

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB298

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 23, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 298 would amend some of Nebraska's use of force statutes, or self-defense statutes, to strengthen and simplify when a resident of Nebraska can use force to defend themselves, others, or their property.

Specifically, LB 298 amends 28-1409 and 28-1410 to remove the difficult obligation for an actor to discern when they are required to retreat in certain situations and not use force against unlawful force. Instead, it inserts the right for an actor to stand their ground and meet unlawful force with force, as long as the actor is not engaged in illegal activity and the actor has a right to be in that location.

The bill also amends 28-1411, which addresses the use of force in regards to the protection of property, and specifically the subsection describing when the use of deadly force is justified. It would add a new subdivision in subsection (6) of section 28-1411 allowing the use of deadly force when a person has unlawfully entered an occupied dwelling or occupied motor vehicle and is not attempting to exit the dwelling or vehicle.

Finally, LB 298 would provide for civil immunity to an actor for such conduct of self-defense that is justified under 28-1406 to 28-1416, unless such conduct recklessly or negligently injured an innocent person.

Principal Introducer: _____

Senator Mark Christensen