

ENGROSSED LEGISLATIVE BILL 80

Introduced by Hallstrom, 1; Bosn, 25; DeKay, 40; Clements, 2; Ballard, 21.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.02, 28-311.05, 42-901, 42-905, 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and 60-3209, Reissue Revised Statutes of Nebraska, and sections 25-2740, 28-311.04, 28-311.12, 28-358.01, 28-710, 28-713.01, 28-1205, 28-1206, 29-404.02, 29-422, 29-2292, 42-903, 42-924, 42-924.02, 42-925, 42-926, 43-1609, 43-1611, and 76-1401, Revised Statutes Cumulative Supplement, 2024; to adopt the Protection Orders Act; to extend the initial period of protection orders; to define terms; to provide penalties; to provide powers and duties relating to such orders; to change a penalty for violating a harassment protection order; to provide for notification of reports of child abuse or neglect to a military installation as prescribed; to provide powers and duties to landlords relating to acts of domestic violence against tenants or household members; to transfer provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09 and 28-311.11, Revised Statutes Cumulative Supplement, 2024.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 25 of this act shall be known and may be cited as the Protection Orders Act.

Sec. 2. For purposes of the Protection Orders Act:

- (1) Abuse has the same meaning as in section 42-903;
- (2) Course of conduct has the same meaning as in section 28-311.02;
- (3) Family or household members has the same meaning as in section 42-903;
- (4) Harass has the same meaning as in section 28-311.02;

(5) Household pet means any animal maintained for companionship or pleasure but does not include any animal kept primarily for commercial purposes or for consumption or any livestock animal as defined in section 54-902;

(6) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(7) Sexual assault offense means:

(a) Conduct amounting to sexual assault under section 28-319 or 28-320, sexual abuse by a school employee under section 28-316.01, sexual assault of a child under section 28-319.01 or 28-320.01, a violation of section 28-311.08, or an attempt to commit any of such offenses; or

(b) Subjecting or attempting to subject another person to sexual contact or sexual penetration without such person's consent, as such terms are defined in section 28-318.

Sec. 3. Section 42-924, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) Any victim of domestic abuse may file a petition and affidavit for a domestic abuse protection order as provided in this section. The petition shall state the events and dates or approximate dates of acts constituting the alleged domestic abuse, including the most recent and most severe incident or incidents.

(2) Upon the filing of such a petition and affidavit in support thereof, the court may issue a domestic abuse protection order, without bond, granting the following relief:

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

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

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

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

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

(f) Awarding the petitioner temporary custody of any minor children for a period not to exceed ninety days. If the order grants such temporary custody, the order shall specify the number of days of custody granted unless otherwise modified by the court;

(g) Enjoining the respondent from possessing or purchasing a firearm as defined in section 28-1201;

(h) Directing that the petitioner have sole possession of any household pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or any family or household member residing in the household of the petitioner or respondent;

(i) Enjoining the respondent from coming into contact with, harming, or killing any household pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or any family or household member of the petitioner or respondent; or

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

(3) If sole possession of a household pet is ordered by a court pursuant to subdivision (2)(h) of this section, such possession shall be for the duration of the domestic abuse protection order or until further order of the court. The grant of sole possession of a household pet under such subdivision is not intended to permanently determine ownership of such household pet. The petitioner shall not permanently transfer, sell, or dispose of a household pet placed in the petitioner's possession without prior court approval, except that court approval shall not be required in cases where humane euthanasia of a seriously ill or injured household pet is recommended by a licensed veterinarian.

Sec. 4. (1) Any victim who has been harassed may file a petition and affidavit for a harassment protection order as provided in this section. The petition shall state the events and dates or approximate dates of acts constituting the alleged harassment, including the most recent and most severe incident or incidents.

(2) Upon the filing of such a petition and affidavit, the court may issue a harassment protection order, without bond, enjoining the respondent from:

- (a) Imposing any restraint upon the person or liberty of the petitioner;
- (b) Harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; or
- (c) Telephoning, contacting, or otherwise communicating with the petitioner.

(3) The court may order such other relief as the court deems necessary to provide for the safety and welfare of the petitioner.

(4) This section does not apply to conduct which occurs during labor picketing.

Sec. 5. (1) Any victim of a sexual assault offense may file a petition and affidavit for a sexual assault protection order as provided in this section. The petition shall state the events and dates or approximate dates of acts constituting the sexual assault offense, including the most recent and most severe incident or incidents.

(2) Upon the filing of such a petition and affidavit, the court may issue a sexual assault protection order, without bond, enjoining the respondent from:

- (a) Imposing any restraint upon the person or liberty of the petitioner;
- (b) Harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; or
- (c) Telephoning, contacting, or otherwise communicating with the petitioner.

(3) The court may order such other relief as the court deems necessary to provide for the safety and welfare of the petitioner.

Sec. 6. (1) A petition for a protection order shall be filed with the clerk of the district court, and the proceeding may be heard by the county court or the district court as provided in section 25-2740.

(2) A petition for a protection order may not be withdrawn except upon order of the court.

Sec. 7. A court may treat a petition for a domestic abuse, harassment, or

sexual assault protection order as a petition for another of such types of protection order if it appears from the facts in the petition, affidavit, and evidence presented that such other type of protection order is more appropriate and if:

(1) The court makes specific findings that such other order is more appropriate; or

(2) The petitioner has requested the court to so treat the petition.

Sec. 8. (1)(a) If a domestic abuse protection order 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 fourteen days after the filing of the petition, and the court shall cause notice of the application to be given to the respondent stating that the respondent may show cause why such order should not be entered.

(b) If 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 fourteen days after the filing of the petition, and in such case the court shall cause notice of the application to be given to the respondent stating that the respondent may show cause why such order should not be entered.

