

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 232

Introduced by Christensen, 44.

Read first time January 11, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to self-defense; to amend section 28-1410,
2 Reissue Revised Statutes of Nebraska; to authorize
3 protection of an unborn child; to define terms; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1410, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1410 (1) Subject to the provisions of this section and
4 of section 28-1414, the use of force upon or toward the person of
5 another is justifiable to protect a third person when:

6 (a) The actor would be justified under section 28-1409 in
7 using such force to protect himself or herself against the injury he
8 or she believes to be threatened to the person whom he or she seeks
9 to protect;

10 (b) Under the circumstances as the actor believes them to
11 be, the person whom he or she seeks to protect would be justified in
12 using such protective force; and

13 (c) The actor believes that his or her intervention is
14 necessary for the protection of such other person.

15 (2) Notwithstanding subsection (1) of this section:

16 (a) When the actor would be obliged under section 28-1409
17 to retreat, to surrender the possession of a thing, or to comply with
18 a demand before using force in self-protection, he or she shall not
19 be obliged to do so before using force for the protection of another
20 person, unless he or she knows that he or she can thereby secure the
21 complete safety of such other person;

22 (b) When the person whom the actor seeks to protect would
23 be obliged under section 28-1409 to retreat, to surrender the
24 possession of a thing, or to comply with a demand if he or she knew
25 that he or she could obtain complete safety by so doing, the actor is

1 obliged to try to cause him or her to do so before using force in his
2 or her protection if the actor knows that he or she can obtain
3 complete safety in that way; and

4 (c) Neither the actor nor the person whom he or she seeks
5 to protect is obliged to retreat when in the other's dwelling or
6 place of work to any greater extent than in his or her own.

7 (3) For purposes of this section:

8 (a) Third person or person to be protected includes an
9 unborn child; and

10 (b) Unborn child means an individual member of the
11 species Homo sapiens at any stage of development in utero.

12 Sec. 2. Original section 28-1410, Reissue Revised
13 Statutes of Nebraska, is repealed.