

AMENDMENTS TO LB532

Introduced by Judiciary.

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

3 Section 1. Section 28-311.09, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 28-311.09 (1) Any victim who has been harassed as defined by section
6 28-311.02 may file a petition and affidavit for a harassment protection
7 order as provided in subsection (3) of this section. Upon the filing of
8 such a petition and affidavit in support thereof, the court may issue a
9 harassment protection order without bond enjoining the respondent from
10 (a) imposing any restraint upon the person or liberty of the petitioner,
11 (b) harassing, threatening, assaulting, molesting, attacking, or
12 otherwise disturbing the peace of the petitioner, or (c) telephoning,
13 contacting, or otherwise communicating with the petitioner. The
14 harassment protection order shall specify to whom relief under this
15 section was granted.

16 (2) The petition for a harassment protection order shall state the
17 events and dates or approximate dates of acts constituting the alleged
18 harassment, including the most recent and most severe incident or
19 incidents.

20 (3) A petition for a harassment protection order shall be filed with
21 the clerk of the district court, and the proceeding may be heard by the
22 county court or the district court as provided in section 25-2740.

23 (4) A petition for a harassment protection order filed pursuant to
24 subsection (1) of this section may not be withdrawn except upon order of
25 the court. An order issued pursuant to subsection (1) of this section
26 shall specify that it is effective for a period of one year unless
27 otherwise dismissed or modified by the court. Any person, except the

1 petitioner, who knowingly violates an order issued pursuant to subsection
2 (1) of this section after service or notice as described in subdivision
3 (9)(b) ~~(8)(b)~~ of this section shall be guilty of a Class II misdemeanor.

4 (5)(a) Fees to cover costs associated with the filing of a petition
5 for a harassment protection order or the issuance or service of a
6 harassment protection order seeking only the relief provided by this
7 section shall not be charged, except that a court may assess such fees
8 and costs if the court finds, by clear and convincing evidence, that the
9 statements contained in the petition were false and that the harassment
10 protection order was sought in bad faith.

11 (b) A court may also assess costs associated with the filing of a
12 petition for a harassment protection order or the issuance or service of
13 a harassment protection order seeking only the relief provided by this
14 section against the respondent.

15 (6) The clerk of the district court shall make available standard
16 application and affidavit forms for a harassment protection order with
17 instructions for completion to be used by a petitioner. Affidavit forms
18 shall request all relevant information, including, but not limited to: A
19 description of the incidents that are the basis for the application for a
20 harassment protection order, including the most severe incident, and the
21 date or approximate date of such incidents. The clerk and his or her
22 employees shall not provide assistance in completing the forms. The State
23 Court Administrator shall adopt and promulgate the standard application
24 and affidavit forms provided for in this section as well as the standard
25 temporary ex parte and final harassment protection order forms and
26 provide a copy of such forms to all clerks of the district courts in this
27 state. These standard temporary ex parte and final harassment protection
28 order forms shall be the only such forms used in this state.

29 (7) Any order issued under subsection (1) of this section may be
30 issued ex parte without notice to the respondent if it reasonably appears
31 from the specific facts shown by affidavit of the petitioner that

1 irreparable harm, loss, or damage will result before the matter can be
2 heard on notice. If the specific facts included in the affidavit (a) do
3 not show that the petitioner will suffer irreparable harm, loss, or
4 damage or (b) show that, for any other compelling reason, an ex parte
5 order should not be issued, the court may forthwith cause notice of the
6 application to be given to the respondent stating that he or she may show
7 cause, not more than fourteen days after service, why such order should
8 not be entered. If such ex parte order is issued without notice to the
9 respondent, the court shall forthwith cause notice of the petition and
10 order and a form with which to request a show-cause hearing to be given
11 the respondent stating that, upon service on the respondent, the order
12 shall remain in effect for a period of one year unless the respondent
13 shows cause why the order should not remain in effect for a period of one
14 year. If the respondent wishes to appear and show cause why the order
15 should not remain in effect for a period of one year, he or she shall
16 affix his or her current address, telephone number, and signature to the
17 form and return it to the clerk of the district court within ten business
18 five days after service upon him or her. Upon receipt of a timely the
19 request for a show-cause hearing, the court shall immediately schedule a
20 show-cause hearing to be held within thirty days after the receipt of the
21 request for a show-cause hearing and shall notify the petitioner and
22 respondent of the hearing date. If a petition is dismissed without a
23 hearing, it shall be dismissed without prejudice. The court shall admit
24 into evidence the petition and affidavit at any show-cause hearing.