(2) Any notice provided to the respondent shall include notification that:

(a) A court may treat a petition for a domestic abuse, harassment, or sexual assault protection order as a petition for another of such types of order if it appears from the facts that such other protection order is more appropriate; and

(b) The respondent shall have an opportunity to show cause as to why such protection order should not be entered.

Sec. 9. Section 42-925, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) A protection order may be issued or renewed ex parte to the respondent if it reasonably appears from the specific facts included in the affidavit that:

(a) For a domestic abuse protection order, the petitioner will be in immediate danger of abuse before the matter can be heard on notice; or

(b) For a harassment protection order or a sexual assault protection order, irreparable harm, loss, or damage will result before the matter can be heard on notice.

(2) For a harassment protection order, the court may decline to issue or renew a protection order ex parte to the respondent if the specific facts included in the affidavit (a) do not show that the petitioner will suffer irreparable harm, loss, or damage or (b) show that, for any compelling reason, an ex parte order should not be issued or renewed. If the court declines to issue or renew an ex parte harassment protection order, the court may dismiss the petition without prejudice or schedule an evidentiary hearing as provided in section 8 of this act.

(3) If a protection order is issued or renewed ex parte, such order is a temporary order and the court shall forthwith cause notice of the petition and order to be given to the respondent. The court shall also cause a form to request a show-cause hearing to be served upon the respondent. If the respondent wishes to appear and show cause why the order should not remain in effect, he or she shall affix his or her current address, telephone number, and signature to the form and return it to the clerk of the district court within ten business days after service upon him or her.

(4) Upon receipt of a timely request for a show-cause hearing or upon the request of the petitioner, the court shall immediately schedule a show-cause hearing to be held within thirty days after receipt of such request and shall notify the petitioner and respondent of the hearing date. The court may also schedule such hearing on its own motion. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the temporary order.

(5) A temporary ex parte order shall be affirmed and deemed the final protection order and service of the temporary ex parte order shall be notice of the final protection order if the respondent has been properly served with the

temporary ex parte order and:

(a) The respondent fails to request a show cause hearing within ten business days after service upon him or her and no hearing was requested by the petitioner or upon the court's own motion;

(b) The respondent has been properly served with notice of any show cause hearing and fails to appear at such hearing; or

(c) The respondent has been properly served with notice of any show cause hearing and the protection order was not dismissed at the hearing.

Sec. 10. (1) A protection order may be issued for an initial period of at least one year and no more than two years, unless dismissed or modified by the court. The length of the initial period shall be set at the court's discretion based upon the evidence presented. When issued, the protection order shall specify its effective initial period.

(2) Any protection order shall specify who is protected by the order and who is subject to restrictions under the order.

Sec. 11. (1) A petitioner may file a petition and affidavit to renew a protection order. A petition for renewal may be filed ex parte as provided in section 9 of this act. Such petition and affidavit for renewal shall be filed any time within forty-five days before the expiration of the protection order, including the date the order expires.

(2) A protection order may be renewed on the basis of the petitioner's affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal if:

(a) The petitioner seeks no modification of the order; and

(b)(i) The respondent has been properly served with notice of the petition for renewal and notice of hearing and fails to appear at the hearing; or

(ii) The respondent indicates that he or she does not contest the renewal.

(3) A renewed protection order shall specify that it is effective for a period of one year to commence on the first calendar day following the expiration of the previous order or on the calendar day the court grants the

renewal if such day is subsequent to the first calendar day after expiration of the previous order.

(4) For a renewed domestic abuse protection order, if the court grants temporary custody of minor children, the renewed order shall specify the number of days of custody granted to the petitioner unless otherwise modified by the court.

Sec. 12. During any hearing on a protection order, the petition and affidavit shall be deemed to have been offered into evidence, and they shall be admitted into evidence unless specifically excluded by the court.

Sec. 13. The court may by rule or order refer or assign all matters regarding a domestic abuse protection order to a referee for findings and recommendations.

Sec. 14. Section 42-926, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1)(a) Upon the issuance of a temporary ex parte protection order or final protection order, the clerk of the court shall forthwith provide, free of charge:

(i) The petitioner with two certified copies of such order;

(ii) The local police department or local law enforcement agency and the local sheriff's office with one copy each of such order and one copy each of the sheriff's return thereon; and

(iii) A copy of the protection order to the sheriff's office in the county where the respondent may be personally served, together with instructions for service.

(b) Upon receipt of the order and instructions for service, the sheriff's office in the county where the respondent may be personally served shall forthwith serve the protection order upon the respondent and file its return thereon with the clerk of the court which issued the protection order within fourteen days of the issuance of the protection order.

(2) If any protection order is dismissed or modified by the court, the clerk of the court shall forthwith provide the local police department or local

law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification.

(3) Any document required to be provided under this section, including certified copies of protection orders, may be provided electronically.

(4) If the respondent was present at a hearing convened pursuant to section 9 of this act following issuance of an ex parte protection order and the protection order was not dismissed, the respondent shall be deemed to have notice by the court at such hearing that the protection order will be granted and remain in effect and further service of notice described in this section is not required for purposes of prosecution under section 18 of this act.

Sec. 15. Upon issuance of any domestic abuse protection order, the court shall cause the notice created under section 29-2291 to be served upon the respondent notifying the respondent that it may be unlawful under federal law for a person who is subject to a domestic abuse protection order to possess or receive any firearm or ammunition.

Sec. 16. Section 42-924.01, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Fees to cover costs associated with the filing of a petition for a protection order or the issuance or service of a protection order seeking only the relief provided by the Protection Orders Act shall not be charged, except that a court may assess such fees and costs if the court finds, by clear and convincing evidence, that the statements contained in the petition were false and that the protection order was sought in bad faith.

