

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB80

Hearing Date: Thursday January 23, 2025
Committee On: Judiciary
Introducer: Hallstrom
One Liner: Adopt the Protection Orders Act

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

Vote Results:

Aye:	7	Senators Bosn, DeBoer, Hallstrom, Holdcroft, Rountree, Storer, Storm
Nay:	1	Senator McKinney
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Bob Hallstrom
Melanie Kirk

Christopher Johnson

Representing:

Opening Presenter
Nebraska Coalition to End Sexual & Domestic Violence
Nebraska County Attorneys Association

Opponents:

Spike Eickholt
Tim Hruza

Representing:

Nebraska Criminal Defense Attorneys Association
Nebraska State Bar Association

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 80 adopts the Protection Orders Act (Act). Current protection order laws are spread among different sections of statutes. This bill streamlines the laws governing domestic abuse, sexual assault, and harassment protection orders; places certain protection order sections under the Act; and harmonizes other sections of law relating to the adoption of the Act.

Section-by-Section Summary:

Section 1: A new section providing that sections 1 to 25 of the bill shall be known as the Protection Orders Act.

Section 2: A new section that defines terms for purposes of the Protection Orders Act.



Section 3: Amends section 42-924, regarding domestic abuse protection orders. This section details the requirements for filing a domestic abuse protection order petition, strikes redundant language from the Act, and makes harmonizing changes.

Section 4: A new section that provides for harassment protection orders, setting out the requirements for filing a petition and an affidavit for such an order, and the provisions of such an order. It also exempts conduct occurring during labor picketing.

Section 5: A new section that provides for sexual assault protection orders, setting out the requirements for filing a petition and an affidavit for such an order, and the provisions of such an order.

Section 6: A new section that requires protection order petitions to be filed with the district court clerk and that proceedings on such petitions may be heard in county or district court. This section also provides that protection order petitions may only be withdrawn upon a court order.

Section 7: A new section allowing a court to treat a domestic abuse, harassment, or sexual assault protection order petition interchangeably upon the petitioner's request or if it appears from the facts, and the court subsequently finds, that another type of protection order is more appropriate.

Section 8: A new section setting out the process when a court does not issue or renew a protection order. When a domestic abuse or sexual assault protection order is not issued or renewed ex parte under section 9 of this act, the court shall immediately schedule an evidentiary hearing to be held within 14 days after the petitioner filed the petition and give notice to the respondent, allowing the respondent to show cause why the order should not be entered. When a harassment protection order is not issued or renewed ex parte under section 9 of this act, the court may schedule an evidentiary hearing to be held within 14 days after the petitioner filed the petition and give notice to the respondent, allowing the respondent to show cause why the order should not be entered. This section also provides notification requirements.

Section 9: Amends section 42-925 setting out the conditions and process for issuing or renewing ex parte protection orders.

Section 10: A new section allowing a court to issue a protection order for an initial period of at least 1 year and not more than 2 years.

Section 11: A new section that sets out the process for a petitioner to file a petition and affidavit to renew a protection order.

Section 12: This is a new section providing that during a protection order hearing, the petition and affidavit are deemed to have been entered into evidence unless specifically excluded by the court.

Section 13: A new section providing that a court may refer domestic abuse protection order matters to a referee for findings and recommendations.

Section 14: Amends section 42-926, regarding the provision of copies of protection orders to petitioners and law enforcement, and also makes clean-up changes and clarifications and adds that any document under this section may be provided electronically.

Section 15: A new section that requires the court, upon issuing a domestic abuse protection order, to give notice to



the respondent that a domestic abuse protection order may restrict the respondent's gun rights under federal law.

Sections 16 and 17: Harmonizing changes to sections 42-924.01 and 42-924.03.

Section 18: A new section that sets out the penalties for knowingly violating a protection order. Violating a domestic abuse, sexual assault, valid foreign domestic abuse, or valid foreign sexual assault protection order is a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. Violating a harassment or valid foreign harassment protection order is a Class II misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense.

Sections 19 and 20: Harmonizing changes to sections 42-928 and 42-929.

Section 21: Amends section 42-924.02 to add that a protection order affidavit form must allow the petitioner to request that the petitioner's contact information remain confidential.

Section 22: A new section providing that if a petitioner provides confidential numeric victim identification information (e.g., date of birth or social security number), the court must make such information available to criminal justice agencies that enforce protection orders. The victim information would not be entered into state or federal databases.

Section 23: Harmonizing changes to section 42-931.

Section 24: Amends section 28-311.12 regarding valid foreign sexual assault protection orders to include valid foreign harassment protection orders.

Section 25: A new section providing that the Act governs in a conflict between the Act and any other provision of law.

