Trace the complete legislative history of straffeloven § 282. Identify the original legislative proposal, relevant NOUs, propositions, committee recommendations and later amendments affecting the provision. For each amendment, identify the preparatory works specifically connected to that change.

12 hours ago

I'll trace the legislative history of straffeloven § 282 using the lovkart legal database.

Used 31 tools, loaded tools

Legislative history of straffeloven § 282 (mishandling i nære relasjoner)

Short answer

Straffeloven § 282 carries forward straffeloven 1902 § 219 (familievold), as that provision was rewritten in 2005. It entered the 2005 Penal Code through the final special-part bill, Ot.prp. nr. 22 (2008–2009), and was enacted by lov 19. juni 2009 nr. 74. It took effect with the whole Penal Code on 1 October 2015.

It has been amended three times since:

Act	Bill (proposisjon)	Committee (innstilling)	What changed
Lov 25. juni 2010 nr. 46	Prop. 97 L (2009–2010)	Innst. 314 L (2009–2010)	Former spouses added in (a) and (b)
Lov 24. juni 2011 nr. 32	Prop. 105 L (2010–2011)	Innst. 385 L (2010–2011)	Cohabitants (samboer) named expressly; the offender's own children restored in (b)
Lov 20. april 2018 nr. 6, in force 1 Jan 2019	Prop. 167 L (2016–2017)	Innst. 150 L (2017–2018)	New second paragraph: the court must consider a contact ban (kontaktforbud)

Legal basis: the current text

The first paragraph sets a penalty of up to 6 years' imprisonment for anyone who, by "trusler, tvang, frihetsberøvelse, vold eller andre krenkelser, alvorlig eller gjentatt mishandler" a person in one of five groups (a–e):

- (a) a current or former spouse or cohabitant;
- (b) their own, or a current or former spouse's or cohabitant's, descendant in direct line;
- (c) their ascendant in direct line;
- (d) someone in their household;
- (e) someone in their care.

The second paragraph reads: "Når noen kjennes skyldig i en straffbar handling etter § 282 første ledd bokstav b, skal retten vurdere om kontaktforbud etter § 57 skal idømmes."

Lovdata's amendment note (endringsnote) for the section reads: added (tilføyd) by lov 19 juni 2009 nr. 74; amended by lov 25 juni 2010 nr. 46, lov 24 juni 2011 nr. 32 and lov 20 apr 2018 nr. 6 (in force 1 Jan 2019, res. 20 apr 2018 nr. 600). Lovdata's note lists no change to § 282 from the act that brought the Penal Code into force (Prop. 64 L (2014–2015)).

1. Background: the 1902 law, § 219, and the two NOUs

NOU 2002: 4 Ny straffelov (Straffelovkommisjonen, delutredning VII).

- The Penal Code Commission proposed **repealing** the old § 219.
- Its view was that the specific offences (bodily harm, threats, deprivation of liberty and so on) already covered these cases.
- Ot.prp. 113 quotes this at pp. 407–408 of the NOU.

NOU 2003: 31 Retten til et liv uten vold (Kvinnevoldsutvalget).

- The Women and Violence Committee pointed the other way.
- It found it a gap that Norwegian law did not capture psychological violence or the overall pattern of abuse in close relationships.
- It therefore floated a dedicated offence.

Ot.prp. nr. 113 (2004–2005) (link) proposed a new § 219 with its own offence for violence in close relationships. In its note on § 219, the department said the proposal:

- follows up the Women and Violence Committee's recommendation;
- departs from the Commission's proposal to repeal, except that the old non-support alternative was dropped;
- describes the protected groups, which are the source of today's (a)–(e);
- requires that the abuse be "grovt eller gjentatt";
- sets a maximum penalty of 3 years.

The bill's table of contents also lists action 23 in the government's action plan "Vold i nære relasjoner" and Stortingets anmodningsvedtak nr. 331 (2004–2005) as background.

Ot.prp. nr. 15 (2005–2006) (link): Ot.prp. nr. 113 was not dealt with before the 2005 election. Under Stoltenberg's rules of procedure § 33 it had to be re-submitted, and it was, with identical wording, together with some other changes.