25 (8) A court may treat a petition for a harassment protection order
26 as a petition for a sexual assault protection order or a domestic abuse
27 protection order if it appears from the facts that such other protection
28 order is more appropriate and if:

29 (a) The court makes specific findings that such other order is more
30 appropriate; or

31 (b) The petitioner has requested the court to so treat the petition.

1 (9)(a) (8)(a) Upon the issuance of any temporary ex parte or final
2 harassment protection order, the clerk of the court shall forthwith
3 provide the petitioner, without charge, with two certified copies of such
4 order. The clerk of the court shall also forthwith provide the local
5 police department or local law enforcement agency and the local sheriff's
6 office, without charge, with one copy each of such order and one copy
7 each of the sheriff's return thereon. The clerk of the court shall also
8 forthwith provide a copy of the harassment protection order to the
9 sheriff's office in the county where the respondent may be personally
10 served together with instructions for service. Upon receipt of the order
11 and instructions for service, such sheriff's office shall forthwith serve
12 the harassment protection order upon the respondent and file its return
13 thereon with the clerk of the court which issued the harassment
14 protection order within fourteen days of the issuance of the harassment
15 protection order. If any harassment protection order is dismissed or
16 modified by the court, the clerk of the court shall forthwith provide the
17 local police department or local law enforcement agency and the local
18 sheriff's office, without charge, with one copy each of the order of
19 dismissal or modification.

20 (b) If the respondent is present at a hearing convened pursuant to
21 this section and the harassment protection order is not dismissed, such
22 respondent shall be deemed to have notice by the court at such hearing
23 that the harassment protection order will be granted and remain in effect
24 and further service of such notice described in this subsection shall not
25 be required for purposes of prosecution under this section.

26 (c) A temporary ex parte harassment protection order shall be
27 affirmed and deemed the final protection order and service of the
28 temporary ex parte order shall be notice of the final protection order if
29 ~~If the respondent has been properly served with the ex parte order and;~~
30 ~~fails to appear at the hearing, the temporary order shall be deemed to be~~
31 ~~granted and remain in effect and the service of the ex parte order will~~

1 ~~serve as notice required under this section.~~

2 (i) The respondent fails to request a show-cause hearing within ten
3 business days after service upon him or her and no hearing was requested
4 by the petitioner or upon the court's own motion;

5 (ii) The respondent has been properly served with notice of any
6 hearing requested by the respondent or petitioner or upon the court's own
7 motion and the respondent fails to appear at such hearing; or

8 (iii) The respondent has been properly served with notice of any
9 hearing requested by the respondent, the petitioner, or upon the court's
10 own motion and the protection order was not dismissed at the hearing.

11 (10) (9) A peace officer may, with or without a warrant, arrest a
12 person if (a) the officer has probable cause to believe that the person
13 has committed a violation of a harassment protection order issued
14 pursuant to this section or a violation of a valid foreign harassment
15 protection order recognized pursuant to section 28-311.10 and (b) a
16 petitioner under this section provides the peace officer with a copy of a
17 harassment protection order or the peace officer determines that such an
18 order exists after communicating with the local law enforcement agency or
19 a person protected under a valid foreign harassment protection order
20 recognized pursuant to section 28-311.10 provides the peace officer with
21 a copy of such order.

22 (11) (10) A peace officer making an arrest pursuant to subsection
23 (10) (9) of this section shall take such person into custody and take
24 such person before the county court or the court which issued the
25 harassment protection order within a reasonable time. At such time the
26 court shall establish the conditions of such person's release from
27 custody, including the determination of bond or recognizance, as the case
28 may be. The court shall issue an order directing that such person shall
29 have no contact with the alleged victim of the harassment.

30 (12) When provided by the petitioner, the court shall make
31 confidential numeric victim identification information, including social

1 security numbers and dates of birth, available to appropriate criminal
2 justice agencies engaged in protection order enforcement efforts. Such
3 agencies shall maintain the confidentiality of this information except
4 for entry into state and federal data bases for protection order
5 enforcement.

