

AMENDMENTS TO LB 226

Introduced by Judiciary

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

3 Section 1. Section 28-101, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 28-101 Sections 28-101 to 28-1356 and section 2 of this
6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. (1) Any person who knowingly and intentionally
8 strikes any public safety officer with any bodily fluid is guilty
9 of assault with a bodily fluid against a public safety officer.

10 (2) Except as provided in subsection (3) of this section,
11 assault with a bodily fluid against a public safety officer is a
12 Class I misdemeanor.

13 (3) Assault with a bodily fluid against a public safety
14 officer is a Class IIIA felony if the person committing the offense
15 strikes with a bodily fluid the eyes, mouth, or skin of a public
16 safety officer and knew the source of the bodily fluid was infected
17 with the human immunodeficiency virus, hepatitis B, or hepatitis C
18 at the time the offense was committed.

19 (4) Upon a showing of probable cause by affidavit to
20 a judge of this state that an offense as defined in subsection
21 (1) of this section has been committed and that identifies the
22 probable source of the bodily fluid or bodily fluids used to commit
23 the offense, the judge shall grant an order or issue a search

1 warrant authorizing the collection of any evidence, including any
2 bodily fluid or medical records or the performance of any medical
3 or scientific testing or analysis, that may assist with the
4 determination of whether or not the person committing the offense
5 or the person from whom the person committing the offense obtained
6 the bodily fluid or bodily fluids is infected with the human
7 immunodeficiency virus, hepatitis B, or hepatitis C.

8 (5) As used in this section:

9 (a) Bodily fluid means any naturally produced secretion
10 or waste product generated by the human body and shall include,
11 but not be limited to, any quantity of human blood, urine, saliva,
12 mucus, vomitus, seminal fluid, or feces; and

13 (b) Public safety officer includes any of the following
14 persons who are engaged in the performance of their official duties
15 at the time of the offense: A peace officer; a probation officer;
16 an employee of a county, city, or village jail; an employee
17 of the Department of Correctional Services; an employee of the
18 secure youth confinement facility operated by the Department of
19 Correctional Services, if the person committing the offense is
20 committed to such facility; or an employee of the Department of
21 Health and Human Services if the person committing the offense
22 is committed as a dangerous sex offender under the Sex Offender
23 Commitment Act.

24 Sec. 3. Original section 28-101, Revised Statutes
25 Cumulative Supplement, 2010, is repealed.