

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB519

Hearing Date: Friday February 05, 2021
Committee On: Judiciary
Introducer: Morfeld
One Liner: Provide immunity from arrest and prosecution for certain drug and alcohol offenses for witnesses and victims of sexual assaults

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

Vote Results:
Aye: 8 Senators Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing
Brooks, Slama
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Senator Adam Morfeld
Brooklyn Terrill

Representing:
Introducer
Self

Opponents:
Corey O'Brien

Representing:
Nebraska Attorney General's Office

Neutral:
Spike Eickholt

Representing:
Nebraska Criminal Defense Attorneys Association

Submitted Written Testimony:

Proponents:
Angie Lauritsen
Veronica Miller
Spike Eickholt
Christon MacTaggart

Representing:
Survivors Rising
ASUN Student Government
ACLU of Nebraska
Women's Fund of Omaha

Opponents:
Sara Kay

Representing:
Nebraska County Attorneys Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB519 would allow name change petitions to be filed without publishing notice and would also create a new defense for

victims and witnesses of sexual assaults.

Section 1 would amend Sec. 25-21,271 to allow a court to waive the requirement of publishing notice of a name change petition.

Section 2 would add the new defense to the Criminal Code.

Section 3 is all new and would create the new defense. "Eligible alcohol or drug offense" and "sexual assault" are defined by reference to the specific offenses. There are two types of defense. Under subsection (1), a witness or victim of a sexual assault could not be arrested or prosecuted for an eligible alcohol or drug offense if they reported the crime or requested emergency medical assistance and evidence of the eligible alcohol or drug offense was discovered as the result of the report or request. Subsection (2) applies to a person that cooperates with investigation and prosecution and evidence of an eligible alcohol or drug offense committed by that person is discovered as part of the investigation or prosecution of a sexual assault.

Section 4 would amend Sec. 28-416 to include a reference to the defense in the statute criminalizing possession of a controlled substance.

Section 5 would amend Sec. 28-441 to include a reference to the defense in the statute that criminalizes the possession of drug paraphernalia.

Section 6 would amend Sec. 53-180.05 to include a reference to the defense in the statute that criminalizes procuring alcohol for minors.

Explanation of amendments:

AM1781 would narrow the authority of a court to waive the notice requirement for name change petitions. The amended language would allow the court to waive notice if the petitioner demonstrates that the notice would endanger the petitioner.

Steve Lathrop, Chairperson