

## LEGISLATIVE BILL 870

Approved by the Governor April 15, 2024

Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Sexual Assault Victims' Bill of Rights Act; to amend section 29-4313, Revised Statutes Cumulative Supplement, 2022; to provide for rights of notification and information for victims of sexual assault as prescribed; to require preservation of sexual assault forensic evidence as prescribed; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-4313, Revised Statutes Cumulative Supplement, 2022, is amended to read:

29-4313 (1) A victim has the right to timely analysis of sexual assault forensic evidence.

(2) Subject to section 28-902, a health care provider shall notify the appropriate law enforcement agency of a victim's reported sexual assault and submit to law enforcement the sexual assault forensic evidence, if evidence has been obtained.

(3)(a) ~~(3)~~ A law enforcement agency shall collect the sexual assault forensic evidence upon notification by the health care provider and shall retain the sexual assault forensic evidence for the longer of the statute of limitations applicable to the sexual assault or the retention period set forth in subsection (4) of section 28-902.

(b)(i) Except as provided in subdivision (3)(b)(ii) of this section, no later than sixty days before expiration of the retention period described in subdivision (3)(a) of this section, the law enforcement agency shall notify the victim of any intended destruction or disposal of the sexual assault forensic evidence. Upon request by the victim, the law enforcement agency shall preserve the sexual assault forensic evidence for an additional twenty years.

(ii) Subdivision (3)(b)(i) of this section does not apply to sexual assault forensic evidence which has been provided anonymously.

(c) Each law enforcement agency which stores sexual assault forensic evidence shall have a written policy that details retention periods for sexual assault forensic evidence and methods for carrying out the notifications required by subdivision (3)(b) of this section.

(4) A victim has a right to contact the investigating law enforcement agency and be provided with information on the status of the processing and analysis of the victim's sexual assault forensic evidence, if the victim did not report anonymously.

(5) A victim has the right to have the results of the analysis of the victim's sexual assault forensic evidence uploaded to the appropriate local, state, and federal DNA databases, as allowed by law.

(6) A victim has the right to be informed by the investigating law enforcement agency, upon the victim's request, of the results of analysis of the victim's sexual assault forensic evidence, whether the analysis yielded a DNA profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a suspect already in the Federal Bureau of Investigation's Combined DNA Index System, so long as the provision of such information would not hinder or interfere with investigation or prosecution of the case associated with such information.

(7) A victim has the right to be informed, upon the victim's request, when there is any change in the status of the victim's case, including if a case has been closed or reopened.

~~(8) (7)~~ A victim has the right to inspect or request copies of law enforcement reports concerning the sexual assault at the conclusion of the case.

Sec. 2. Original section 29-4313, Revised Statutes Cumulative Supplement, 2022, is repealed.