

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1422

Introduced by Bruning, 3

Read first time January 20, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to protection orders; to amend section 42-924,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to violations and penalties; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-924, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-924. (1) Any victim of domestic abuse may file a
4 petition and affidavit for a protection order as provided in
5 subsection (2) of this section. Upon the filing of such a petition
6 and affidavit in support thereof, the judge or court may issue a
7 protection order without bond granting the following relief:

8 (a) Enjoining the respondent from imposing any restraint
9 upon the petitioner or upon the liberty of the petitioner;

10 (b) Enjoining the respondent from threatening,
11 assaulting, molesting, attacking, or otherwise disturbing the peace
12 of the petitioner;

13 (c) Enjoining the respondent from telephoning,
14 contacting, or otherwise communicating with the petitioner;

15 (d) Removing and excluding the respondent from the
16 residence of the petitioner, regardless of the ownership of the
17 residence;

18 (e) Ordering the respondent to stay away from any place
19 specified by the court;

20 (f) Awarding the petitioner temporary custody of any
21 minor children not to exceed ninety days; or

22 (g) Ordering such other relief deemed necessary to
23 provide for the safety and welfare of the petitioner and any
24 designated family or household member.

25 (2) Petitions for protection orders shall be filed with
26 the clerk of the district court, and the proceeding may be heard by
27 the county court or the district court as provided in section
28 25-2740.

1 (3) A petition filed pursuant to subsection (1) of this
2 section may not be withdrawn except upon order of the court. An
3 order issued pursuant to subsection (1) of this section shall
4 specify that it is effective for a period of one year and, if the
5 order grants temporary custody, the number of days of custody
6 granted to the petitioner unless otherwise modified by the court.
7 Any person who knowingly violates an order issued pursuant to
8 subsection (1) of this section or section 42-931 after service
9 shall be guilty of a Class II misdemeanor, except that (a) any
10 person convicted of violating such order who has a prior conviction
11 for violating a protection order shall be guilty of a Class I
12 misdemeanor and (b) any person convicted of violating such order
13 who has a prior conviction for violating the same protection order
14 or a protection order granted to the same petitioner shall be
15 guilty of a Class IV felony.

16 (4) If there is any conflict between sections 42-924 to
17 42-926 and any other provision of law, sections 42-924 to 42-926
18 shall govern.

19 Sec. 2. Original section 42-924, Reissue Revised
20 Statutes of Nebraska, is repealed.