

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 897

Introduced by Howard, 9; Morfeld, 46.

Read first time January 08, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-902, Reissue Revised Statutes of Nebraska; to change provisions
- 3 regarding reports of injury or violence by medical providers; to
- 4 define a term; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 28-902 (1) Except as provided in subsection (2) of this section,
4 every medical provider ~~Every person engaged in the practice of medicine~~
5 ~~and surgery, or who is in charge of any emergency room or first-aid~~
6 ~~station in this state,~~ shall report every case, in which the medical
7 provider ~~he~~ is consulted for treatment or treats a wound or injury of
8 violence which appears to have been received in connection with the
9 commission of a criminal offense, immediately to the chief of police of
10 the municipality or to the sheriff of the county wherein the consultation
11 or treatment occurs. Such report shall include the name of the such
12 person seeking consultation or treatment, his or her ~~the~~ residence, if
13 ascertainable, and a brief description of the injury. Any provision of
14 law or rule of evidence relative to confidential communications is
15 suspended insofar as the provisions of this section are concerned. If
16 multiple medical providers are involved in the consultation or treatment
17 of a person in a given occurrence, this section does not require each
18 medical provider to make a separate report, so long as one of such
19 medical providers makes the report required by this section.

20 (2) When it reasonably appears that the criminal offense which
21 resulted in the need for consultation or treatment was a violation of
22 section 28-319 or 28-320 and the person seeking consultation or treatment
23 is eighteen years of age or older at the time of such consultation or
24 treatment, the medical provider shall ask the person for his or her
25 written consent to report such offense as provided in subsection (1) of
26 this section. If the person provides such written consent, the medical
27 provider shall make the report required by subsection (1) of this
28 section. If the person refuses to provide such written consent, the
29 medical provider shall not make such report ~~Any person who fails to make~~
30 ~~the report required by subsection (1) of this section commits a Class III~~
31 ~~misdemeanor.~~

1 (3) Any person who knowingly fails to make a report required by this
2 section shall be guilty of a Class III misdemeanor.

3 (4) For purposes of this section, medical provider means any of the
4 following individuals who are licensed, certified, or registered to
5 perform specified health services consistent with state law: A physician,
6 surgeon, physician's assistant, or nurse.

7 Sec. 2. Original section 28-902, Reissue Revised Statutes of
8 Nebraska, is repealed.