsay exception or dismissing the case entirely. The former option leads to inconsistent prosecutions throughout the state and the latter rewards the wrongdoing for their further misconduct and, in many instances, allows abusers to go free. While the state may be able to bring tampering charges against the perpetrator, they would not be held accountabil-- accountable for the underlying criminal offense. This doctrine would further hold offenders accountable for their actions by ending can-- campaigns of intimidation and manipulation that results in acquittals or dismissed charges. We thank Senator Bosn and her team for having the courage to bring this bill forward. Thank you for your time today. And I welcome any questions from the committee.

HOLDCROFT: Thank you, Mr. Welch. Senator McKinney.

McKINNEY: Thank you, Senator Holdcroft. Thank you. Who would carry the burden here?

GEORGE WELCH: The state would carry the burden of proving by preponderance of the evidence that the defendant's intentional acts caused the-- the defendant's acts inte-- were intended to cause the victim or witness to not testify at trial.

McKINNEY: OK. Thank you.

HOLDCROFT: Other questions? Thank you, Mr. Welch.

GEORGE WELCH: Thank you.

HOLDCROFT: Next proponent. Welcome.

EMILY MEDCALF: Good afternoon. My name is Emily Medcalf, E-m-i-l-y M-e-d-c-a-l-f. I'm a deputy Douglas County attorney for Douglas County, and I'm here to testify in favor of LB789 on behalf of the Nebraska County Attorneys Association. Thank you to Senator, Senator Bosn for introducing this bill, which is a widely recognized exclusion to the hearsay rule based on wrongdoing of a defendant. I'm a domestic violence prosecutor, and, as a DV prosecutor, situations that fit within the forfeiture by wrongdoing world are some of the most frustrating and heartbreaking cases that, that we see come through. At its core, forfeiture by wrongdoing rests on a simple and wildly accepted principle. Nobody should been-- bi-- be permitted to benefit from their own misconduct. When a person intentionally engages in conduct to prevent a witness from testifying through threats, through intimidation, or coercion, that person forfeits their right to object to the use of that witness's prior statements if they don't show up at trial due to that misconduct. This doctrine is not a loophole, it's not a shortcut, and in-- most importantly, it's not new in the legal world. It's only apply-- it only applies when specific conditions are met. The witness must be unavailable and the wrongdoing must be proven. These are the safeguards that ensure the doctrine is being used narrowly and responsibly. A large majority-- a majority of jurisdictions have already enacted the forfeiture by wrongdoing doctrine as an exception to the hearsay rule. Forfeiture by wrongdoing matters because the witne-- because witness intimidation is real and it's happening in our co-- communities every day. Quite frequently in domestic violence cases is when it's happening. At its core, power and control are at the forefront of how a DV-- a domestic violence offender maintains control over their survivor. This bill gives us a starting point to start addressing that power and control and gives us a place to start from. This bill protects not only individual cases but protects

public confidence in the justice system. It reinforces the message that courts and the Legislature will not tolerate obstruction, it will not tolerate coercion, and it will not tolerate manipulation of the process. Thank you for your time and consideration. And I am happy to answer any questions.

HOLDCROFT: Thank you, Ms. Medcalf. Any questions from the committee? Yes, Senator Rountree.

ROUNTREE: Thank you, Senator Holdcroft. Thank you for the testimony. You are boots on the ground, so you got your hands all in it, so. As you-- as we're talking about this forfeiture by wrongdoing and so forth, how often do you see this occurring since you're, you're working these cases every day? How, how, how prevalent is it?

EMILY MEDCALF: That's a funny question that you asked. I just had a domestic violence trial yesterday. It was a bench trial that I had filed the pretrial motions to proceed under the forfeiture by wrongdoing doctrine. And I was granted permission from the judge under the residual hearsay, but it was a process. And so this would have given a much smoother process to be able to do that.

ROUNTREE: OK. Thank you.

HOLDCROFT: Any other questions? Thank you very much, Ms. Medcalf.

EMILY MEDCALF: Thank you.

HOLDCROFT: Next proponent. Welcome.