6 Sec. 2. Section 28-311.11, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 28-311.11 (1) Any victim of a sexual assault offense may file a
9 petition and affidavit for a sexual assault protection order as provided
10 in subsection (3) of this section. Upon the filing of such a petition and
11 affidavit in support thereof, the court may issue a sexual assault
12 protection order without bond enjoining the respondent from (a) imposing
13 any restraint upon the person or liberty of the petitioner, (b)
14 harassing, threatening, assaulting, molesting, attacking, or otherwise
15 disturbing the peace of the petitioner, or (c) telephoning, contacting,
16 or otherwise communicating with the petitioner. The sexual assault
17 protection order shall specify to whom relief under this section was
18 granted.

19 (2) The petition for a sexual assault protection order shall state
20 the events and dates or approximate dates of acts constituting the sexual
21 assault offense, including the most recent and most severe incident or
22 incidents.

23 (3) A petition for a sexual assault protection order shall be filed
24 with the clerk of the district court and the proceeding may be heard by
25 the county court or the district court as provided in section 25-2740.

26 (4) A petition for a sexual assault protection order may not be
27 withdrawn except upon order of the court. A sexual assault protection
28 order shall specify that it is effective for a period of one year unless
29 renewed pursuant to subsection (12) ~~(11)~~ of this section or otherwise
30 dismissed or modified by the court. Any person, except the petitioner,
31 who knowingly violates a sexual assault protection order after service or

1 notice as described in subdivision (9)(b) ~~(8)(b)~~ of this section shall be
2 guilty of a Class I misdemeanor, except that ~~for any person convicted of~~
3 violating such order who has a prior conviction for violating a sexual
4 assault protection order second violation of a sexual assault protection
5 order within a twelve month period, or any third or subsequent violation,
6 ~~whenever committed, such person~~ shall be guilty of a Class IV felony.

7 (5)(a) Fees to cover costs associated with the filing of a petition
8 for issuance or renewal of a sexual assault protection order or the
9 issuance or service of a sexual assault protection order seeking only the
10 relief provided by this section shall not be charged, except that a court
11 may assess such fees and costs if the court finds, by clear and
12 convincing evidence, that the statements contained in the petition were
13 false and that the sexual assault protection order was sought in bad
14 faith.

15 (b) A court may also assess costs associated with the filing of a
16 petition for issuance or renewal of a sexual assault protection order or
17 the issuance or service of a sexual assault protection order seeking only
18 the relief provided by this section against the respondent.

19 (6) The clerk of the district court shall make available standard
20 application and affidavit forms for issuance and renewal of a sexual
21 assault protection order with instructions for completion to be used by a
22 petitioner. Affidavit forms shall request all relevant information,
23 including, but not limited to: A description of the most recent incident
24 that was the basis for the application for a sexual assault protection
25 order and the date or approximate date of the incident and, if there was
26 more than one incident, the most severe incident and the date or
27 approximate date of such incident. The clerk and his or her employees
28 shall not provide assistance in completing the forms. The State Court
29 Administrator shall adopt and promulgate the standard application and
30 affidavit forms provided for in this section as well as the standard
31 temporary ex parte and final sexual assault protection order forms and

1 provide a copy of such forms to all clerks of the district courts in this
2 state. Such standard temporary ex parte and final sexual assault
3 protection order forms shall be the only forms used in this state.

4 (7) A sexual assault protection order may be issued or renewed ex
5 parte without notice to the respondent if it reasonably appears from the
6 specific facts shown by affidavit of the petitioner that irreparable
7 harm, loss, or damage will result before the matter can be heard on
8 notice. If a sexual assault protection order is not issued ex parte ~~If~~
9 ~~the specific facts included in the affidavit (a) do not show that the~~
10 ~~petitioner will suffer irreparable harm, loss, or damage or (b) show~~
11 ~~that, for any other compelling reason, an ex parte order should not be~~
12 ~~issued or renewed,~~ the court shall immediately schedule an evidentiary
13 hearing to be held within fourteen days after the filing of the petition,
14 and the court shall ~~may forthwith~~ cause notice of the application to be
15 given to the respondent stating that he or she may show cause, ~~not more~~
16 ~~than fourteen days after service,~~ why such order should not be entered.
17 If such ex parte order is issued or renewed without notice to the
18 respondent, the court shall forthwith cause notice of the petition and
19 order and a form with which to request a show-cause hearing to be given
20 the respondent stating that, upon service on the respondent, the order
21 shall remain in effect for a period of one year unless the respondent
22 shows cause why the order should not remain in effect for a period of one
23 year. If the respondent wishes to appear and show cause why the order
24 should not remain in effect for a period of one year, he or she shall
25 affix his or her current address, telephone number, and signature to the
26 form and return it to the clerk of the district court within ten business
27 ~~five~~ days after service upon him or her. Upon receipt of a timely ~~the~~
28 request for a show-cause hearing, the court shall immediately schedule a
29 show-cause hearing to be held within thirty days after the receipt of the
30 request for a show-cause hearing and shall notify the petitioner and
31 respondent of the hearing date. The court shall admit into evidence the

