

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 532**

Introduced by Cavanaugh, 6; Hunt, 8.

Read first time January 22, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to protection orders; to amend sections  
2 28-311.09, 42-924.02, and 42-926, Reissue Revised Statutes of  
3 Nebraska, and sections 28-311.11, 42-924, and 42-925, Revised  
4 Statutes Cumulative Supplement, 2018; to change provisions relating  
5 to harassment protection orders, sexual assault protection orders,  
6 and domestic abuse protection orders; to provide an operative date;  
7 and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

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

3 28-311.09 (1) Any victim who has been harassed as defined by section  
4 28-311.02 may file a petition and affidavit for a harassment protection  
5 order as provided in subsection (3) of this section. Upon the filing of  
6 such a petition and affidavit in support thereof, the court may issue a  
7 harassment protection order without bond enjoining the respondent from  
8 (a) imposing any restraint upon the person or liberty of the petitioner,  
9 (b) harassing, threatening, assaulting, molesting, attacking, or  
10 otherwise disturbing the peace of the petitioner, or (c) telephoning,  
11 contacting, or otherwise communicating with the petitioner. The  
12 harassment protection order shall specify to whom relief under this  
13 section was granted.

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

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

21 (4) A petition for a harassment protection order filed pursuant to  
22 subsection (1) of this section may not be withdrawn except upon order of  
23 the court. An order issued pursuant to subsection (1) of this section  
24 shall specify that it is effective for a period of one year unless  
25 otherwise dismissed or modified by the court. Any person, except the  
26 petitioner, who knowingly violates an order issued pursuant to subsection  
27 (1) of this section after service or notice as described in subdivision  
28 (8)(b) of this section shall be guilty of a Class II misdemeanor.

29 (5)(a) Fees to cover costs associated with the filing of a petition  
30 for a harassment protection order or the issuance or service of a  
31 harassment protection order seeking only the relief provided by this

1 section shall not be charged, except that a court may assess such fees  
2 and costs if the court finds, by clear and convincing evidence, that the  
3 statements contained in the petition were false and that the harassment  
4 protection order was sought in bad faith.

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

9 (6) The clerk of the district court shall make available standard  
10 application and affidavit forms for a harassment protection order with  
11 instructions for completion to be used by a petitioner. Affidavit forms  
12 shall request all relevant information, including, but not limited to: A  
13 description of the most recent incident that was the basis for the  
14 application for a harassment protection order and the date or approximate  
15 date of the incident and, if there was more than one incident, the most  
16 serious incident and the date or approximate date of such incident. The  
17 clerk and his or her employees shall not provide assistance in completing  
18 the forms. The State Court Administrator shall adopt and promulgate the  
19 standard application and affidavit forms provided for in this section as  
20 well as the standard temporary and final harassment protection order  
21 forms and provide a copy of such forms to all clerks of the district  
22 courts in this state. These standard temporary and final harassment  
23 protection order forms shall be the only such forms used in this state.

24 (7) Any order issued under subsection (1) of this section may be  
25 issued ex parte without notice to the respondent if it reasonably appears  
26 from the specific facts shown by affidavit of the petitioner that  
27 irreparable harm, loss, or damage will result before the matter can be  
28 heard on notice. If the specific facts included in the affidavit (a) do  
29 not show that the petitioner will suffer irreparable harm, loss, or  
30 damage or (b) show that, for any other compelling reason, an ex parte  
31 order should not be issued, the court shall immediately schedule an

1 evidentiary hearing to be held within fourteen days after the filing of  
2 the petition. The court shall cause notice of the hearing to be given to  
3 the petitioner and to the respondent. The court shall ~~may forthwith~~ cause  
4 notice of the application to be given to the respondent stating that he  
5 or she may show cause, ~~not more than fourteen days after service,~~ why  
6 such order should not be entered. If a petition for an ex parte  
7 harassment protection order is not granted, the court shall not dismiss  
8 the petition without a hearing. If such ex parte order is issued without  
9 notice to the respondent, the court shall forthwith cause notice of the  
10 petition and order and a form with which to request a show-cause hearing  
11 to be given the respondent stating that, upon service on the respondent,  
12 the order shall remain in effect for a period of one year unless the  
13 respondent shows cause why the order should not remain in effect for a  
14 period of one year. If the respondent wishes to appear and show cause why  
15 the order should not remain in effect for a period of one year, he or she  
16 shall affix his or her current address, telephone number, and signature  
17 to the form and return it to the clerk of the district court within ten  
18 business ~~five~~ days after service upon him or her. Upon receipt of a  
19 timely ~~the~~ request for a show-cause hearing, the court shall immediately  
20 schedule a show-cause hearing to be held within thirty days after the  
21 receipt of the request for a show-cause hearing and shall notify the  
22 petitioner and respondent of the hearing date. The court shall admit into  
23 evidence the petition and affidavit at the show-cause hearing unless  
24 properly objected to and such objection is sustained.