MELANIE KIRK: Hello. Thank you. Good afternoon, members of the Judiciary Committee. My name's Melanie Kirk. I'm legal director at the Nebraska Coalition to End Sexual and Domestic Violence. The coalition is supporting LB789 on behalf of the coalition itself and the network of sexual and domestic violence programs across the state, covering all 93 counties in Nebraska. This bill creates the state equivalent of a long-standing exception to the defendant's Sixth Amendment right to confront the witness against him. This rule exists already in federal courts under Section 804(b)(6). Multiple other states have implemented other reasonably similar versions of this rule. Simply put, this bill prevents a defendant from benefiting from his own wrongful actions to prevent a witness from testifying. Those wrongful acts might include crimes like threats or assault or intimidation, but they could also include inducements, promise to marry you if you drop these, declarations of love, expressions of

remorse, offers a financial benefit if the witness refuses to testify or simply doesn't show up. This type of behavior's often seen in domestic violence or sexual assault cases. It is part of the ongoing power and control that an abuser wields over his victim. Additionally, human traffickers utilize leverage or threats to the victim or the victim's family if they follow through with testimony. We appreciate Senator Bosn's introduction of this bill and her understanding of the complexities and-- of the dynamics of power and control in domestic violence and human trafficking. Passing this bill will enable prosecutors to hold abusers and traffickers accountable more easily for the harm perpetuated on survivors. Thank you. And I ask you to support this bill.

HOLDCROFT: Thank you, Ms. Kirk. Any questions from the committee? Seeing none. Thank you very much.

MELANIE KIRK: Thank you.

HOLDCROFT: Next proponent. Proponent. Any opponents?

SPIKE EICKHOLT: Good afternoon, Vice-Vice Chair Holdcroft and members of the committee.

HOLDCROFT: Welcome.

SPIKE EICKHOLT: My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in opposition to the bill. And, and I think Senator Bosn referenced that I did meet with her before to tell her what our concerns were. When Mr. Welch from the Attorney General's Office testified-- he may have referenced this-- and he said we don't have a clear forfeiture by wrongdoing statute. But if you look on page 2, lines 17 through 21, we do have sort of an exception or a provision in our hearsay rule that narrows the exception of unavailable witness that seemingly captures some of these situations. So the concern we have is that this bill proposes an entirely new subsection, and we are specifically concerned with the scope of the language because it includes allowing a witness, which would-- in this case would be a police officer, probably-- to testify for the declarant-- which is the alleged victim-- in a case without the declarant actually being there if the state could show that the defendant wrongfully caused or acquiesced in the failure of the victim appearing. I've done a lot of domestic cases-- defended a lot of domestic cases, I should say, and I can tell you when I worked in the public defender's office, this

was a common scenario. We-- our office would be appointed at the time the person would be charged, but many times after arrest, knowing that our office would be appointed, I would get three, four, five voicemails from the alleged victim. She would show up in my office. Even before I met my client, she would say, I'm not gonna come to court. I don't want him prosecuted. I've forgiven him. I rely on his income. This whole thing's blown out of proportion. I don't like the way they're charging the case. Whatever. I know that. My client knows that. That-- do I acquiesce in that, for I, for-- because I failed to convince her to go to court, because I failed to subpoena her? That was one of the concerns that we have. We have to keep in mind, even though this is driven to respond to the situation of domestic violence, people are still proven innocent. You're still entitled to a fair trial and you're still entitled to confront your witnesses. One other situation or accommodation the bill doesn't really speak to is that if there is a dispute as to whether the defendant wrongfully caused or acquiesced in it, that's going to have to be proven. That just can't be asserted by the prosecutor. Prosecutors can't be witnesses in the cases they're charging. They're going to have to show that somehow. The bill doesn't speak to how that's done. Maybe in the federal system it's done with a 404 type hearing and that sort of thing, but that's one thing that the bill doesn't really speak to, and I shared that with Senator Bosn. Senator Bosn asked me to suggest some language. And in the bottom part of the statement-- I don't know if you got my statement-- I do have proposed language, and that is on the part of the bill that I referenced, 27-804(1)(e), on page 2, instead to include unavailability to a party that, quote, that wrongfully caused by statements or acts, end quote, a declarant's unavailability. That way, you don't have the amorphous, he did something or didn't do something that wrongfully caused or acquiesced in it. You have an actual, specific thing that provides for when someone is not available. One thing I'd just ask the committee to consider: this is a rule of evidence. We've been talking about domestic cases, but this Chapter 27 rule--

HOLDCROFT: That's your time, Mr. Eickholt. Let's see if there are any questions from the committee. Yes, Senator Rountree.