(2) At the final hearing, a court may assess costs associated with the filing of a petition for a protection order or the issuance or service of a protection order seeking only the relief provided by the Protection Orders Act against the respondent.

Sec. 17. Section 42-924.03, Reissue Revised Statutes of Nebraska, is amended to read:

When ruling on a petition for a domestic abuse protection order, a court shall only grant a respondent a domestic abuse protection order if (1) the

respondent files a cross or counter petition seeking a protection order and (2) the issuing court makes specific findings of domestic or family abuse against the respondent and determines that the respondent is entitled to a protection order.

Sec. 18. (1) Any person, except the petitioner, who knowingly violates a protection order issued pursuant to the Protection Orders Act, after service or notice as described in subsection (4) of section 14 of this act, or a valid foreign protection order recognized pursuant to section 23 or 24 of this act, shall be guilty of an offense and punished as provided in this section.

(2) For a violation involving a domestic abuse protection order, a sexual assault protection order, a valid foreign domestic abuse protection order recognized pursuant to section 23 of this act, or a valid foreign sexual assault protection order recognized pursuant to section 24 of this act a violation of this section is a Class I misdemeanor for a first offense and a Class IV felony for any second or subsequent offense.

(3) For a violation of a harassment protection order or a valid foreign harassment protection order recognized pursuant to section 24 of this act, a violation of this section is a Class II misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

Sec. 19. Section 42-928, Reissue Revised Statutes of Nebraska, is amended to read:

A peace officer shall with or without a warrant arrest a person if:

(1) The officer has probable cause to believe that the person has committed a violation of a protection order described in section 18 of this act or a violation of an order excluding a person from certain premises issued pursuant to section 42-357; and

(2) A petitioner or person protected by a protection order or an applicant for an order excluding a person from certain premises issued pursuant to section 42-357 provides the peace officer with a copy of such order or the peace officer determines that such an order exists after communicating with the local law enforcement agency.

Sec. 20. Section 42-929, Reissue Revised Statutes of Nebraska, is amended to read:

A peace officer making an arrest pursuant to section 19 of this act shall take such person into custody and take such person before a judge of the county court or the court which issued the protection order or other order. At such time the court shall establish the conditions of such person's release from custody, including the determination of bond or recognizance, as the case may be. The court shall issue an order directing that such person shall have no contact with any person protected by such order.

Sec. 21. Section 42-924.02, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) The clerk of the district court shall make available standard petition and affidavit forms for all types of protection orders provided by law with instructions for completion to be used by a petitioner.

(2) Affidavit forms shall request all relevant information, including, but not limited to: A description of the most recent incident that was the basis for the application for a protection order and the date or approximate date of the incident and, if there was more than one incident, the most severe incident and the date or approximate date of such incident. The affidavit form shall permit the petitioner to request that any contact information of the petitioner be kept confidential. If the petitioner makes such request, such information shall not be released and shall only be available for the court's use.

(3) The State Court Administrator shall adopt and promulgate the standard petition and affidavit forms provided for in this section as well as the standard temporary ex parte and final protection order forms and provide a copy of such forms to all clerks of the district courts in this state. These standard forms shall be the only such forms used in this state.

Sec. 22. When provided by the petitioner, the court shall make confidential numeric victim identification information, including social security numbers and dates of birth, available to appropriate criminal justice agencies engaged in protection order enforcement efforts. Such agencies shall

maintain the confidentiality of this information, except for entry into state and federal databases for protection order enforcement.

Sec. 23. Section 42-931, Reissue Revised Statutes of Nebraska, is amended to read:

A valid foreign protection order related to domestic or family abuse issued by a tribunal of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Sec. 24. Section 28-311.12, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) A valid foreign harassment or sexual assault protection order or an order similar to a harassment or sexual assault protection order issued by a court of another state, territory, possession, or tribe shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state.

(2) A foreign harassment or sexual assault protection order issued by a court of another state, territory, possession, or tribe shall be valid if:

(a) The issuing court had jurisdiction over the parties and matter under the law of such state, territory, possession, or tribe;

(b) The respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process before the order was issued; and

(c) The harassment or sexual assault protection order from another jurisdiction has not been rendered against both the petitioner and the respondent, unless: (i) The respondent filed a cross or counter petition, complaint, or other written pleading seeking such an order; and (ii) the issuing court made specific findings of harassment or sexual assault offenses against both the petitioner and respondent and determined that each party was entitled to such an order.

(3) There is a presumption of the validity of the foreign protection order when the order appears authentic on its face.

(4) A peace officer may rely upon a copy of any putative valid foreign harassment or sexual assault protection order which has been provided to the peace officer by any source.

Sec. 25. If there is any conflict between the Protection Orders Act and any other provision of law, the Protection Orders Act shall govern.

Sec. 26. Section 25-2740, Revised Statutes Cumulative Supplement, 2024, is amended to read:

25-2740 (1) For purposes of this section:

(a) Domestic relations matters means proceedings under the Protection Orders Act, the Conciliation Court Law and sections 42-347 to 42-381 (including dissolution, separation, annulment, custody, and support), section 43-512.04 (including child support or medical support), sections 43-1401 to 43-1418 (including paternity determinations and parental support), and sections 43-1801 to 43-1803 (including grandparent visitation); and

(b) Paternity or custody determinations means proceedings to establish the paternity of a child under sections 43-1411 to 43-1418 or proceedings to determine custody of a child under section 42-364.

