

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1097

Introduced by Morfeld, 46; Campbell, 25; Coash, 27; Ebke, 32; Hilkemann,
4; Krist, 10; Mello, 5; Pansing Brooks, 28; Seiler, 33;
Williams, 36.

Read first time January 20, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to forensic testing; to amend section
2 81-2010.03, Reissue Revised Statutes of Nebraska; to change and
3 eliminate provisions relating to payment for sexual assault forensic
4 examinations; to create a fund; to create a program and an
5 administrator; to provide powers and duties for the Attorney
6 General; to provide an operative date; to repeal the original
7 section; and to outright repeal sections 13-607 and 13-608, Reissue
8 Revised Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2010.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 ~~81-2010.03~~ (1) The full out-of-pocket cost or expense that may be
4 charged to a sexual assault victim in connection with a forensic medical
5 examination shall be paid from the Sexual Assault Payment Program Cash
6 Fund. A report of a forensic medical examination shall not be remitted to
7 the patient or his or her insurance for payment for by the Nebraska State
8 Patrol if the patrol is the primary investigating law enforcement agency
9 investigating the reported sexual assault.

10 (2) Except as provided under section 81-2010, all forensic DNA tests
11 shall be performed by a laboratory which is accredited by the American
12 Society of Crime Laboratory Directors/ ~~LAB~~-Laboratory Accreditation
13 Board ~~or the National Forensic Science Technology Center~~ or by any other
14 national accrediting body or public agency which has requirements that
15 are substantially equivalent to or more comprehensive than those of the
16 society ~~or center~~.

17 (3) The full out-of-pocket cost or expense to be paid from the
18 Sexual Assault Payment Program Cash Fund for a forensic medical
19 examination described in subsection (1) of this section shall include:

20 (a) An examiner's fee for:

21 (i) Examination of physical trauma;

22 (ii) Determination of penetration or force;

23 (iii) Patient interview; and

24 (iv) Collection and evaluation of evidence;

25 (b) An examination facility fee for the:

26 (i) Emergency room, clinic room, or office room; and

27 (ii) Pelvic tray and other medically required supplies; and

28 (c) The laboratory fees for collection and processing of specimens
29 for criminal evidence, the determination of the presence of any sexually
30 transmitted disease, and pregnancy testing.

31 (4) There is established within the Department of Justice, under the

1 direction of the Attorney General, the position of administrator for the
2 Sexual Assault Payment Program. The purpose of the program and the
3 responsibilities of the administrator shall be to coordinate the
4 distribution of forensic medical examination kits to health care
5 providers at no cost to the providers, oversee forensic medical
6 examination training throughout the state, and administer the Sexual
7 Assault Payment Program Cash Fund.

8 (5) The Sexual Assault Payment Program Cash Fund is created. The
9 fund shall be administered by the Department of Justice. The fund shall
10 consist of any money appropriated to it by the Legislature and any money
11 received by the Commission on Law Enforcement and Criminal Justice for
12 the program, including federal and other public and private funds. The
13 fund shall be used for the payment of the full out-of-pocket costs or
14 expenses for forensic medical examinations pursuant to subsection (3) of
15 this section, for the purpose set forth in subsection (4) of this
16 section, and for the purchase of forensic medical examination kits. The
17 fund shall be used to pay only those charges determined by the
18 administrator for the Sexual Assault Payment Program to be reasonable and
19 fair. The fund shall be used to pay up to two hundred dollars for the
20 examiner's fee and up to three hundred dollars for the examination
21 facility fee. The fund may also be used to facilitate programs that
22 reduce or prevent the crimes of domestic violence, dating violence,
23 sexual assault, or stalking or that enhance the safety of victims of such
24 crimes. The examiner and facility shall provide additional documentation
25 as determined by the Department of Justice for payment of charges in
26 excess of such amounts.

27 Sec. 2. This act becomes operative on July 1, 2017.

28 Sec. 3. Original section 81-2010.03, Reissue Revised Statutes of
29 Nebraska, is repealed.

30 Sec. 4. The following sections are outright repealed: Sections
31 13-607 and 13-608, Reissue Revised Statutes of Nebraska.