Sections 26-43: Harmonizing changes to sections 25-2740, 28-311.02, 28-311.04, 28-311.05, 25-358.01, 28-1205, 28-1206, 29-404.02, 29-422, 29-2292, 42-901, 42-903, 42-905, 42-927, 43-2,107, 43-1609, 43-1611, 60-3209.

Section 44: Repealer.

Section 45: Outright repeals sections 28-311.09, 28-311.10, and 28-311.11 relating to certain protection orders covered under the Act.

Explanation of amendments:

The Committee considered and adopted an amendment (AM 801) which strikes and replaces the original sections and includes LB 80 as amended by AM 801, and incorporates both LB 141 and LB 267 as amended AM 801. LB 80 comprises sections 1 to 30, 34 to 46, and 52 of AM 801; LB 141 comprises sections 31 to 33 of AM 801; and LB 267 comprises sections 47 to 50 of AM 801. AM 801 strikes section 28-726 from LB 141.

LB 141 was introduced by Senator Rountree and amends the Child Protection and Family Safety Act to require the Department of Health and Human Services to notify the appropriate military installation upon receiving a report of child abuse or neglect involving a member of a military family.

LB 141 was amended into LB 80 on a 8-0 vote of the committee:

Aye – Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

LB 141 had a public hearing February 7, 2025, with the following testimony:



Proponents:

Senator Victor Rountree , Opening Presenter

Neutral:

Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers

LB 267 was introduced by Senator Rountree and amends the Nebraska Uniform Residential Landlord and Tenant Act to address situations involving domestic violence within rental agreements. It allows a tenant or household member who has experienced domestic violence to remove the perpetrator from the rental agreement and, if necessary, exclude them from the premises.

LB 267 was amended into LB 80 on a 8-0 vote of the committee:

Aye – Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

LB 267 had a public hearing February 20, 2025, with the following testimony:

Proponents:

Senator Victor Rountree , Opening Presenter

Zoe Miller, Nebraska Coalition to End Sexual & Domestic Violence

LeeAnn Miley-Schultz, Self

Scott Mertz, Legal Aid of Nebraska

Tara Holterhaus, Apartment Association of Nebraska; Nebraska Association of Commercial Property Owners;

Spencer Fane LLP

Opponents:

Pierce Carpenter, Statewide Property Owners Association

Neutral: None

Section-by-Section Summary

Section 1: A new section providing that sections 1 to 25 of the bill shall be known as the Protection Orders Act. (LB 80)

Section 2: A new section that defines terms for the Protection Orders Act. (LB 80)

Section 3: This section amends section 42-924, regarding domestic abuse protection orders. It sets out the requirements for filing a domestic abuse protection order petition, strikes redundant language from the Act, and makes harmonizing changes. (LB 80)

Section 4: This new section provides for harassment protection orders, setting out the requirements for petitions and the effects of an order. It also exempts conduct occurring during labor picketing. This section, as amended, also provides that the court may order such relief as the court deems necessary to provide for the safety and welfare of the petitioner. (LB 80 as amended by AM 801)

Section 5: This is a new section that provides for sexual assault protection orders, setting out the requirements for petitions and the effects of a harassment protection order. This section, as amended, also provides that the court may order such relief as the court deems necessary to provide for the safety and welfare of the petitioner. (LB 80 as amended by AM 801)



Section 6: A new section that requires protection order petitions to be filed with the district court clerk and that proceedings on such petitions may be heard in county or district court. This section also provides that protection order petitions may only be withdrawn upon a court order. (LB 80)

Section 7: A new section allowing a court to treat a domestic abuse, harassment, or sexual assault protection order petition interchangeably upon the petitioner's request or if it appears from the facts, and the court subsequently finds, that another type of protection order is more appropriate. (LB 80)

Section 8: A new section setting out the process when a court does not issue or renew a protection order. When a domestic abuse or sexual assault protection order is not issued or renewed ex parte under section 9 of this act, the court shall immediately schedule an evidentiary hearing to be held within 14 days after the petitioner filed the petition and give notice to the respondent, allowing the respondent to show cause why the order should not be entered. When a harassment protection order is not issued or renewed ex parte under section 9 of this act, the court may schedule an evidentiary hearing to be held within 14 days after the petitioner filed the petition and give notice to the respondent, allowing the respondent to show cause why the order should not be entered. This section also provides notification requirements. (LB 80)

Section 9: Amends section 42-925 setting out the conditions and process for issuing or renewing ex parte protection orders. (LB 80)

Section 10: A new section allowing a court to issue a protection order for an initial period of at least 1 year and not more than 2 years. (LB 80)

Section 11: A new section that sets out the process for a petitioner to file a petition and affidavit to renew a protection order. (LB 80)

Section 12: This is a new section providing that during a protection order hearing, the petition and affidavit are deemed to have been entered into evidence unless specifically excluded by the court. (LB 80)