(2) Except as provided in subsection (3) of this section, in domestic relations matters, a party shall file his or her petition or complaint and all other court filings with the clerk of the district court. The party shall state in the petition or complaint whether such party requests that the proceeding be heard by a county court judge or by a district court judge. If the party requests the case be heard by a county court judge, the county court judge assigned to hear cases in the county in which the matter is filed at the time of the hearing is deemed appointed by the district court and the consent of the county court judge is not required. Such proceeding is considered a district court proceeding, even if heard by a county court judge, and an order or judgment of the county court in a domestic relations matter has the force and effect of a district court judgment. The testimony in a domestic relations matter heard before a county court judge shall be preserved as provided in section 25-2732.

(3) In addition to the jurisdiction provided for paternity or custody determinations under subsection (2) of this section, a county court or separate juvenile court which already has jurisdiction over the child whose paternity or custody is to be determined has jurisdiction over such paternity or custody determination.

Sec. 27. Section 28-311.02, Reissue Revised Statutes of Nebraska, is amended to read:

28-311.02 (1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections 28-311.02 to 28-311.05:

(a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;

(b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

(c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary

association between persons in a business or social context; and

(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section 28-311.03. Substantially conforming is a question of law to be determined by the court.

Sec. 28. Section 28-311.04, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-311.04 (1) Except as provided in subsection (2) of this section, any person convicted of violating section 28-311.03 is guilty of a Class I misdemeanor.

(2) Any person convicted of violating section 28-311.03 is guilty of a Class IIIA felony if:

(a) The person has a prior conviction under such section or a substantially conforming criminal violation within the last seven years;

(b) The victim is under sixteen years of age;

(c) The person possessed a deadly weapon at any time during the violation;

(d) The person was also in violation of any protection order issued under the Protection Orders Act or any valid foreign protection order recognized pursuant to section 23 or 24 of this act at any time during the violation; or

(e) The person has been convicted of any felony in this state or has been convicted of a crime in another jurisdiction which, if committed in this state, would constitute a felony and the victim or a family or household member of the victim was also the victim of such previous felony.

Sec. 29. Section 28-311.05, Reissue Revised Statutes of Nebraska, is amended to read:

28-311.05 Sections 28-311.02 to 28-311.04 shall not apply to conduct which occurs during labor picketing.

Sec. 30. Section 28-358.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-358.01 (1) Isolation means intentional acts (a) committed for the

purpose of preventing, and which do prevent, a vulnerable adult or senior adult from having contact with family, friends, or concerned persons; (b) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls; (c) of physical or chemical restraint of a vulnerable adult or senior adult committed for purposes of preventing contact with visitors, family, friends, or other concerned persons; or (d) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons.

(2) Isolation does not include (a) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult; (b) action taken in compliance with a protection order issued under the Protection Orders Act, a valid foreign protection order recognized pursuant to section 23 or 24 of this act, or an order excluding a person from certain premises issued pursuant to section 42-357; or (c) action authorized by an administrator of a nursing home pursuant to section 71-6021.

Sec. 31. Section 28-710, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-710 (1) Sections 28-710 to 28-727 and section 32 of this act shall be known and may be cited as the Child Protection and Family Safety Act.

(2) For purposes of the Child Protection and Family Safety Act:

(a) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support. Alternative response is an alternative to traditional response and does not include an investigation or a formal determination as to whether child abuse or neglect has occurred, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718;

(b) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

(i) Placed in a situation that endangers his or her life or physical or mental health;

(ii) Cruelly confined or cruelly punished;

(iii) Deprived of necessary food, clothing, shelter, or care;

(iv) Left unattended in a motor vehicle if such minor child is six years of age or younger;

(v) Placed in a situation to be sexually abused;

(vi) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 or by allowing, encouraging, or forcing such person to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or

(vii) Placed in a situation to be a trafficking victim as defined in section 28-830;

(c) Child advocacy center means a community-based organization that (i) provides an appropriate site for conducting forensic interviews as defined in section 28-728 and referring victims of child abuse or neglect and appropriate caregivers for such victims to needed evaluation, services, and supports, (ii) assists county attorneys in facilitating case reviews, developing and updating protocols, and arranging training opportunities for the teams established pursuant to sections 28-728 and 28-729, and (iii) is a member, in good standing, of a state chapter as defined in 34 U.S.C. 20302;

(d) Comprehensive assessment means an analysis of child safety, risk of future child abuse or neglect, and family strengths and needs on a report of child abuse or neglect using an evidence-informed and validated tool. Comprehensive assessment does not include a finding as to whether the child abuse or neglect occurred but does determine the need for services and support, if any, to address the safety of children and the risk of future abuse or neglect;

(e) Department means the Department of Health and Human Services;

(f) Investigation means fact gathering by the department, using an evidence-informed and validated tool, or by law enforcement related to the

current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed;

(g) Kin caregiver means a person with whom a child in foster care has been placed or with whom a child is residing pursuant to a temporary living arrangement in a non-court-involved case, who has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child or with a sibling of such child placed pursuant to section 43-1311.02;

(h) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol;

(i) Member of a military family means an individual who is:

(i) Serving active duty service in the armed forces of the United States, including any reserve component or the National Guard; or

(ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person described in subdivision (2)(i)(i) of this section;

(j) Non-court-involved case means an ongoing case opened by the department following a report of child abuse or neglect in which the department has determined that ongoing services are required to maintain the safety of a child or alleviate the risk of future abuse or neglect and in which the family voluntarily engages in child protective services without a filing in a juvenile court;

(k) Out-of-home child abuse or neglect means child abuse or neglect occurring outside of a child's family home, including in day care homes, foster homes, day care centers, residential child-caring agencies as defined in section 71-1926, other child care facilities or institutions, and the community. Out-of-home child abuse or neglect also includes cases in which the subject of the report of child abuse or neglect is not a member of the child's household, no longer has access to the child, is unknown, or cannot be identified;

