

AMENDMENTS TO LB897

Introduced by Judiciary.

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

3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 ~~every case,~~ in which the health care provider he is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, ~~immediately to the chief of police of~~
13 ~~the municipality or to the sheriff of the county wherein the consultation~~
14 ~~or treatment occurs.~~ Such report shall include the name of the victim
15 ~~such person, the residence, if ascertainable, and a brief description of~~
16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 ~~provision~~ of law or rule of evidence relative to confidential
19 communications is suspended insofar as compliance with the provisions of
20 this section is ~~are~~ concerned.

21 (2) When a health care provider is consulted for medical care for
22 physical injury which reasonably appears to have been received in
23 connection with, or as a result of, the commission of an actual or
24 attempted sexual assault and the victim was eighteen years of age or
25 older at the time of such actual or attempted sexual assault, the health
26 care provider shall:

27 (a) Provide the victim with information detailing the reporting

1 options available under subdivision (2)(b) of this section;

2 (b) Ask the victim either:

3 (i) To provide written consent to report such actual or attempted
4 sexual assault as provided in subsection (1) of this section. If the
5 victim provides such written consent, the health care provider shall make
6 the report required by subsection (1) of this section and submit to law
7 enforcement a sexual assault evidence collection kit if one has been
8 obtained; or

9 (ii) To sign a written acknowledgment that such actual or attempted
10 sexual assault will not be reported except as provided in subdivision (2)
11 (c) or subsection (3) of this section, but that the health care provider
12 will submit to law enforcement a sexual assault evidence collection kit,
13 if one has been obtained, using an anonymous reporting protocol. A health
14 care provider may use the anonymous reporting protocol developed by the
15 Attorney General under section 2 of this act or may use a different
16 anonymous reporting protocol;

17 (c) Regardless of the victim's decision under subdivision (2)(b) of
18 this section, if the victim is suffering from a serious bodily injury, or
19 any bodily injury where a deadly weapon was used to inflict such injury,
20 which appears to have been received in connection with, or as a result
21 of, the commission of an actual or attempted sexual assault, the health
22 care provider shall report such injury to law enforcement as provided in
23 subsection (1) of this section; and

24 (d) Unless declined by the victim, refer him or her to an advocate.

25 (3) When a health care provider is consulted for medical care for
26 physical injury which reasonably appears to have been received in
27 connection with, or as a result of, the commission of an actual or
28 attempted sexual assault, the health care provider shall, regardless of
29 the victim's age or the victim's decision under subdivision (2)(b) of
30 this section, provide law enforcement with a sexual assault evidence
31 collection kit if one has been obtained.

1 (4) A law enforcement agency receiving a sexual assault evidence
2 collection kit under this section shall preserve such kit for twenty
3 years after the date of receipt or as otherwise ordered by a court.

4 (5) Any health care provider who knowingly fails to make any report
5 required by subsection (1) of this section is guilty of a Class III
6 misdemeanor. If multiple health care providers are involved in the
7 consultation of a person in a given occurrence, this section does not
8 require each health care provider to make a separate report, so long as
9 one of such health care providers makes the report required by this
10 section.

11 (6) For purposes of this section:

12 (a) Advocate has the same meaning as in section 29-4302;

13 (b) Anonymous reporting protocol means a reporting protocol that
14 allows the identity of the victim, his or her personal or identifying
15 information, and the details of the sexual assault or attempted sexual
16 assault to remain confidential and undisclosed by the health care
17 provider, other than submission to law enforcement of any sexual assault
18 evidence collection kit, unless and until the victim consents to the
19 release of such information;

20 (c) Health care provider means any of the following individuals who
21 are licensed, certified, or registered to perform specified health
22 services consistent with state law: A physician, physician assistant,
23 nurse, or advanced practice registered nurse;

24 (d) Law enforcement means a law enforcement agency in the county in
25 which the consultation occurred; and

26 (e) Victim means the person seeking medical care.

27 ~~(2) Any person who fails to make the report required by subsection~~
28 ~~(1) of this section commits a Class III misdemeanor.~~

29 Sec. 2. On or before July 1, 2019, the Attorney General shall
30 develop and distribute a statewide model anonymous reporting protocol for
31 use by health care providers as provided in section 28-902. Once

1 developed, the statewide model anonymous reporting protocol shall be
2 maintained by the Nebraska Commission on Law Enforcement and Criminal
3 Justice.

4 Sec. 3. Original section 28-902, Reissue Revised Statutes of
5 Nebraska, is repealed.