1 petition and affidavit at any show-cause hearing.

2 (8) A court may treat a petition for a sexual assault protection
3 order as a petition for a harassment protection order or a domestic abuse
4 protection order if it appears from the facts that such other protection
5 order is more appropriate and if:

6 (a) The court makes specific findings that such other order is more
7 appropriate; or

8 (b) The petitioner has requested the court to so treat the petition.

9 (9)(a) ~~(8)(a)~~ Upon the issuance or renewal of any temporary ex parte
10 or final sexual assault protection order, the clerk of the court shall
11 forthwith provide the petitioner, without charge, with two certified
12 copies of such order. The clerk of the court shall also forthwith provide
13 the local police department or local law enforcement agency and the local
14 sheriff's office, without charge, with one copy each of such order and
15 one copy each of the sheriff's return thereon. The clerk of the court
16 shall also forthwith provide a copy of the sexual assault protection
17 order to the sheriff's office in the county where the respondent may be
18 personally served together with instructions for service. Upon receipt of
19 the order and instructions for service, such sheriff's office shall
20 forthwith serve the sexual assault protection order upon the respondent
21 and file its return thereon with the clerk of the court which issued the
22 sexual assault protection order within fourteen days of the issuance of
23 the initial or renewed sexual assault protection order. If any sexual
24 assault protection order is dismissed or modified by the court, the clerk
25 of the court shall forthwith provide the local police department or local
26 law enforcement agency and the local sheriff's office, without charge,
27 with one copy each of the order of dismissal or modification.

28 (b) If the respondent is present at a hearing convened pursuant to
29 this section and the sexual assault protection order is not dismissed,
30 such respondent shall be deemed to have notice by the court at such
31 hearing that the protection order will be granted and remain in effect

1 and further service of such notice described in this subsection shall not
2 be required for purposes of prosecution under this section.

3 (c) A temporary ex parte sexual assault protection order shall be
4 affirmed and deemed the final protection order and service of the
5 temporary ex parte order shall be notice of the final protection order if
6 ~~If the respondent has been properly served with the ex parte order and;~~
7 ~~fails to appear at the hearing, the temporary order shall be deemed to be~~
8 ~~granted and remain in effect and the service of the ex parte order will~~
9 ~~serve as notice required under this section.~~

10 (i) The respondent fails to request a show-cause hearing within ten
11 business days after service upon him or her and no hearing was requested
12 by the petitioner or upon the court's own motion;

13 (ii) The respondent has been properly served with notice of any
14 hearing requested by the respondent or petitioner or upon the court's own
15 motion and the respondent fails to appear at such hearing; or

16 (iii) The respondent has been properly served with notice of any
17 hearing requested by the respondent, the petitioner, or upon the court's
18 own motion and the protection order was not dismissed at the hearing.

19 (10) (9) A peace officer shall, with or without a warrant, arrest a
20 person if (a) the officer has probable cause to believe that the person
21 has committed a violation of a sexual assault protection order issued
22 pursuant to this section or a violation of a valid foreign sexual assault
23 protection order recognized pursuant to section 28-311.12 and (b) a
24 petitioner under this section provides the peace officer with a copy of
25 such order or the peace officer determines that such an order exists
26 after communicating with the local law enforcement agency.

27 (11) (10) A peace officer making an arrest pursuant to subsection
28 (10) (9) of this section shall take such person into custody and take
29 such person before the county court or the court which issued the sexual
30 assault protection order within a reasonable time. At such time the court
31 shall establish the conditions of such person's release from custody,

1 including the determination of bond or recognizance, as the case may be.
2 The court shall issue an order directing that such person shall have no
3 contact with the alleged victim of the sexual assault offense.