(l) Relative caregiver means a person with whom a child is placed by the

department and who is related to the child, or to a sibling of such child pursuant to section 43-1311.02, by blood, marriage, or adoption or, in the case of an Indian child, is an extended family member as defined in section 43-1503;

(m) Report means any communication received by the department or a law enforcement agency pursuant to the Child Protection and Family Safety Act that describes child abuse or neglect and contains sufficient content to identify the child who is the alleged victim of child abuse or neglect;

(n) Review, Evaluate, and Decide Team means an internal team of staff within the department and shall include no fewer than two supervisors or administrators and two staff members knowledgeable on the policies and practices of the department, including, but not limited to, the structured review process. County attorneys, child advocacy centers, or law enforcement agency personnel may attend team reviews upon request of a party;

(o) School employee means a person nineteen years of age or older who is employed by a public, private, denominational, or parochial school approved or accredited by the State Department of Education;

(p) Student means a person less than nineteen years of age enrolled in or attending a public, private, denominational, or parochial school approved or accredited by the State Department of Education, or who was such a person enrolled in or who attended such a school within ninety days of any violation of section 28-316.01;

(q) Traditional response means an investigation by a law enforcement agency or the department pursuant to section 28-713 which requires a formal determination of whether child abuse or neglect has occurred; and

(r) Subject of the report of child abuse or neglect or subject of the report means the person or persons identified in the report as responsible for the child abuse or neglect.

Sec. 32. (1) For purposes of this section:

(a) Military family advocacy program means the program established by the United States Department of Defense and provided at a military installation to address child abuse and neglect in military families; and

(b) Military installation has the same meaning as in section 79-2201.

(2) Upon receipt of a report of child abuse or neglect, and after the department has contacted the family of the identified victim and determined that the subject of the report is a member of a military family, the department shall notify the appropriate military installation with which it has a memorandum of understanding under subsection (3) of this section of the report and the nature of the allegations contained in the report.

(3) The department shall negotiate a memorandum of understanding with each military installation in Nebraska that has a military family advocacy program. The memorandum shall establish procedures and protocols for:

(a) Identifying the subject of a report of child abuse or neglect as a member of a military family;

(b) Sharing information as required by this section; and

(c) Maintaining confidentiality as required by state and federal law.

(4) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 33. Section 28-713.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-713.01 (1) Upon completion of the investigation pursuant to section 28-713:

(a) In situations of alleged out-of-home child abuse or neglect, the person or persons having custody of the allegedly abused or neglected child or children shall be given written notice of the results of the investigation and any other information the law enforcement agency or department deems necessary. Such notice and information shall be sent by first-class mail;

(b) The subject of the report of child abuse or neglect shall be given written notice of the determination of the case and whether the subject of the report of child abuse or neglect will be entered into the central registry of child protection cases maintained pursuant to section 28-718 under the criteria provided in section 28-720;

(c) If the subject of the report of child abuse or neglect is a school

employee and the child is a student in the school to which such school employee is assigned for work, the notice described in subdivision (1)(b) of this section shall also be sent to the Commissioner of Education; and

(d) If the subject of the report of child abuse or neglect is a member of a military family, the notice described in subdivision (1)(b) of this section shall also be sent to the appropriate military installation as provided in section 32 of this act.

(2) If the subject of the report will be entered into the central registry, the notice to the subject shall be sent by certified mail with return receipt requested or first-class mail to the last-known address of the subject of the report of child abuse or neglect and shall include:

(a) The nature of the report;

(b) The classification of the report under section 28-720;

(c) Notification of the right of the subject of the report of child abuse or neglect to request the department to amend or expunge identifying information from the report or to remove the substantiated report from the central registry in accordance with section 28-723; and

(d) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age:

(i) Notification of the mandatory expungement hearing to be held according to section 28-721, a waiver form to waive the hearing, and an explanation of the hearing process;

(ii) An explanation of the implications of being entered in the central registry as a subject;

(iii) Notification of any other procedures determined appropriate in rules and regulations adopted and promulgated by the department; and

(iv) Provision of a copy of all notice materials required to be provided to the subject under this subsection to the minor child's attorney of record, parent or guardian, and guardian ad litem, if applicable.

(3) If the subject of the report will not be entered into the central

registry, the notice to the subject shall be sent by first-class mail and shall include:

- (a) The nature of the report; and
- (b) The classification of the report under section 28-720.

Sec. 34. Section 28-1205, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of use of a deadly weapon to commit a felony.

(b) Use of a deadly weapon, other than a firearm, to commit a felony is a Class II felony.

(c) Use of a deadly weapon, which is a firearm, to commit a felony is a Class IC felony.

(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.

(b) Possession of a deadly weapon, other than a firearm, during the commission of a felony is a Class III felony.

(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a Class II felony.

(3)(a) Any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor.

(b) A violation of this subsection is a:

- (i) Class I misdemeanor for a first or second offense; and
- (ii) A Class IV felony for any third or subsequent offense.

(4) A violation of this section shall be treated as a separate and distinct offense from the underlying crimes being committed, and a sentence imposed under this section shall be consecutive to any other sentence imposed.

(5) Possession of a deadly weapon may be proved through evidence demonstrating either actual or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.

