

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB920

Hearing Date: Thursday January 26, 2012
Committee On: Judiciary
Introducer: McGill
One Liner: Change harassment protection order and domestic abuse protection order provisions

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

JO PETERSON

Representing:

INTRODUCER
NEBRASKA DOMESTIC VIOLENCE SEXUAL
ASSAULT COALITION
NE CO ATTY'S ASSOCIATION

Opponents:

Representing:

Neutral:

RON JENSEN

Representing:

NRA

Summary of purpose and/or changes:

Legislative Bill 920 would amend the statute sections regarding domestic abuse protection orders and harassment protection orders. The bill would provide that the judge must consider the petition and affidavit as offered evidence and may consider such documents for purposes of issuing an ex parte protection order. The bill would also provide that a respondent would be guilty of violating a protection order if the order was not personally served but did have actual notice of the order. In the case of a domestic abuse protection order, the bill would allow a judge to enjoin the respondent from possessing or purchasing a firearm. In the case of a domestic abuse protection order that is issued ex parte, the court shall provide notice to the respondent along with a form to request a show-cause hearing. The respondent would have five days after being served to file the request for hearing and the court would have to schedule the hearing immediately to be held within 30 days after the request. The petitioner could also request a hearing.

Explanation of amendments:

Committee Amendment AM 2097 would strike the new provisions regarding the court's consideration of the petition and affidavit as offered evidence. The amendment would also replace the actual notice provisions in the original LB 920 with the new language proposed in LB 1056. The harassment protection order statute would be amended to provide that if the respondent is present at a hearing, the respondent would be deemed to have notice of the protection order and further service would not be required. If the respondent has been properly served with a ex parte protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional

service required. The domestic abuse protection order statutes would be amended to provide that an order issued ex parte is a temporary order. If the respondent fails to appear at the evidentiary hearing on the temporary order, then the temporary order would be deemed a final protection order. If the respondent has been properly served with a ex parte temporary protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional service required. If the respondent is present at a hearing on the domestic abuse protection order, the respondent would be deemed to have notice of the protection order and further service would not be required.

Brad Ashford, Chairperson