4 (12)(a)(i) ~~(11)~~ An order issued under subsection (1) of this section
5 may be renewed annually. To request renewal of the order, the petitioner
6 shall file a petition for renewal and affidavit in support thereof at any
7 time within ~~least~~ forty-five days prior to the date the order is set to
8 expire, including the date the order expires.

9 (ii) A sexual assault protection order may be renewed on the basis
10 of the petitioner's affidavit stating that there has been no material
11 change in relevant circumstances since entry of the order and stating the
12 reason for the requested renewal if:

13 (A) The petitioner seeks no modification of the order; and

14 (B)(I) The respondent has been properly served with notice of the
15 petition for renewal and notice of hearing and fails to appear at the
16 hearing; or

17 (II) The respondent indicates that he or she does not contest the
18 renewal.

19 (iii) The petition for renewal shall state the reasons a renewal is
20 sought and shall be filed with the clerk of the district court, and the
21 proceeding thereon may be heard by the county court or the district court
22 as provided in section 25-2740. A petition for renewal will otherwise be
23 governed in accordance with the procedures set forth in subsections (4)
24 through ~~(11)~~ ~~(10)~~ of this section. The renewed order shall specify that
25 it is effective for one year commencing on the first calendar day after
26 expiration of the previous order or on the calendar day the court grants
27 the renewal if such day is subsequent to the first calendar day after
28 expiration of the previous order.

29 (13) When provided by the petitioner, the court shall make
30 confidential numeric victim identification information, including social
31 security numbers and dates of birth, to appropriate criminal justice

1 agencies engaged in protection order enforcement efforts. Such agencies
2 shall maintain the confidentiality of this information, except for entry
3 into state and federal data bases for protection order enforcement.

4 (14) ~~(12)~~ For purposes of this section, sexual assault offense
5 means:

6 (a) Conduct amounting to sexual assault under section 28-319 or
7 28-320 or sexual assault of a child under section 28-319.01 or 28-320.01
8 or an attempt to commit any of such offenses; or

9 (b) Subjecting or attempting to subject another person to sexual
10 contact or sexual penetration without his or her consent, as such terms
11 are defined in section 28-318.

12 Sec. 3. Section 42-924, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition
15 and affidavit for a protection order as provided in ~~subsections (2) and~~
16 ~~(3)~~ of this section. Upon the filing of such a petition and affidavit in
17 support thereof, the court may issue a protection order without bond
18 granting the following relief:

19 (i) ~~(a)~~ Enjoining the respondent from imposing any restraint upon
20 the petitioner or upon the liberty of the petitioner;

21 (ii) ~~(b)~~ Enjoining the respondent from threatening, assaulting,
22 molesting, attacking, or otherwise disturbing the peace of the
23 petitioner;

24 (iii) ~~(c)~~ Enjoining the respondent from telephoning, contacting, or
25 otherwise communicating with the petitioner;

26 (iv) ~~(d)~~ Removing and excluding the respondent from the residence of
27 the petitioner, regardless of the ownership of the residence;

28 (v) ~~(e)~~ Ordering the respondent to stay away from any place
29 specified by the court;

30 (vi) ~~(f)~~ Awarding the petitioner temporary custody of any minor
31 children not to exceed ninety days;

1 (vii) ~~(g)~~ Enjoining the respondent from possessing or purchasing a
2 firearm as defined in section 28-1201; or

3 (viii) ~~(h)~~ Ordering such other relief deemed necessary to provide
4 for the safety and welfare of the petitioner and any designated family or
5 household member.

6 **(b) The petition for a protection order shall state the events and**
7 **dates or approximate dates of acts constituting the alleged domestic**
8 **abuse, including the most recent and most severe incident or incidents.**

9 **(c) The protection order shall specify to whom relief under this**
10 **section was granted.**

11 (2) Petitions for protection orders shall be filed with the clerk of
12 the district court, and the proceeding may be heard by the county court
13 or the district court as provided in section 25-2740. A petition for a
14 protection order may not be withdrawn except upon order of the court.

15 (3)(a) A protection order shall specify that it is effective for a
16 period of one year and, if the order grants temporary custody, the number
17 of days of custody granted to the petitioner unless otherwise modified by
18 the court.