- Committee: Innst. O. nr. 10 (2005–2006)
- Enacted: Besl. O. nr. 25 (2005–2006), which became lov 21. desember 2005 nr. 131.

2. Original enactment of § 282 (2009)

The 2005 Penal Code was first enacted with its general part only: Ot.prp. nr. 90 (2003–2004), Innst. O. nr. 72 (2004–2005), lov 20. mai 2005 nr. 28. § 282 came later.

Bill: Ot.prp. nr. 22 (2008–2009), the final special-part bill (siste delproposisjon). Its "Til § 282" note says:

- **Origin:** the provision carries forward 1902 § 219 first paragraph as amended by lov 21. desember 2005 nr. 131, with editorial changes.
- **Only substantive change:** the maximum penalty is raised to 6 years. The background is in section 6.11 of the bill.
- **Interpretation:** it refers back to Ot.prp. nr. 113 (2004–2005) pp. 45–46.
- **"alvorlig eller gjentatt"** replaces "grovt eller gjentatt". The word "alvorlig" means a single incident can also be covered.
- **Sentencing:** sentences should be significantly stricter, in line with the general violence offences in §§ 271–274. In its example (LA-2008-19096), the department considered about 1 year 6 months appropriate where 9 months had been imposed.
- **No concurrence:** in the note on § 283, the department states that §§ 282 and 283 are not to be applied together with §§ 271–274.

Committee: Innst. O. nr. 73 (2008–2009).

- The text it presents has (a) "sin ektefelle" and (b) "sin ektefelles slektning i rett nedstigende linje".
- At this stage, therefore, former spouses were not mentioned and the offender's own children were not in (b).

Enacted: Besl. O. nr. 88 (2008–2009), which became lov 19. juni 2009 nr. 74.

3. Amendment 1: lov 25. juni 2010 nr. 46 (former spouses)

Bill: Prop. 97 L (2009–2010).

- The "Til § 282" note explains that the persons added in (a) and (b) had entered the 1902 law in 2005 but were unintentionally left out when the provision was moved into the 2005 law.
- The proposed text:
  - (a) "sin ektefelle eller tidligere ektefelle"
  - (b) "sin eller tidligere eller nåværende ektefelles slektning i rett nedstigende linje"

Committee: Innst. 314 L (2009–2010).

- The majority (flertallet) saw no need to change the word order in 1902 § 219, but said this should be done in § 282.
- It put forward its own wording, "nåværende eller tidligere". In that wording, "sin eller" disappeared from (b).

Enacted: Lovvedtak 62 (2009–2010).

- The adopted text:
  - (a) "sin nåværende eller tidligere ektefelle"
  - (b) "sin nåværende eller tidligere ektefelles slektning i rett nedstigende linje"
- So the offender's own children were still not named in (b). This is my reading of the texts, and the 2011 bill confirms it.
- "Loven trer i kraft straks." The 2005 law itself was not in force, though, until 2015.

4. Amendment 2: lov 24. juni 2011 nr. 32 (cohabitants and the offender's children)

Bill: Prop. 105 L (2010–2011) (a bill mainly about the duty to investigate, etterforskingsplikt).

- The department proposed naming "samboar" expressly in both 1902 § 219 and § 282 (a) and (b).
- The aim was to make clear that former cohabitants and the children of current and former cohabitants have the same protection as former spouses.
- It also proposed adding "barna til gjerningspersonen" in (b), in line with the 1902 § 219.

Committee: Innst. 385 L (2010–2011). The committee notes that the change makes the offence expressly cover violence against current or former cohabitants.

Enacted: Lovvedtak 88 (2010–2011).

- The adopted text:
  - (a) "sin nåværende eller tidligere ektefelle eller samboer"
  - (b) "sin eller nåværende eller tidligere ektefelles eller samboers slektning i rett nedstigende linje"
- This is today's wording of (a) and (b). Part III of the act was to enter into force immediately.

