

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 47**

Introduced By: Hudkins, 21;  
Read first time: January 4, 2007  
Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-101, Revised Statutes Cumulative Supplement, 2006; to  
3 create the offense of interference with child visitation; to  
4 provide penalties; to harmonize provisions; to repeal the  
5 original section; and to declare an emergency.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-101, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           28-101. Sections 28-101 to 28-1350 and section 2 of this  
4 act shall be known and may be cited as the Nebraska Criminal Code

5           Sec. 2. (1) Any person who, in violation of the visitation  
6 provisions of a valid court order pertaining to child custody, detains  
7 or conceals a child with the intent to deprive another person of his  
8 or her rights to visitation shall be guilty of unlawful visitation  
9 interference.

10           (2) Unlawful visitation interference is a Class V  
11 misdemeanor for the first offense and a Class IIIA misdemeanor for any  
12 subsequent conviction.

13           (3) It shall be an affirmative defense to prosecution under  
14 this section that:

15           (a) The person acted in the reasonable belief that he or  
16 she was protecting the child from imminent physical harm and the  
17 person's actions were a reasonable response to such anticipated  
18 harm;

19           (b) The person acted with the mutual consent of all persons  
20 having a right to custody or visitation of the child; or

21           (c) The person acted in a manner otherwise authorized by  
22 law.

23           (4) Proof of conviction under this section shall be  
24 admissible as evidence in a civil action.

25           Sec. 3. Original section 28-101, Revised Statutes Cumulative  
26 Supplement, 2006, is repealed.

27           Sec. 4. Since an emergency exists, this act takes effect

1 when passed and approved according to law.