25 (8)(a) Upon the issuance of any temporary or final harassment  
26 protection order, the clerk of the court shall forthwith provide the  
27 petitioner, without charge, with two certified copies of such order. The  
28 clerk of the court shall also forthwith provide the local police  
29 department or local law enforcement agency and the local sheriff's  
30 office, without charge, with one copy each of such order and one copy  
31 each of the sheriff's return thereon. The clerk of the court shall also

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

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

19 (c) A temporary ex parte harassment protection order shall be  
20 affirmed and deemed the final protection order and service of the ex  
21 parte order shall be notice of the final protection order if If the  
22 respondent has been properly served with the ex parte order and: ~~fails to~~  
23 ~~appear at the hearing, the temporary order shall be deemed to be granted~~  
24 ~~and remain in effect and the service of the ex parte order will serve as~~  
25 ~~notice required under this section.~~

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

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

1 (9) A peace officer may, with or without a warrant, arrest a person  
2 if (a) the officer has probable cause to believe that the person has  
3 committed a violation of a harassment protection order issued pursuant to  
4 this section or a violation of a valid foreign harassment protection  
5 order recognized pursuant to section 28-311.10 and (b) a petitioner under  
6 this section provides the peace officer with a copy of a harassment  
7 protection order or the peace officer determines that such an order  
8 exists after communicating with the local law enforcement agency or a  
9 person protected under a valid foreign harassment protection order  
10 recognized pursuant to section 28-311.10 provides the peace officer with  
11 a copy of such order.

12 (10) A peace officer making an arrest pursuant to subsection (9) of  
13 this section shall take such person into custody and take such person  
14 before the county court or the court which issued the harassment  
15 protection order within a reasonable time. At such time the court shall  
16 establish the conditions of such person's release from custody, including  
17 the determination of bond or recognizance, as the case may be. The court  
18 shall issue an order directing that such person shall have no contact  
19 with the alleged victim of the harassment.

20 (11) The court shall make available when provided by the petitioner  
21 confidential numeric victim identification information, including social  
22 security numbers and dates of birth, to appropriate criminal justice  
23 agencies engaged in protection order enforcement efforts. Such agencies  
24 shall maintain the confidentiality of this information, except for entry  
25 into state and federal data bases for protection order enforcement.

26 Sec. 2. Section 28-311.11, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 28-311.11 (1) Any victim of a sexual assault offense may file a  
29 petition and affidavit for a sexual assault protection order as provided  
30 in subsection (3) of this section. Upon the filing of such a petition and  
31 affidavit in support thereof, the court may issue a sexual assault

1 protection order without bond enjoining the respondent from (a) imposing  
2 any restraint upon the person or liberty of the petitioner, (b)  
3 harassing, threatening, assaulting, molesting, attacking, or otherwise  
4 disturbing the peace of the petitioner, or (c) telephoning, contacting,  
5 or otherwise communicating with the petitioner. The sexual assault  
6 protection order shall specify to whom relief under this section was  
7 granted.

8 (2) The petition for a sexual assault protection order shall state  
9 the events and dates or approximate dates of acts constituting the sexual  
10 assault offense, including the most recent and most severe incident or  
11 incidents.

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

15 (4) A petition for a sexual assault protection order may not be  
16 withdrawn except upon order of the court. A sexual assault protection  
17 order shall specify that it is effective for a period of one year unless  
18 renewed pursuant to subsection (12) ~~(11)~~ of this section or otherwise  
19 dismissed or modified by the court. Any person, except the petitioner,  
20 who knowingly violates a sexual assault protection order after service or  
21 notice as described in subdivision (9)(b) ~~(8)(b)~~ of this section shall be  
22 guilty of a Class I misdemeanor, except that for any person convicted of  
23 violating such order who has a prior conviction for violating a sexual  
24 assault protection order second violation of a sexual assault protection  
25 order within a twelve-month period, or any third or subsequent violation,  
26 whenever committed, such person shall be guilty of a Class IV felony.