5. Amendment 3: lov 20. april 2018 nr. 6 (contact ban), in force 1 January 2019

Bill: Prop. 167 L (2016–2017), from the Ministry of Children and Equality (Barne- og likestillingsdepartementet).

- The new second paragraph requires the court to consider a contact ban (kontaktforbud) under § 57 when someone is convicted under (b).
- The note refers to the parallel rule in § 319.
- The department stresses that the change is purely procedural. The substantive test in § 57 is unchanged.

Committee: Innst. 150 L (2017–2018).

- The innstilling summarises the department's reasoning: abuse by a parent or step-parent under (b) is normally a serious violation of the child's integrity and safety.
- It also records that the proposal followed the consultation paper (høringsnotat).
- No NOU dealt specifically with this amendment.

Enacted: Lovvedtak 31 (2017–2018).

Case law

Høyesterett has cited § 282 in 87 decisions; 32 of them are avdeling decisions. The newest include:

- HR-2025-2108-A
- HR-2025-2003-A
- HR-2025-1117-A

Decisions under the predecessor 1902 § 219 are recorded separately.

I have not read these decisions, so I say nothing about what they held. The court's own page links the text of each decision.

Changes you should know about

No adopted changes to § 282 are awaiting entry into force (lovkart snapshot 24 October 2026). The pending amendments to the Penal Code concern other sections.

Two 2025-2026 bills mention § 282, but in what I read they do not propose amending it:

- Prop. 69 L (2025–2026), on negative social control and honour-based violence
- Prop. 102 L (2025–2026), on confidentiality (taushetsplikt)

Neither has a "Til § 282" note.

Uncertainties and what I could not check

- **Wording before 2014:** the consolidated text from before 2014 is not archived here, so I reconstructed the wording at each stage from the enacted texts (lovvedtak) and the committee text. Authoritative historical versions are in Lovdata Pro.
- **2009 link:** lovkart's link between lov 2009 nr. 74 and Ot.prp. 22 is a weaker same-session match. It is confirmed, however, by the bill's own "Til § 282" note and by Innst. O. 73.
- **A typo in Innst. 314 L:** the committee's proposal reads "rett stigende linje". The adopted text (lovvedtak) says "nedstigende".
- **Not read in full:** section 6.11 of Ot.prp. 22, which explains the higher penalty, and the full texts of the two NOUs. I read the NOUs only as Ot.prp. 113 quotes them.

Sources

- Current text and amendment trail: straffeloven § 282
- 1902 law, the NOUs and the 2005 rewrite: NOU 2002: 4; NOU 2003: 31; Ot.prp. nr. 113 (2004–2005); Ot.prp. nr. 15 (2005–2006); Innst. O. nr. 10 (2005–2006)
- General part of the 2005 code: Ot.prp. nr. 90 (2003–2004); Innst. O. nr. 72 (2004–2005)
- Original enactment of § 282 (2009): Ot.prp. nr. 22 (2008–2009); Innst. O. nr. 73 (2008–2009); lov 19. juni 2009 nr. 74
- 2010 amendment: Prop. 97 L (2009–2010); Innst. 314 L and Lovvedtak 62 (2009–2010); lov 25. juni 2010 nr. 46
- 2011 amendment: Prop. 105 L (2010–2011); Innst. 385 L and Lovvedtak 88 (2010–2011); lov 24. juni 2011 nr. 32
- 2018 amendment: Prop. 167 L (2016–2017); Innst. 150 L and Lovvedtak 31 (2017–2018); lov 20. april 2018 nr. 6
- Entry into force of the Penal Code: Prop. 64 L (2014–2015)
- Pending bills that mention § 282: Prop. 69 L (2025–2026); Prop. 102 L (2025–2026)
- Case law: HR-2025-2108-A, HR-2025-2003-A, HR-2025-1117-A

I am not a lawyer. This is information from the sources retrieved here, not legal advice. If you need a fully verified historical consolidation for formal work, check it against Lovdata Pro or ask a criminal lawyer (Advokatenhjelperdeg).

Ask Claude your own question