ROUNTREE: Thank you, sir. Yes. You were talking about rule of evidence. Could you go on--

SPIKE EICKHOLT: I was just going to say to the committee-- and Senator Hallstrom and Senator Bosn will appreciate this as being lawyers-- rules of evidence apply in all types of cases, civil cases,

criminal cases, administrative appeals and that sort of thing. And I don't know if the bar's looked at this-- and I don't speak for them even though I'm a member. This could have other consequences in other types of case settings that, that go far beyond domestic violence that have really nothing to do with even criminal cases. I just wanted to flag that for consideration. And I'll answer any other questions if anyone has any.

HOLDCROFT: Any other questions? Senator Hallstrom.

HALLSTROM: So we've got a sort of a standard and that's OK? We shouldn't go with the federal standard?

SPIKE EICKHOLT: Well, I'm not familiar what the federal standard is. I didn't say that-- well, we do have a sort of standard now, and we have the sanction of witness tampering, as you pointed out, to sort of hold defendants accountable that impede a witness or prevent a witness or thwart a witness, and it's very broadly defined. Once an investigation is pending-- there doesn't even have to be a criminal charge pending if the defendant knows or believes a case is pending and you-- compel somebody not to cooperate, that's tampering with a witness.

HALLSTROM: And, and what specific problems have you encountered with the federal standard if that's in existence?

SPIKE EICKHOLT: I don't know. I don't do federal court, so I don't know.

HALLSTROM: Would it be reasonable to match federal standard?

SPIKE EICKHOLT: Oh, it might be.

HALLSTROM: And, and-- action or inaction.

SPIKE EICKHOLT: Right.

HALLSTROM: I'm not going to feed your children if you testify against me. Isn't that coercion? Isn't that witness tampering? And that's a criminal aspect. I, I understand they're too different separate. You can take one or the other or you can take both of them. But-- I mean, we're talking about domestic violence. We're talking about calls from the jailhouse that result in someone not taking action that they should if they're not being coerced in some form or fashion. So I-- I mean. Wouldn't you agree that that's the type of-- I'm gonna-- I'm

no-- I'm not forcing you to do anything, but I'm saying I-- I'm going to do something or not do something.

SPIKE EICKHOLT: Right. Well, I think that the example you gave of not feeding your children, that is not inaction. That is a verbal threat. So that is something more than just not doing anything.

HALLSTROM: Well, but it's threatening that I'm not going to do something that you would like me to do, to keep your children fed.

SPIKE EICKHOLT: Well, that might be, but it's still a threat. I think that makes the operative-- significance of that.

HALLSTROM: OK.

SPIKE EICKHOLT: I'm, I'm not-- well, I probably answered your question.

HOLDCROFT: Any other questions from the committee?

HALLSTROM: Probably answered my question. Thank you.

SPIKE EICKHOLT: Well, I, I-- to be honest, I, I got lost. You said a number of words and phrases after that, and I was trying to remember exactly what you said.

HALLSTROM: Thank you.

HOLDCROFT: Any other questions from the committee? Thank you, Mr. Eickholt. Next opponent. Welcome back.

SCOTT THOMAS: Good afternoon, Vice-Vice Chair and the Judiciary Committee. My name's Scott Thomas, S-c-o-t-t T-h-o-m-a-s, with Village in Progress. We have concerns about due process issues with this. Somebody said the Sixth Amendment, confronting your accusers. I think there's two issues here. I think the first one being the Douglas County Attorney's Office seems to recount the standards as unavailable and proven to ad-- admit the, the prior element into the case. But-- and I-- I'm not a lawyer. I didn't go to law school, so if I'm struggling a little bit, kind of bear with me real quick. Sorry about that. But there's, there's the Attorney General's Office that came in and testified that the standard would be preponderance of the evidence, which is a civil standard. So this introduces civil standards in criminal process, wherein everybody usually thinks of the standard when you go to court for a criminal trial is beyond a

reasonable doubt, innocent until proven guilty. That would subvert this. If you need kind of like a context, I'd say the OJ Simpson trial. Right? Innocent by criminal standards, guilty by civil standards. Donald Trump. I mean, we could keep going. And I think the second issue is that there's a prevailing assumption among everybody I've heard speak so far other than Mr. Eickholt's that-- everybody who doesn't show up to court is under duress? Is that true? Because people don't go to court and, and substantiate things that they've alleged to the police sometimes for a number of reasons. I'd say that sometimes they're under duress. I'd say sometimes they've changed their minds and sometimes they lie. And so if you force somebody's statement that they made to law enforcement onto the record-- I'm not sure if that's entrapment if you're saying that the government would bring the statement on the behalf of somebody who tried to recant it. It's just-- it just sounds messy to me. The whole thing sounds terrible, but. Open to take any questions if the senators have any.