19 **(b)(i) ~~(b)~~ Any victim of domestic abuse may file a petition and**
20 **affidavit to renew a protection order. Such petition and affidavit for**
21 **renewal shall be filed any time within forty-five ~~on or after thirty~~ days**
22 **before the expiration of the previous protection order, including the**
23 **date the order expires.**

24 **(ii) A protection order may be renewed on the basis of the**
25 **petitioner's affidavit stating that there has been no material change in**
26 **relevant circumstances since entry of the order and stating the reason**
27 **for the requested renewal if:**

28 **(A) The petitioner seeks no modification of the order; and**

29 **(B)(I) The respondent has been properly served with notice of the**
30 **petition for renewal and notice of hearing and fails to appear at the**
31 **hearing; or**

1 (II) The respondent indicates that he or she does not contest the
2 renewal.

3 (iii) Such renewed order shall specify that it is effective for a
4 period of one year to commence on the first calendar day following the
5 expiration of the previous order or on the calendar day the court grants
6 the renewal if such day is subsequent to the first calendar day after
7 expiration of the previous order and, if the court grants temporary
8 custody, the number of days of custody granted to the petitioner unless
9 otherwise modified by the court.

10 (4) Any person, except the petitioner, who knowingly violates a
11 protection order issued pursuant to this section or section 42-931 after
12 service or notice as described in subsection (2) of section 42-926 shall
13 be guilty of a Class I misdemeanor, except that any person convicted of
14 violating such order who has a prior conviction for violating a
15 protection order shall be guilty of a Class IV felony.

16 (5) If there is any conflict between sections 42-924 to 42-926 and
17 any other provision of law, sections 42-924 to 42-926 shall govern.

18 Sec. 4. Section 42-924.02, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 42-924.02 The clerk of the district court shall make available
21 standard petition and affidavit forms for all types of protection orders
22 provided by law with instructions for completion to be used by a
23 petitioner. Affidavit forms shall request all relevant information,
24 including, but not limited to: A description of the most recent incident
25 that was the basis for the application for a protection order and the
26 date or approximate date of the incident and, if there was more than one
27 incident, the most severe incident and the date or approximate date of
28 such incident. The clerk and his or her employees shall not provide
29 assistance in completing the forms. The State Court Administrator shall
30 adopt and promulgate the standard petition and affidavit forms provided
31 for in this section as well as the standard temporary ex parte and final

1 protection order forms and provide a copy of such forms to all clerks of
2 the district courts in this state. These standard temporary ex parte and
3 final protection order forms shall be the only such forms used in this
4 state.

5 Sec. 5. Section 42-925, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 42-925 (1) An order issued under section 42-924 may be issued ex
8 parte to the respondent if it reasonably appears from the specific facts
9 included in the affidavit that the petitioner will be in immediate danger
10 of abuse before the matter can be heard on notice. If an order is issued
11 ex parte, such order is a temporary order and the court shall forthwith
12 cause notice of the petition and order to be given to the respondent. The
13 court shall also cause a form to request a show-cause hearing to be
14 served upon the respondent. If the respondent wishes to appear and show
15 cause why the order should not remain in effect, he or she shall affix
16 his or her current address, telephone number, and signature to the form
17 and return it to the clerk of the district court within ten business five
18 days after service upon him or her. Upon receipt of a timely the request
19 for a show-cause hearing, the request of the petitioner, or upon the
20 court's own motion, the court shall immediately schedule a show-cause
21 hearing to be held within thirty days after the receipt of the request
22 for a show-cause hearing and shall notify the petitioner and respondent
23 of the hearing date. The court shall admit into evidence the petition and
24 affidavit at any show-cause hearing. If the respondent appears at the
25 hearing and shows cause why such order should not remain in effect, the
26 court shall rescind the temporary order. ~~If the respondent does not so~~
27 ~~appear and show cause, the temporary order shall be affirmed and shall be~~
28 ~~deemed the final protection order. If the respondent has been properly~~
29 ~~served with the ex parte order and fails to appear at the hearing, the~~
30 ~~temporary order shall be affirmed and the service of the ex parte order~~
31 ~~shall be notice of the final protection order for purposes of prosecution~~