27 (5)(a) Fees to cover costs associated with the filing of a petition  
28 for issuance or renewal of a sexual assault protection order or the  
29 issuance or service of a sexual assault protection order seeking only the  
30 relief provided by this section shall not be charged, except that a court  
31 may assess such fees and costs if the court finds, by clear and

1 convincing evidence, that the statements contained in the petition were  
2 false and that the sexual assault protection order was sought in bad  
3 faith.

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

8 (6) The clerk of the district court shall make available standard  
9 application and affidavit forms for issuance and renewal of a sexual  
10 assault protection order with instructions for completion to be used by a  
11 petitioner. Affidavit forms shall request all relevant information,  
12 including, but not limited to: A description of the most recent incident  
13 that was the basis for the application for a sexual assault protection  
14 order and the date or approximate date of the incident and, if there was  
15 more than one incident, the most serious incident and the date or  
16 approximate date of such incident. The clerk and his or her employees  
17 shall not provide assistance in completing the forms. The State Court  
18 Administrator shall adopt and promulgate the standard application and  
19 affidavit forms provided for in this section as well as the standard  
20 temporary and final sexual assault protection order forms and provide a  
21 copy of such forms to all clerks of the district courts in this state.  
22 Such standard temporary and final sexual assault protection order forms  
23 shall be the only forms used in this state.

24 (7) A sexual assault protection order may be issued or renewed ex  
25 parte without notice to the respondent if it reasonably appears from the  
26 specific facts shown by affidavit of the petitioner that irreparable  
27 harm, loss, or damage will result before the matter can be heard on  
28 notice. If the specific facts included in the affidavit (a) do not show  
29 that the petitioner will suffer irreparable harm, loss, or damage or (b)  
30 show that, for any other compelling reason, an ex parte order should not  
31 be issued or renewed, the court shall immediately schedule an evidentiary



1 hearing to be held within fourteen days after the filing of the petition.  
2 The court shall cause notice of the hearing to be given to the petitioner  
3 and to the respondent. The court shall ~~may forthwith~~ cause notice of the  
4 application to be given to the respondent stating that he or she may show  
5 cause, not more than fourteen days after service, why such order should  
6 not be entered. If a petition for an ex parte sexual assault protection  
7 order is not granted, the court shall not dismiss the petition without a  
8 hearing. If such ex parte order is issued or renewed without notice to  
9 the respondent, the court shall forthwith cause notice of the petition  
10 and order and a form with which to request a show-cause hearing to be  
11 given the respondent stating that, upon service on the respondent, the  
12 order shall remain in effect for a period of one year unless the  
13 respondent shows cause why the order should not remain in effect for a  
14 period of one year. If the respondent wishes to appear and show cause why  
15 the order should not remain in effect for a period of one year, he or she  
16 shall affix his or her current address, telephone number, and signature  
17 to the form and return it to the clerk of the district court within ~~ten~~  
18 business ~~five~~ days after service upon him or her. Upon receipt of a  
19 timely ~~the~~ request for a show-cause hearing, the court shall immediately  
20 schedule a show-cause hearing to be held within thirty days after the  
21 receipt of the request for a show-cause hearing and shall notify the  
22 petitioner and respondent of the hearing date. The court shall admit into  
23 evidence the petition and affidavit at the show-cause hearing unless  
24 properly objected to and such objection is sustained.

25 (8) A court may treat a petition for a sexual assault protection  
26 order as a petition for a harassment 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 or renewal of any temporary or final  
2 sexual assault 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 sexual assault 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 sexual assault protection order upon the respondent and file its  
13 return thereon with the clerk of the court which issued the sexual  
14 assault protection order within fourteen days of the issuance of the  
15 initial or renewed sexual assault protection order. If any sexual assault  
16 protection order is dismissed or modified by the court, the clerk of the  
17 court shall forthwith provide the local police department or local law  
18 enforcement agency and the local sheriff's office, without charge, with  
19 one copy each of the order of dismissal or modification.

