

AMENDMENTS TO LB 1014

(Amendments to AM2006)

Introduced by McGill, 26.

1 1. Insert the following sections:

2 Sec. 24. (1) When sentencing a person convicted of a
3 misdemeanor crime of domestic violence as defined in 18 U.S.C.
4 921(a)(33), the court shall provide written or oral notification to
5 the defendant that it may be a violation of federal law for the
6 individual: To ship or transport in interstate or foreign commerce,
7 or possess in or affecting commerce, any firearm or ammunition;
8 or to receive any firearm or ammunition which has been shipped or
9 transported in interstate or foreign commerce.

10 (2) The State Court Administrator's Office shall create a
11 standard notification that provides the information in subsection
12 (1) of this section and shall provide a copy of such notification
13 to all judges in this state.

14 Sec. 32. Section 42-925, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 42-925 Any (1) An order issued under subsection (1)
17 of section 42-924 may be issued ex parte to the respondent if
18 it reasonably appears from the specific facts included in the
19 affidavit that the petitioner will be in immediate danger of abuse
20 before the matter can be heard on notice. If an order is issued ex
21 parte, the court shall immediately schedule an evidentiary hearing
22 to be held within thirty days after service of such order, and

1 the court shall cause notice of the hearing to be given to the
2 petitioner and the respondent. If the respondent appears at the
3 hearing and shows cause why such order should not remain in effect,
4 the court shall rescind the order. If the respondent does not so
5 appear and show cause, the order shall be affirmed.

6 (2) If an order under subsection (1) of section 42-924
7 is not issued ex parte, the court shall immediately schedule an
8 evidentiary hearing to be held within fourteen days after the
9 filing of the petition, and the court shall cause notice of the
10 hearing to be given to the petitioner and the respondent. If the
11 respondent does not appear at the hearing and show cause why such
12 order should not be issued, the court shall issue such order.

13 (3) The court may by rule or order refer or assign all
14 matters regarding orders issued under subsection (1) of section
15 42-924 to a referee for findings and recommendations.

16 (4) An order issued under subsection (1) of section
17 42-924 shall remain in effect for a period of one year from
18 the date of issuance, unless vacated by the court prior to such
19 date. If the order grants temporary custody, such custody shall
20 not exceed the number of days specified by the court unless the
21 respondent shows cause why the order should not remain in effect.

22 (5) The court shall also cause the notice created under
23 section 24 of this act to be served upon the respondent notifying
24 the respondent that it may be unlawful under federal law for a
25 person who is subject to a protection order to possess or receive
26 any firearm or ammunition.~~(1)~~ If the specific facts included in
27 the affidavit do not show that the petitioner will be in immediate

1 danger of abuse or (2) if the court does not issue an ex parte
2 order or grants only part of the relief sought, the court or
3 judge may forthwith cause notice of the petition to be given to
4 the respondent stating that he or she may show cause, not more
5 than fourteen days after service upon him or her, why such order
6 should not be entered. If such ex parte order is issued to the
7 respondent, the court shall forthwith cause notice of the petition
8 and order to be given the respondent stating that, upon service
9 on the respondent, the order shall remain in effect for a period
10 of one year and, if the order grants temporary custody, that
11 such custody shall not exceed the number of days specified by the
12 court unless the respondent shows cause why the order should not
13 remain in effect. The court shall also cause to be served upon the
14 respondent a form with which to request a show-cause hearing. If
15 the respondent wishes to appear and show cause why the order should
16 not remain in effect, he or she shall affix his or her current
17 address, telephone number, and signature to the form and return it
18 to the clerk of the district court within five days after service
19 upon him or her. Upon receipt of the request for a show-cause
20 hearing, the court shall immediately schedule a show-cause hearing
21 to be held within thirty days after the receipt of the request for
22 a show-cause hearing and shall notify the petitioner and respondent
23 of the hearing date.

24 2. On page 54, line 22, after "support" insert "and
25 orders issued under subsection (1) of section 42-924".

26 3. On page 56, line 5, strike the last "and" and show
27 as stricken and insert an underscored comma; and in line 6 after

1 "matters" insert ", and orders issued under subsection (1) of
2 section 42-924".

3 4. Amend the operative date and repealer so that the
4 sections added by this amendment become operative three calendar
5 months after adjournment of this legislative session.

6 5. Renumber the remaining sections and correct the
7 internal references accordingly.