

One Hundred Seventh Legislature - First Session - 2021

Introducer's Statement of Intent

LB48

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: January 29, 2021

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

LB48 makes three changes to Nebraska's marriage and annulment laws:

- 1) Strikes outdated language referring to "venereal diseases"
- 2) Allows actions for annulment to be filed in the county of residence for either party
- 3) Updates outdated language on persons seeking annulments who are incapacitated

LB48 strikes the language "No person who is afflicted with a venereal disease shall marry in this state." Case law from the Nebraska Supreme Court has determined that this phrase is not an outright prohibition on marriage for persons with a venereal disease, but allows for such a marriage to be voidable (Christensen v. Christensen, 144 Neb. 763, 14 N.W.2d 613 (1944)).

Currently, annulments can only be filed in the plaintiff's county of residence. LB48 allows annulments to be filed in the county of residence of either party, which is the standard in divorce cases.

Finally, LB48 updates language on those who are incapable of managing their own legal affairs by striking the term "under disability" and replacing it with the more accurate phrase "who are incapacitated."

Principal Introducer: _____

Senator Matt Hansen, M.