20           (b) If the respondent is present at a hearing convened pursuant to  
21 this section and the sexual assault protection order is not dismissed,  
22 such respondent shall be deemed to have notice by the court at such  
23 hearing that the 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 sexual assault protection order shall be  
27 affirmed and deemed the final protection order and service of the ex  
28 parte order shall be notice of the final protection order if ~~If the~~  
29 ~~respondent has been properly served with the ex parte order and; fails to~~  
30 ~~appear at the hearing, the temporary order shall be deemed to be granted~~  
31 ~~and remain in effect and the service of the ex parte order will serve as~~

1 ~~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; or

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

8 (10) (9) A peace officer shall, with or without a warrant, arrest a  
9 person if (a) the officer has probable cause to believe that the person  
10 has committed a violation of a sexual assault protection order issued  
11 pursuant to this section or a violation of a valid foreign sexual assault  
12 protection order recognized pursuant to section 28-311.12 and (b) a  
13 petitioner under this section provides the peace officer with a copy of  
14 such order or the peace officer determines that such an order exists  
15 after communicating with the local law enforcement agency.

16 (11) (10) A peace officer making an arrest pursuant to subsection  
17 (10) (9) of this section shall take such person into custody and take  
18 such person before the county court or the court which issued the sexual  
19 assault protection order within a reasonable time. At such time the court  
20 shall establish the conditions of such person's release from custody,  
21 including the determination of bond or recognizance, as the case may be.  
22 The court shall issue an order directing that such person shall have no  
23 contact with the alleged victim of the sexual assault offense.

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

29 (ii) A sexual assault protection order may be renewed on the basis  
30 of the petitioner's affidavit stating that there has been no material  
31 change in relevant circumstances since entry of the order and stating the

1 reason for the requested renewal if:

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

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

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

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

18 (13) The court shall make available when provided by the petitioner  
19 confidential numeric victim identification information, including social  
20 security numbers and dates of birth, to appropriate criminal justice  
21 agencies engaged in protection order enforcement efforts. Such agencies  
22 shall maintain the confidentiality of this information, except for entry  
23 into state and federal data bases for protection order enforcement.

24 (14) ~~(12)~~ For purposes of this section, sexual assault offense  
25 means:

26 (a) Conduct amounting to sexual assault under section 28-319 or  
27 28-320 or sexual assault of a child under section 28-319.01 or 28-320.01  
28 or an attempt to commit any of such offenses; or

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

1           Sec. 3. Section 42-924, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

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

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

10           (ii) ~~(b)~~ Enjoining the respondent from threatening, assaulting,  
11 molesting, attacking, or otherwise disturbing the peace of the  
12 petitioner;

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

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

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

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

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

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

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

29           (c) The protection order shall specify to whom relief under this  
30 section was granted.

31           (2) Petitions for protection orders shall be filed with the clerk of

1 the district court, and the proceeding may be heard by the county court  
2 or the district court as provided in section 25-2740. A petition for a  
3 protection order may not be withdrawn except upon order of the court.

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

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

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

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

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

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

23 ~~(iii)~~ Such renewed order shall specify that it is effective for a  
24 period of one year to commence on the first calendar day following the  
25 expiration of the previous order or on the calendar day the court grants  
26 the renewal if such day is subsequent to the first calendar day after  
27 expiration of the previous order and, if the court grants temporary  
28 custody, the number of days of custody granted to the petitioner unless  
29 otherwise modified by the court.

30 (4) Any person, except the petitioner, who knowingly violates a  
31 protection order issued pursuant to this section or section 42-931 after

1 service or notice as described in subsection (2) of section 42-926 shall  
2 be guilty of a Class I misdemeanor, except that any person convicted of  
3 violating such order who has a prior conviction for violating a  
4 protection order shall be guilty of a Class IV felony.

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

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

9 42-924.02 The clerk of the district court shall make available  
10 standard petition and affidavit forms for all types of protection orders  
11 provided by law with instructions for completion to be used by a  
12 petitioner. Affidavit forms shall request all relevant information,  
13 including, but not limited to: A description of the most recent incident  
14 that was the basis for the application for a protection order and the  
15 date or approximate date of the incident and, if there was more than one  
16 incident, the most serious incident and the date or approximate date of  
17 such incident. The clerk and his or her employees shall not provide  
18 assistance in completing the forms. The State Court Administrator shall  
19 adopt and promulgate the standard petition and affidavit forms provided  
20 for in this section as well as the standard temporary and final  
21 protection order forms and provide a copy of such forms to all clerks of  
22 the district courts in this state. These standard temporary and final  
23 protection order forms shall be the only such forms used in this state.