(6) For purposes of this section:

(a) Dangerous misdemeanor means a misdemeanor violation of any of the following offenses:

(i) Stalking under section 28-311.03;

(ii) Knowing violation of any protection order issued under the Protection Orders Act;

(iii) Domestic assault under section 28-323;

(iv) Assault of an unborn child in the third degree under section 28-399;

(v) Theft by shoplifting under section 28-511.01;

(vi) Unauthorized use of a propelled vehicle under section 28-516;

(vii) Criminal mischief under section 28-519 if such violation arises from an incident involving the commission of a misdemeanor crime of domestic violence;

(viii) Impersonating a police officer under section 28-610;

(ix) Resisting arrest under section 28-904;

(x) Operating a motor vehicle or vessel to avoid arrest under section 28-905;

(xi) Obstructing a peace officer under section 28-906; or

(xii) Any attempt under section 28-201 to commit an offense described in subdivisions (6)(a)(i) through (xi) of this section;

(b) Destructive device has the same meaning as in section 28-1213;

(c) Misdemeanor crime of domestic violence has the same meaning as in section 28-1206; and

(d) Use of a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another

indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

Sec. 35. Section 28-1206, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-1206 (1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she:

(a) Possesses a firearm, a knife, or brass or iron knuckles and he or she:

(i) Has previously been convicted of a felony;

(ii) Is a fugitive from justice;

(iii) Is the subject of a current and valid protection order issued under the Protection Orders Act or a current and valid foreign protection order recognized under section 23 or 24 of this act and is knowingly violating such order; or

(iv) Is on probation pursuant to a deferred judgment for a felony under section 29-2292 or 29-4803; or

(b) Possesses a firearm or brass or iron knuckles and he or she has been convicted within the past seven years of a misdemeanor crime of domestic violence.

(2) The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3)(a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.

(b) Possession of a deadly weapon which is a firearm by a prohibited person is a Class ID felony for a first offense and a Class IB felony for a second or subsequent offense.

(4) Subdivision (1)(a)(i) of this section shall not prohibit:

(a) Possession of archery equipment for lawful purposes; or

(b) If in possession of a recreational license, possession of a knife for purposes of butchering, dressing, or otherwise processing or harvesting game, fish, or furs.

(5)(a) For purposes of this section, misdemeanor crime of domestic violence means a crime that:

(i) Is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;

(ii) Has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and

(iii) Is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in section 28-323.

(b) For purposes of this section, misdemeanor crime of domestic violence also includes the following offenses, if committed by a person against his or her spouse, his or her former spouse, a person with whom he or she is or was involved in a dating relationship as defined in section 28-323, or a person with whom he or she has a child in common whether or not they have been married or lived together at any time:

(i) Assault in the third degree under section 28-310;

(ii) Stalking under subsection (1) of section 28-311.04;

(iii) False imprisonment in the second degree under section 28-315;

(iv) First offense domestic assault in the third degree under subsection (1) of section 28-323; or

(v) Any attempt or conspiracy to commit any of such offenses.

(c) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless:

(i) The person was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and

(ii) In the case of a prosecution for a misdemeanor crime of domestic

violence for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:

(A) The case was tried to a jury; or

(B) The person knowingly and intelligently waived the right to have the case tried to a jury.

(6) In addition, for purposes of this section:

(a) Archery equipment means:

(i) A longbow, recurve bow, compound bow, or nonelectric crossbow that is drawn or cocked with human power and released by human power; and

(ii) Target or hunting arrows, including arrows with broad, fixed, or removable heads or that contain multiple sharp cutting edges; and

(b) Recreational license means a state-issued license, certificate, registration, permit, tag, sticker, or other similar document or identifier evidencing permission to hunt, fish, or trap for furs in the State of Nebraska.

Sec. 36. Section 29-404.02, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-404.02 (1) Except as provided in section 19 of this act, a peace officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:

(a) A felony;

(b) A misdemeanor, and the officer has reasonable cause to believe that such person either (i) will not be apprehended unless immediately arrested, (ii) may cause injury to himself or herself or others or damage to property unless immediately arrested, (iii) may destroy or conceal evidence of the commission of such misdemeanor, or (iv) has committed a misdemeanor in the presence of the officer; or

(c) One or more of the following acts to one or more household members, whether or not committed in the presence of the peace officer:

(i) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;

(ii) Placing, by physical menace, another in fear of imminent bodily

injury; or

(iii) Engaging in sexual contact or sexual penetration without consent as defined in section 28-318.

(2) An individual arrested without a warrant under this section who remains in custody shall be brought before a court in the county where the arrest occurred for an appearance no later than seven days after such arrest. The appearance may be in person or conducted remotely by means of videoconferencing. The individual shall have the right to appear in person but must agree to waive the seven-day deadline if an in-person appearance within such time is not reasonably practicable.

(3) For purposes of this section:

(a) Household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other; and

(b) Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 37. Section 29-422, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-422 It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, except as provided in sections 19 and 20 of this act, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or a misdemeanor and for any violation of a city or

village ordinance. Such authorization shall be carried out in the manner specified in sections 29-422 to 29-429 and 60-684 to 60-686.

Sec. 38. Section 29-2292, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-2292 (1) Upon a finding of guilt for which a judgment of conviction may be rendered, a defendant may request the court defer the entry of judgment of conviction. Upon such request and after giving the prosecutor and defendant the opportunity to be heard, the court may defer the entry of a judgment of conviction and the imposition of a sentence and place the defendant on probation, upon conditions as the court may require under section 29-2262.

(2) The court shall not defer judgment under this section if:

(a) The offense is a violation of a domestic abuse protection order under section 18 of this act;

(b) The victim of the offense is an intimate partner as defined in section 28-323;

(c) The offense is a violation of section 60-6,196 or 60-6,197 or a city or village ordinance enacted in conformance with section 60-6,196 or 60-6,197; or

(d) The defendant is not eligible for probation.

(3) Whenever a court considers a request to defer judgment, the court shall consider the factors set forth in section 29-2260 and any other information the court deems relevant.

