

AMENDMENTS TO LB965

Introduced by Judiciary.

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

3 **Sec. 6.** Section 28-310.01, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 28-310.01 (1) A person commits the offense of assault by
6 strangulation or suffocation if the person knowingly and intentionally:

7 (a) Impedes the normal breathing or circulation of the blood of
8 another person by applying pressure on the throat or neck of the other
9 person; or

10 (b) Impedes the normal breathing of another person by covering the
11 mouth and nose of the person.

12 (2) An offense is committed under this section regardless of whether
13 a visible injury resulted.

14 (3) Except as provided in subsection (4) of this section, a
15 violation of this section is a Class IIIA felony.

16 (4) A violation of this section is a Class IIA felony if:

17 (a) The person used or attempted to use a dangerous instrument while
18 committing the offense;

19 (b) The person caused serious bodily injury to the other person
20 while committing the offense; or

21 (c) The person has been previously convicted:

22 (i) Of a violation of this section; or

23 (ii) In any other state or federal court of a criminal offense with
24 essentially the same elements as a violation of this section.

25 (5) It is an affirmative defense that an act constituting
26 strangulation or suffocation was the result of a legitimate medical
27 procedure.

1 **Sec. 14.** Section 28-323, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-323 (1) A person commits the offense of domestic assault in the
4 third degree if he or she:

5 (a) Intentionally, and knowingly, or recklessly causes bodily injury
6 to his or her intimate partner; or

7 (b) Threatens an intimate partner with imminent bodily injury. ~~;~~

8 ~~(c) Threatens an intimate partner in a menacing manner.~~

9 (2) A person commits the offense of domestic assault in the second
10 degree if he or she:

11 (a) Intentionally ~~intentionally~~ and knowingly causes bodily injury
12 to his or her intimate partner with a dangerous instrument; or -

13 (b) Recklessly causes serious bodily injury to his or her intimate
14 partner with a dangerous instrument.

15 (3) A person commits the offense of domestic assault in the first
16 degree if he or she intentionally and knowingly causes serious bodily
17 injury to his or her intimate partner.

18 (4) A violation of subsection (1) of this section is a Class I
19 misdemeanor, except that such violation shall be punished as a:

20 (a) Class IIIA felony if the person has one previous conviction for
21 a violation of subsection (1), (2), or (3) of this section or a
22 substantially equivalent offense; or

23 (b) Class IIA felony if the person has previously been convicted two
24 or more times for any violation of subsection (1), (2), or (3) of this
25 section or any substantially equivalent offense.

26 (5) A violation of subsection (2) of this section is a Class IIA
27 felony, except that such violation shall be punished as a Class II felony
28 if such person has one or more previous convictions for a violation of
29 subsection (2) or (3) of this section or a substantially equivalent
30 offense.

31 (6) A violation of subsection (3) of this section is a Class ID

1 felony, except that such violation shall be punished as a Class IB felony
2 with a mandatory minimum sentence of fifteen years' imprisonment if such
3 person has one or more previous convictions for a violation of subsection
4 (3) of this section or a substantially equivalent offense.

5 ~~(4) Violation of subdivision (1)(a) or (b) of this section is a~~
6 ~~Class I misdemeanor, except that for any subsequent violation of~~
7 ~~subdivision (1)(a) or (b) of this section, any person so offending is~~
8 ~~guilty of a Class IIIA felony.~~

9 ~~(5) Violation of subdivision (1)(c) of this section is a Class I~~
10 ~~misdemeanor.~~

11 ~~(6) Violation of subsection (2) of this section is a Class IIIA~~
12 ~~felony, except that for any second or subsequent violation of such~~
13 ~~subsection, any person so offending is guilty of a Class IIA felony.~~

14 ~~(7) Violation of subsection (3) of this section is a Class IIA~~
15 ~~felony, except that for any second or subsequent violation under such~~
16 ~~subsection, any person so offending is guilty of a Class II felony.~~

17 ~~(7) (8) For purposes of this section: τ~~

18 ~~(a) Dating relationship means frequent, intimate associations~~
19 ~~primarily characterized by the expectation of affectional or sexual~~
20 ~~involvement, but does not include a casual relationship or an ordinary~~
21 ~~association between persons in a business or social context;~~

22 ~~(b) Intimate intimate partner means a spouse; a former spouse;~~
23 ~~persons who have a child in common whether or not they have been married~~
24 ~~or lived together at any time; and persons who are or were involved in a~~
25 ~~dating relationship; and τ. For purposes of this subsection, dating~~
26 ~~relationship means frequent, intimate associations primarily~~
27 ~~characterized by the expectation of affectional or sexual involvement,~~
28 ~~but does not include a casual relationship or an ordinary association~~
29 ~~between persons in a business or social context.~~

30 ~~(c) Substantially equivalent offense means a violation of law that:~~

31 ~~(i) Is a criminal offense under federal law or the law of another~~

1 state; and

2 (ii) Has essentially the same elements as the violation of this
3 section to which it is being compared.

4 **Sec. 48.** Sections 17, 20, 22, 23, 24, 25, 26, 27, 28, and 50 of this
5 act become operative on October 1, 2026. The other sections of this act
6 become operative on their effective date.

7 **Sec. 49.** If any section in this act or any part of any section is
8 declared invalid or unconstitutional, the declaration shall not affect
9 the validity or constitutionality of the remaining portions.

10 **Sec. 50.** Original section 28-610, Reissue Revised Statutes of
11 Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are
12 repealed.

13 **Sec. 51.** Original sections 28-322.02, 28-322.03, 28-323, 28-508,
14 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946,
15 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of
16 Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903,
17 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and
18 sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01,
19 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes
20 Supplement, 2025, are repealed.