24 Sec. 5. Section 42-925, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26 42-925 (1) An order issued under section 42-924 may be issued ex  
27 parte to the respondent if it reasonably appears from the specific facts  
28 included in the affidavit that the petitioner will be in immediate danger  
29 of abuse before the matter can be heard on notice. If an order is issued  
30 ex parte, such order is a temporary order and the court shall forthwith  
31 cause notice of the petition and order to be given to the respondent. The

1 court shall also cause a form to request a show-cause hearing to be  
2 served upon the respondent. If the respondent wishes to appear and show  
3 cause why the order should not remain in effect, he or she shall affix  
4 his or her current address, telephone number, and signature to the form  
5 and return it to the clerk of the district court within ten business five  
6 days after service upon him or her. Upon receipt of a timely the request  
7 for a show-cause hearing, the request of the petitioner, or upon the  
8 court's own motion, the court shall immediately schedule a show-cause  
9 hearing to be held within thirty days after the receipt of the request  
10 for a show-cause hearing and shall notify the petitioner and respondent  
11 of the hearing date. The court shall admit into evidence the petition and  
12 affidavit at the show-cause hearing unless properly objected to and such  
13 objection is sustained. If the respondent appears at the hearing and  
14 shows cause why such order should not remain in effect, the court shall  
15 rescind the temporary order. ~~If the respondent does not so appear and~~  
16 ~~show cause, the temporary order shall be affirmed and shall be deemed the~~  
17 ~~final protection order. If the respondent has been properly served with~~  
18 ~~the ex parte order and fails to appear at the hearing, the temporary~~  
19 ~~order shall be affirmed and the service of the ex parte order shall be~~  
20 ~~notice of the final protection order for purposes of prosecution under~~  
21 ~~subsection (4) of section 42-924.~~

22 (2) A temporary ex parte order shall be affirmed and deemed the  
23 final protection order and service of the ex parte order shall be notice  
24 of the final protection order if the respondent has been properly served  
25 with the ex parte order and:

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

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



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

4        ~~(3) (2)~~ If an order under section 42-924 is not issued ex parte, the  
5 court shall not dismiss the petition without a hearing and shall  
6 immediately schedule an evidentiary hearing to be held within fourteen  
7 days after the filing of the petition, and the court shall cause notice  
8 of the hearing to be given to the petitioner and the respondent. If the  
9 respondent does not appear at the hearing and show cause why such order  
10 should not be issued, the court shall issue a final protection order.

11        ~~(4) (3)~~ The court may by rule or order refer or assign all matters  
12 regarding orders issued under section 42-924 to a referee for findings  
13 and recommendations.

14        ~~(5) (4)~~ An order issued under section 42-924 shall remain in effect  
15 for the period provided in subsection (3) of section 42-924, unless  
16 dismissed or modified by the court prior to such date. If the order  
17 grants temporary custody, such custody shall not exceed the number of  
18 days specified by the court unless the respondent shows cause why the  
19 order should not remain in effect.

20        ~~(6) (5)~~ The court shall also cause the notice created under section  
21 29-2291 to be served upon the respondent notifying the respondent that it  
22 may be unlawful under federal law for a person who is subject to a  
23 protection order to possess or receive any firearm or ammunition.

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

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

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

31        Sec. 6. Section 42-926, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-926 (1) Upon the issuance of a temporary or final protection  
3 order under section 42-925, the clerk of the court shall forthwith  
4 provide the petitioner, without charge, with two certified copies of such  
5 order. The clerk of the court shall also forthwith provide the local  
6 police department or local law enforcement agency and the local sheriff's  
7 office, without charge, with one copy each of such order and one copy  
8 each of the sheriff's return thereon. The clerk of the court shall also  
9 forthwith provide a copy of the protection order to the sheriff's office  
10 in the county where the respondent may be personally served together with  
11 instructions for service. Upon receipt of the order and instructions for  
12 service, such sheriff's office shall forthwith serve the protection order  
13 upon the respondent and file its return thereon with the clerk of the  
14 court which issued the protection order within fourteen days of the  
15 issuance of the protection order. If any 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. If the respondent has notice as described in  
20 subsection (2) of this section, further service under this subsection is  
21 unnecessary.

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

28 (3) The court shall make available when provided by the petitioner  
29 confidential numeric victim identification information, including social  
30 security numbers and dates of birth, to appropriate criminal justice  
31 agencies engaged in protection order enforcement efforts. Such agencies

1 shall maintain the confidentiality of this information, except for entry  
2 into state and federal data bases for protection order enforcement.

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

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