(4) Except as otherwise provided in this section and sections 29-2293 and 29-2294, the supervision of a defendant on probation pursuant to a deferred judgment shall be governed by the Nebraska Probation Administration Act and sections 29-2270 to 29-2273.

(5) After a hearing providing the prosecutor and defendant an opportunity to be heard and upon a finding that a defendant has violated a condition of his or her probation, the court may enter any order authorized by section 29-2268 or pronounce judgment and impose such new sentence as might have been originally imposed for the offense for which the defendant was convicted.

(6) Upon satisfactory completion of the conditions of probation and the payment or waiver of all administrative and programming fees assessed under section 29-2293, the defendant or prosecutor may file a motion to withdraw any plea entered by the defendant and to dismiss the action without entry of judgment.

(7) The provisions of this section apply to offenses committed on or after July 1, 2020. For purposes of this section, an offense shall be deemed to have been committed prior to July 1, 2020, if any element of the offense occurred prior to such date.

Sec. 39. Section 42-901, Reissue Revised Statutes of Nebraska, is amended to read:

42-901 Sections 42-901 to 42-930 shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 40. Section 42-903, Revised Statutes Cumulative Supplement, 2024, is amended to read:

42-903 For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:

(1) Abuse means the occurrence of one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;

(b) Placing, by means of credible threat, another person in fear of bodily injury. For purposes of this subdivision, credible threat means a verbal or written threat, including a threat performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct that is made by a person with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat

shall not prevent the threat from being deemed a credible threat under this section; or

(c) Engaging in sexual contact or sexual penetration without consent as defined in section 28-318;

(2) Department means the Department of Health and Human Services;

(3) Family or household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context; and

(4) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.

Sec. 41. Section 42-905, Reissue Revised Statutes of Nebraska, is amended to read:

42-905 The comprehensive support services shall include, but not be limited to:

(1) Emergency services for victims of abuse and their families;

(2) Support programs that meet specific needs of victims of abuse and their families;

(3) Education, counseling, and supportive programs for the abuser;

(4) Programs to aid in the prevention and elimination of domestic violence which shall include education and public awareness; and

(5) Assistance in completing the standard petition and affidavit forms for persons who file a petition and affidavit for a domestic abuse protection order under the Protection Orders Act.

Sec. 42. Section 42-927, Reissue Revised Statutes of Nebraska, is amended to read:

42-927 All law enforcement agencies in the state shall provide officers employed by them with an education and training program designed to inform the officers of the problems of domestic abuse, procedures to deal with such problems, the Protection from Domestic Abuse Act, the Protection Orders Act, and the services and facilities available to abused family and household members.

Sec. 43. Section 43-2,107, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,107 On application of a party or on the court's own motion, the court may restrain or otherwise control the conduct of a person if a petition has been filed under the Nebraska Juvenile Code and the court finds that such conduct is or may be detrimental or harmful to the juvenile. Notice of the application or motion and an opportunity to be heard thereon shall be given to the person against whom such application or motion is directed, except that the court may enter a temporary order restraining or otherwise controlling the conduct of a person for the protection of a juvenile without prior notice if it appears to the court that it is necessary to issue such order forthwith. Such temporary order shall be effective not to exceed ten days and shall not be binding against any person unless he or she has received a copy of such order. Any individual who violates an order restraining or otherwise controlling his or her conduct under this section shall be guilty of a Class II misdemeanor and may be proceeded against as described in sections 19 and 20 of this act.

Sec. 44. Section 43-1609, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-1609 (1) Child support referees shall be appointed when necessary by the district courts, separate juvenile courts, and county courts to meet the requirements of federal law relating to expediting the establishment, modification, enforcement, and collection of child, spousal, or medical support and domestic abuse protection orders issued under the Protection Orders Act.

(2) Child support referees shall be appointed by order of the district court, separate juvenile court, or county court. The Supreme Court shall appoint child support referees to serve more than one judicial district if the Supreme Court determines it is necessary.

(3) To be qualified for appointment as a child support referee, a person shall be an attorney in good standing admitted to the practice of law in the State of Nebraska and shall meet any other requirements imposed by the Supreme Court. A child support referee shall be sworn or affirmed to well and faithfully hear and examine the cause and to make a just and true report according to the best of his or her understanding. The oath or affirmation may be administered by a district, county, or separate juvenile court judge. A child support referee may be removed at any time by the appointing court.

(4) The Supreme Court may contract with an attorney to perform the duties of a referee for a specific case or for a specific amount of time or may direct a judge of the county court to perform such duties.

Sec. 45. Section 43-1611, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-1611 A district court, separate juvenile court, or county court may by rule or order refer or assign any and all matters regarding the establishment, modification, enforcement, and collection of child, spousal, or medical support, paternity matters, and domestic abuse protection orders issued under the Protection Orders Act to a child support referee for findings and recommendations.

Sec. 46. Section 60-3209, Reissue Revised Statutes of Nebraska, is amended to read:

60-3209 (1) Captured plate data held by a governmental entity is not considered a public record for purposes of sections 84-712 to 84-712.09 and shall only be disclosed to the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered or pursuant to a disclosure order under subsection (2) of section 60-3205 or as the result of a match pursuant to subsection (2) of section 60-3203.

(2) Upon the presentation to a governmental entity of a valid, outstanding protection order pursuant to the Protection Orders Act or the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order under subsection (2) of section 60-3205 or as the result of a match pursuant to subsection (2) of section 60-3203.

Sec. 47. Section 76-1401, Revised Statutes Cumulative Supplement, 2024, is amended to read:

76-1401 Sections 76-1401 to 76-1449 and sections 48 to 50 of this act shall be known and may be cited as the Uniform Residential Landlord and Tenant Act.