Section 13: A new section providing that a court may refer domestic abuse protection order matters to a referee for findings and recommendations. (LB 80)

Section 14: Amends section 42-926, regarding the provision of copies of protection orders to petitioners and law enforcement, and also makes clean-up changes and clarifications and adds that any document under this section may be provided electronically. (LB 80)

Section 15: A new section that requires the court, upon issuing a domestic abuse protection order, to give notice to the respondent that a domestic abuse protection order may restrict the respondent's gun rights under federal law. (LB 80)

Sections 16 and 17: Harmonizing changes to sections 42-924.01 and 42-924.03. (LB 80)

Section 18: A new section that sets out the penalties for knowingly violating a protection order. Violating a domestic abuse, sexual assault, valid foreign domestic abuse, or valid foreign sexual assault protection order is a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. Violating a harassment or valid foreign harassment protection order is a Class II misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense. (LB 80)



Sections 19 and 20: Harmonizing changes to sections 42-928 and 42-929. (LB 80)

Section 21: Amends section 42-924.02 to add that a protection order affidavit form must allow the petitioner to request that the petitioner's contact information remain confidential. (LB 80)

Section 22: A new section providing that if a petitioner provides confidential numeric victim identification information (e.g., date of birth or social security number), the court must make such information available to criminal justice agencies that enforce protection orders. The victim information would not be entered into state or federal databases. (LB 80)

Section 23: Harmonizing changes to section 42-931. (LB 80)

Section 24: Amends section 28-311.12 regarding valid foreign sexual assault protection orders to include valid foreign harassment protection orders. (LB 80)

Section 25: A new section providing that the Act governs in a conflict between the Act and any other provision of law. (LB 80)

Sections 26 to 30: Harmonizing changes to sections 25-2740, 28-311.02, 28-311.04, 28-311.05, 25-358.01. (LB 80)

Section 31: Amends section 28-710 to add section 32 to the Child Protection and Family Safety Act. This section also defines the term "member of a military family." (LB 141)

Section 32: A new section that, as amended, defines "military family advocacy program" and "military installation" and requires that when the Department of Health and Human Services receives a report of child abuse or neglect and determines that one of the subjects of the report is a member of a military family, the department must notify the appropriate military installation. This section also directs the department to negotiate a memorandum of understanding with each military installation in Nebraska that has a military family advocacy program to establish procedures and protocols for reporting. (LB 141 as amended by AM 801)

Section 33: Amends section 28-713.01. Section 28-713.01(1)(b) requires notice to be given to the subject of a report of child abuse or neglect of the determination of the case and whether the subject will be entered into the central registry of child protection cases. This section, as amended, provides that if the subject of a report of child abuse or neglect is a member of a military family, the notice required under section 25-713.01(1)(b) must also be given to the appropriate military installation. (LB 141 as amended by AM 801)

Section 34 to 46: Harmonizing changes to sections 28-1205, 28-1206, 29-404.02, 29-422, 29-2292, 42-901, 42-903, 42-905, 42-927, 43-2,107, 43-1609, 43-1611, 60-3209. (LB 80)

Section 47: Amends section 76-1401 to add sections 48 to 50 of this act to the Uniform Residential Landlord and Tenant Act. (LB 267)

Section 48: A new section providing that, in the case of domestic violence against a tenant or household member by a cotenant or occupant of the same unit, the tenant may have the perpetrator removed from the rental agreement and excluded from the premises if the tenant has obtained a protective order, restraining order, or similar relief, or a certification confirming domestic violence under section 76-1431(5)(a)(iii). It also details the process for a landlord to file any action to remove the perpetrator if he or she does not vacate the premises, the process to change the locks on the premises, and the procedure by which to file suit for recovery of the premises if the perpetrator does not vacate. (LB 267, as amended by AM 801)



Section 49: A new section providing that, in the case of domestic violence against a tenant or household member by someone other than a cotenant or occupant of the same unit, the tenant may require the landlord to change the locks if the tenant has obtained a protective order, restraining order, or similar relief, or a certification confirming domestic violence under section 76-1431(5)(a)(iii). It would also entitle the tenant to have the landlord change the locks on the premises. (LB 267 as amended by AM 801)

Section 50: A new section that details the process to change locks for a landlord who is required to change locks under section 48 or 49 of this act, or by which a tenant may change locks if the landlord fails to do so. This section also provides that the landlord may require the tenant to pay for the actual and reasonable costs incurred by the landlord in changing the locks. (LB 267 as amended by AM 801)

Section 51: Repealer.

Section 52: Outright repeals sections 28-311.09, 28-311.10, and 28-311.11 relating to certain protection orders covered under the Protection Orders Act. (LB 80)

Carolyn Bosn, Chairperson