1 ~~under subsection (4) of section 42-924.~~

2 (2) A temporary ex parte order shall be affirmed and deemed the
3 final protection order and service of the temporary ex parte order shall
4 be notice of the final protection order if the respondent has been
5 properly served with the temporary ex parte order and:

6 (i) The respondent fails to request a show-cause hearing within ten
7 business days after service upon him or her and no hearing was requested
8 by the petitioner or upon the court's own motion;

9 (ii) The respondent has been properly served with notice of any
10 hearing requested by the respondent, the petitioner, or upon the court's
11 own motion and fails to appear at such hearing; or

12 (iii) The respondent has been properly served with notice of any
13 hearing requested by the respondent, the petitioner, or upon the court's
14 own motion and the protection order was not dismissed at the hearing.

15 (3) (2) If an order under section 42-924 is not issued ex parte, the
16 court shall immediately schedule an evidentiary hearing to be held within
17 fourteen days after the filing of the petition, and the court shall cause
18 notice of the hearing to be given to the petitioner and the respondent.
19 If the respondent does not appear at the hearing and show cause why such
20 order should not be issued, the court shall issue a final protection
21 order.

22 (4) (3) The court may by rule or order refer or assign all matters
23 regarding orders issued under section 42-924 to a referee for findings
24 and recommendations.

25 (5) (4) An order issued under section 42-924 shall remain in effect
26 for the period provided in subsection (3) of section 42-924, unless
27 dismissed or modified by the court prior to such date. If the order
28 grants temporary custody, such custody shall not exceed the number of
29 days specified by the court unless the respondent shows cause why the
30 order should not remain in effect.

31 (6) (5) The court shall also cause the notice created under section

1 29-2291 to be served upon the respondent notifying the respondent that it
2 may be unlawful under federal law for a person who is subject to a
3 protection order to possess or receive any firearm or ammunition.

4 (7) A court may treat a petition for a domestic abuse protection
5 order as a petition for a harassment protection order or a sexual assault
6 protection order if it appears from the facts that such other protection
7 order is more appropriate and if:

8 (a) The court makes specific findings that such other order is more
9 appropriate; or

10 (b) The petitioner has requested the court to so treat the petition.

11 Sec. 6. Section 42-926, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-926 (1) Upon the issuance of a temporary ex parte or final
14 protection order under section 42-925, the clerk of the court shall
15 forthwith provide the petitioner, without charge, with two certified
16 copies of such order. The clerk of the court shall also forthwith provide
17 the local police department or local law enforcement agency and the local
18 sheriff's office, without charge, with one copy each of such order and
19 one copy each of the sheriff's return thereon. The clerk of the court
20 shall also forthwith provide a copy of the protection order to the
21 sheriff's office in the county where the respondent may be personally
22 served together with instructions for service. Upon receipt of the order
23 and instructions for service, such sheriff's office shall forthwith serve
24 the protection order upon the respondent and file its return thereon with
25 the clerk of the court which issued the protection order within fourteen
26 days of the issuance of the protection order. If any protection order is
27 dismissed or modified by the court, the clerk of the court shall
28 forthwith provide the local police department or local law enforcement
29 agency and the local sheriff's office, without charge, with one copy each
30 of the order of dismissal or modification. If the respondent has notice
31 as described in subsection (2) of this section, further service under

1 this subsection is unnecessary.

2 (2) If the respondent was present at a hearing convened pursuant to
3 section 42-925 and the protection order was not dismissed, the respondent
4 shall be deemed to have notice by the court at such hearing that the
5 protection order will be granted and remain in effect and further service
6 of notice described in subsection (1) of this section is not required for
7 purposes of prosecution under subsection (4) of section 42-924.

8 (3) When provided by the petitioner, the court shall make
9 confidential numeric victim identification information, including social
10 security numbers and dates of birth, available to appropriate criminal
11 justice agencies engaged in protection order enforcement efforts. Such
12 agencies shall maintain the confidentiality of this information, except
13 for entry into state and federal data bases for protection order
14 enforcement.

15 Sec. 7. This act becomes operative on January 1, 2020.

16 Sec. 8. Original sections 28-311.09, 42-924.02, and 42-926, Reissue
17 Revised Statutes of Nebraska, and sections 28-311.11, 42-924, and 42-925,
18 Revised Statutes Cumulative Supplement, 2018, are repealed.