

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB103

Hearing Date: Wednesday March 12, 2025
Committee On: Judiciary
Introducer: DeBoer
One Liner: Change Nebraska Evidence Rules to prohibit questions relating to past sexual behavior or sexual assaults in pretrial proceedings

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Bosn, DeBoer, Hallstrom, Holdcroft, Storer, Storm
Nay: 2 Senators McKinney, Rountree
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Wendy DeBoer
Dara Delehant
Colleen Brazil

Elizabeth McQueen
Melanie Kirk

Opponents:

Sarah Newell

Jessica West

April O'Loughlin

Neutral:

* ADA Accommodation Written Testimony

Representing:

Opening Presenter
Nebraska County Attorneys Association
Project Harmony; Nebraska Alliance of Child Advocacy Centers
Lincoln Police Department Victim Assistance Unit
Nebraska Coalition to End Sexual & Domestic Violence

Representing:

Criminal Defense Attorneys Association; Lancaster County Public Defender's Office
Nebraska Criminal Defense Attorneys Association; Douglas County Public Defender's Office
Nebraska Criminal Defense Attorneys Association

Representing:

Summary of purpose and/or changes:

LB103 amends section 27-412 of the Nebraska evidence rules to provide that evidence offered to prove that any victim has been the victim of any other sexual assault is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subsections (2) and (3) of such section. The bill also provides that a victim shall not be questioned during any pre-trial hearing or proceeding, including a deposition, regarding any matter



that is inadmissible under section 27-412.

Explanation of amendments:

The Committee considered and adopted an amendment (AM 878) which strikes and replaces the original sections of LB 103. AM 878 amends section 27-412 to retain the change made by original section 1 of the bill regarding the inadmissibility of evidence offered to prove that any victim has been the victim of any sexual assault, but strikes new subsection (5) of such section added by the original bill, which provides that a victim shall not be questioned during any pretrial hearing or proceeding, including, but not limited to, a deposition, regarding any matter that is inadmissible under section 27-412.

AM 878 also amends section 29-1917 relating to criminal procedure to require a prosecuting attorney or defendant to file a motion requesting the court's permission before questioning a sexual assault victim at a deposition under section 29-1917 regarding evidence admissible under section 27-412(2) or regarding a prior alleged false allegation of sexual assault. The court must hold a hearing on the motion within seven days before any scheduled deposition, the hearing shall be conducted in camera, only the parties are permitted to be present, and the record of such hearing shall be sealed and preserved for any appeal. The court may allow the questioning if the court finds that such testimony could be relevant and admissible at trial.

Carolyn Bosn, Chairperson