HOLDCROFT: Thank you. Any questions from the committee? Thank you for testimony.

SCOTT THOMAS: Thank you.

HOLDCROFT: Opponents. Any additional opponents. Anyone wishing to testify in the neutral capacity? Neutral. Senator Bosn. You already read the comment-- number of comments, correct? Yes.

BOSN: Yes, sir.

HOLDCROFT: Welcome back.

BOSN: Thank you. And thank you, members of the committee. And thank you to those who came and testified. In, in conversation with Mr. Eickholt regarding his opposition-- and I'm-- like I said, I am still happy to try and work with him. I think if the committee looks at page 2 of the bill and you look at what makes a witness unavailable for purposes of a hearsay exception, what he's talking about is, on line 17, a declarant is not unavailable. So if you take out the double negative there, not "un," you're available as a witness. But if you're not available and not coming, I need another hearsay exception to get you in, and so that's where I think I disagree with Mr. Eickholt when he would like it to be read under that Section 1, which is Chapter 27-804(1), that it would read in, in lines 17 through 21, a declarant is not unavailable if the defendant procured their unavailability. But if you're not unavailable, you're

available, right? You're not unavailable. You're available. And if you're not there because of the defendant's action, my position is you're not available. You're not there. And so that's why it goes under subsection that is an exception to the hearsay rule in a new cha-- su-- subsection on page 3 if you look at lines 22 through 24. It is now an exception to the hearsay rule because, even though you are technically available to show up, you are not showing up because of the defendant's actions. So I will continue working with him on that. I had not seen his suggested-- because it was sitting up in my chair and, and I didn't see it over here. Perhaps we can work on the "by statements or actions" because I understand what his point is there with the wrongfully acquiesced. So I'm open to those and also any questions you may have.

McKINNEY: Any questions from the committee? Senator McKinney.

McKINNEY: Thank you, Senator Holdcroft. Thank you, Senator Bosn. Just one question. What if the victim is the one that initiates the conversation and the person who, who was-- would be the defendant in the situation says, I'm sorry, I'll be better next time. But the person who's the victim call-- you, you get, like--

BOSN: I do.

McKINNEY: Yeah.

BOSN: Senator McKinney, I will be the first to tell you, I have experienced exactly what Mr. Eickholt referenced in terms of victims showing up and wanting to recant and it doesn't require any action, inaction threats or otherwise from the defendant. That does still happen and I-- we have to dismiss those cases because I can't put someone on the stand and-- with-- have them lie under oath. But in cases where there is a clear-- I think that's, that's an issue then for the court, right? The court's going to have to weigh that by a preponderance of the evidence. I understand the concern, but I, I, I think where you have the jail call of the comments that are made or you have the mom picking the kids up and them saying that the, the dog is dead now, those are going to be able to be shown such that-- I, I, I don't know that there's going to become some rash of these situations being wrongfully used against defendants, mostly because, in cases where a victim truly doesn't want to show up or cooperate, they won't show up or cooperate and there's nothing you can do about it. And those are unfortunate circumstances, but they do exist. And so I agree with you, but I, I just think you're going to have-- for

every case where you have a victim who instigates the request to dismiss the charges absent any wrongdoing, there are just as many cases where the victim requests the case to be dismissed because of those fears.

McKINNEY: Thank you.

HOLDCROFT: Any other questions? Senator Hallstrom.

HALLSTROM: It doesn't appear to be addressed in the bill, but is not the standard or the burden of proof preponderance of the evidence?

BOSN: Yes, sir.

HALLSTROM: OK. And then-- just make this statement-- were you saying that it's not not available or not not unavailable?

BOSN: The language reads "not unavailable," which is not ideal.

HALLSTROM: OK. Thank you.

HOLDCROFT: Any other questions? Seeing none. Thank you very much, Senator Bosn. You're back in charge.

BOSN: We're done. That concludes our hearings.