

E AND R AMENDMENTS TO LB 507

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 28-323, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-323 (1) A person commits the offense of domestic
6 assault in the third degree if he or she:

7 (a) Intentionally and knowingly causes bodily injury to
8 his or her intimate partner; ~~or~~

9 (b) ~~Places, by physical menace, his or her~~ Threatens an
10 intimate partner ~~in fear of~~ with imminent bodily injury; ~~or-~~

11 (c) Threatens an intimate partner in a menacing manner.

12 (2) A person commits the offense of domestic assault in
13 the second degree if he or she intentionally and knowingly causes
14 bodily injury to his or her intimate partner with a dangerous
15 instrument.

16 (3) A person commits the offense of domestic assault in
17 the first degree if he or she intentionally and knowingly causes
18 serious bodily injury to his or her intimate partner.

19 (4) Violation of ~~subsection (1)~~ subdivision (1)(a) or
20 (b) of this section is a Class I misdemeanor, except that for
21 any ~~second or subsequent violation of such subsection within~~
22 ~~twelve years after the date of the current conviction,~~ subsequent
23 violation of subdivision (1)(a) or (b) of this section, any person

1 so offending ~~against the same intimate partner~~ is guilty of a Class
2 IV felony.

3 (5) Violation of subdivision (1)(c) of this section is a
4 Class I misdemeanor.

5 ~~(5)~~ (6) Violation of subsection (2) of this section is
6 a Class IIIA felony, except that for any second or subsequent
7 violation of such subsection, ~~within twelve years after the date of~~
8 ~~the current conviction,~~ any person so offending ~~against the same~~
9 ~~intimate partner~~ is guilty of a Class III felony.

10 ~~(6)~~ (7) Violation of subsection (3) of this section is
11 a Class III felony, except that for any second or subsequent
12 violation under such subsection, ~~within twelve years after the date~~
13 ~~of the current conviction,~~ any person so offending ~~against the same~~
14 ~~intimate partner~~ is guilty of a Class II felony.

15 ~~(7)~~ (8) For purposes of this section, intimate partner
16 means a spouse; a former spouse; persons who have a child in
17 common whether or not they have been married or lived together
18 at any time; and persons who are or were involved in a dating
19 relationship. For purposes of this subsection, dating relationship
20 means frequent, intimate associations primarily characterized by
21 the expectation of affectional or sexual involvement, but does not
22 include a casual relationship or an ordinary association between
23 persons in a business or social context.

24 Sec. 2. Original section 28-323, Reissue Revised Statutes
25 of Nebraska, is repealed.

26 2. On page 1, lines 3 and 4, strike "in the third
27 degree".