



## Domestic Violence

1. A person commits the offense of domestic assault in the third degree if he or she:
  - (a) Intentionally and knowingly causes bodily injury to his or her intimate partner;
  - (b) Threatens an intimate partner with imminent bodily injury;
  - (c) Threatens an intimate partner in a menacing manner.
2. A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.
3. A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
4. Violation of subdivision (1) (a) or (b) of this section is a Class I misdemeanor, except that for any subsequent violation of subdivision (1) (a) or (b) of this section, any person so offending is guilty of a Class IV felony.
5. Violation of subdivision (1) (c) of this section is a Class I misdemeanor.
6. Violation of subsection (2) of this section is a Class IIIA felony, except that for any second or subsequent violation of such subsection, any person so offending is guilty of a Class III felony.
7. Violation of subsection (3) of this section is a Class III felony, except that for any second or subsequent violation under such subsection, any person so offending is guilty of a Class II felony.
8. For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

## Sexual Assault

1. Any person who subjects another person to sexual penetration
  - (a) without the consent of the victim
  - (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or
  - (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.
2. Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.
3. Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of twenty-five years in prison.

### Definition 2:

1. Any person who subjects another person to sexual contact
  - (a) without consent of the victim, or
  - (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.)
2. Sexual assault shall be in the second degree and is a Class III felony if the actor shall have caused serious personal injury to the victim.
3. Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim



## Dating Violence

There is not a specific statute on dating violence. However, it would be included in 28-323 (referenced above). The statute referenced below (42-903) defines “dating relationship.”

Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

## Stalking

Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

## Sources

Nebraska Revised Statute 28-319. Sexual assault; first degree; penalty. Nebraska Revised Statute 28-320. Sexual assault; second or third degree; penalty. Nebraska Revised Statute 42-903. Nebraska Revised Statute 28-311.03. Stalking. Nebraska Revised Statute 28-323. Domestic assault; penalties.