Sec. 48. (1) When an act of domestic violence is perpetrated against a tenant or household member by another cotenant or occupant of the same dwelling unit, the tenant may have the perpetrator removed from the rental agreement and, if needed, excluded from the premises if the tenant or household member has:

(a) Obtained a protective order, restraining order, or other similar relief which applies to the perpetrator of the act of domestic violence; or

(b) Obtained certification confirming domestic violence as set forth in subdivision (5)(a)(iii) of section 76-1431.

(2) To have the perpetrator removed from a rental agreement under this section, the tenant shall:

(a) Provide the landlord a copy of the documentation described in subsection (1) of this section; and

(b) Provide the landlord a written notice containing:

(i) The full legal name of the cotenant or occupant who is the perpetrator of the act of domestic violence;

(ii) The date on which the tenant wishes the notice of termination to be served upon the perpetrator. Such date shall be at least five days after the

date the tenant provides the documentation and written notice to the landlord and no more than thirty days after such date; and

(iii) The tenant's preferred method by which to receive future communications from the landlord.

(3) When a tenant has provided the landlord with documentation and written notice, as described in subsections (1) and (2) of this section, the landlord shall proceed under subsection (4) of section 76-1431 against only the cotenant or occupant who is the perpetrator of the act of domestic violence. The landlord shall serve the five-day notice provided for in subsection (4) of section 76-1431 on such perpetrator on the date provided by the requesting tenant under subdivision (2)(b)(ii) of this section.

(4)(a) If the perpetrator vacates the premises within the five-day notice period described in subsection (4) of section 76-1431, the landlord shall:

(i) Install a new lock to the dwelling unit, pursuant to section 50 of this act; and

(ii) Timely notify the requesting tenant by the method provided under subdivision (2)(b)(iii) of this section to inform the requesting tenant how the tenant can obtain access to the re-keyed unit.

(b) If the perpetrator fails to vacate the premises within the five-day notice period described in subsection (4) of section 76-1431, the landlord shall:

(i) File suit for recovery of possession of the premises against the perpetrator only; and

(ii) Timely notify the requesting tenant by the method provided under subsection (2)(b)(iii) of this section to inform them of the hearing date set in the suit.

(c) If judgment is entered in favor of the landlord in a suit brought pursuant to subsection (4) of section 76-1431, the landlord shall:

(i) Be entitled to recover court costs and reasonable attorney's fees from the perpetrator;

(ii) Install a new lock to the dwelling unit, pursuant to section 50 of

this act;

(iii) Timely notify the requesting tenant by the method provided under subdivision (2)(b)(iii) of this section to inform the requesting tenant of the reasonable method by which the tenant can obtain access to the re-keyed unit; and

(iv) Refuse to provide the perpetrator with access to the dwelling unit to reclaim property unless a law enforcement officer escorts the perpetrator into and out of the dwelling.

(5) If two individuals have requested each other to be removed from the rental agreement under this section and each provides qualifying documentation under subsection (1) of this section:

(a) The landlord is only required to proceed against an individual who is, by court order, specifically excluded from the dwelling unit; and

(b) If neither individual is specifically excluded from the dwelling unit by court order, the landlord is not required to proceed under this section.

(6) A landlord is not liable for any actions taken in good faith pursuant to this section.

Sec. 49. (1) When an act of domestic violence is perpetrated against a tenant or household member by someone who is not a cotenant or occupant of the same dwelling unit, the tenant may require the landlord to change the lock to the tenant's dwelling unit pursuant to section 50 of this act if the tenant or household member has:

(a) Obtained a protective order, restraining order, or other similar relief which applies to the perpetrator of the act of domestic violence; or

(b) Obtained certification confirming domestic violence as set forth in subdivision (5)(a)(iii) of section 76-1431.

(2) To have a lock changed under this section, the tenant shall:

(a) Provide the landlord a copy of the documentation described in subsection (1) of this section; and

(b) Provide the landlord a written notice containing the request that the locks be changed immediately.

(3) The landlord shall change the locks to the tenant's dwelling unit as provided in section 50 of this act within twenty-four hours after receiving the tenant's written request.

Sec. 50. (1) A landlord required to change locks under section 48 or 49 of this act shall do so by either:

(a) Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced; or

(b) If the lock is in good working condition:

(i) Rekeying the lock; or

(ii) In the case of a keyless electronic lock, resetting the entry code.

(2)(a) If a landlord fails to change the locks as required by this section, the tenant:

(i) May change the locks in a workmanlike manner with locks of similar or better quality than the original lock;

(ii) Shall timely notify the landlord that the locks have been changed; and

(iii) Shall, by a reasonable method agreed upon by the landlord and tenant, provide the landlord with a new key or the entry code by which to access the dwelling unit.

(b) This subsection applies notwithstanding any provision in the rental agreement to the contrary.

(3) A landlord who installs a new lock pursuant to this section may retain a copy of the key or entry code that opens the new lock.

(4) The landlord may require the tenant to pay for the actual and reasonable cost incurred by the landlord in changing the locks under this section.

Sec. 51. Original sections 28-311.02, 28-311.05, 42-901, 42-905, 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and 60-3209, Reissue Revised Statutes of Nebraska, and sections 25-2740, 28-311.04, 28-311.12, 28-358.01, 28-710, 28-713.01, 28-1205, 28-1206, 29-404.02, 29-422, 29-2292, 42-903, 42-924, 42-924.02, 42-925, 42-926, 43-1609, 43-1611, and

76-1401, Revised Statutes Cumulative Supplement, 2024, are repealed.

Sec. 52. The following sections are outright repealed: Section 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09 and 28-311.11, Revised Statutes Cumulative Supplement, 2024.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 80 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR