

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB310

Hearing Date: Wednesday January 26, 2011
Committee On: Judiciary
Introducer: McGill
One Liner: Change provisions relating to protection orders

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

Vote Results:

Aye: 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:

SEN. AMANDA MCGILL
ROBERT SANFORD

PATRICK RUNGE
BOB MOYER
KATIE ZULKOSKI

Representing:

INTRODUCER
NEBRASKA DOMESTIC VIOLENCE SEXUAL
ASSAULT COALITION
SELF
NE VIOLENCE COUNCIL
NE STATE BAR

Opponents:

Neutral:

JANET WIECHELMAN
ELAINE MENZEL

Representing:

Representing:
CLERK OF DISTRICT COURT
NACO

Summary of purpose and/or changes:

Legislative Bill 310 would authorize the court to appoint an attorney for an indigent person seeking a harassment protection order or a protection order under the Protection from Domestic Abuse Act if the respondent has an attorney and a hearing is held on the petition. The appointment would be for the hearing only and the hearing cannot be continued beyond one week. If an ex parte order is issued, it shall stay in effect until the date of the continued hearing. If a petitioner requests that a protection order be dismissed or if a protection order is denied, it cannot be considered bad faith for purposes of assessing fees and costs without additional evidence of bad faith.

The bill would change the definition of abuse under the Protection from Domestic Abuse Act to include placing, by means of credible threat, another person in fear of bodily injury. The bill would remove from the definition of abuse: placing, by physical menace, another person in fear of imminent bodily injury. The bill would also increase penalties for violating a protection order under the Act from a Class II Misdemeanor to a Class I Misdemeanor. For those with a prior conviction for violating a protection order under the Act, the penalty would increase from Class I Misdemeanor to a Class IV Felony, regardless of who the protection order was granted to.

Explanation of amendments:

Committee Amendment AM 965 would strike the proposed provisions regarding the appointment of attorneys for indigent petitioners as well as the provisions regarding what can be considered bad faith for purposes of assessing fees and costs.

Brad Ashford, Chairperson