

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 677

Introduced by Lathrop, 12.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-310,
2 Reissue Revised Statutes of Nebraska, and sections 28-308
3 and 28-309, Revised Statutes Cumulative Supplement, 2010;
4 to provide penalties for assault on a health care
5 provider as prescribed; to define a term; to provide for
6 signs; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-308, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 28-308 (1) A person commits the offense of assault in the
4 first degree if he or she intentionally or knowingly causes serious
5 bodily injury to another person.

6 (2) Assault in the first degree shall be a Class II
7 felony. A person who commits assault in the first degree on a health
8 care provider while the health care provider is engaged in the
9 performance of his or her official duties shall upon conviction be
10 sentenced to not less than two years imprisonment.

11 Sec. 2. Section 28-309, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 28-309 (1) A person commits the offense of assault in the
14 second degree if he or she:

15 (a) Intentionally or knowingly causes bodily injury to
16 another person with a dangerous instrument;

17 (b) Recklessly causes serious bodily injury to another
18 person with a dangerous instrument; or

19 (c) Unlawfully strikes or wounds another (i) while
20 legally confined in a jail or an adult correctional or penal
21 institution, (ii) while otherwise in legal custody of the Department
22 of Correctional Services, or (iii) while committed as a dangerous sex
23 offender under the Sex Offender Commitment Act.

24 (2) Assault in the second degree shall be a Class III
25 felony. A person who commits assault in the second degree on a health

1 care provider while the health care provider is engaged in the
2 performance of his or her official duties shall upon conviction be
3 sentenced to not less than one year imprisonment.

4 Sec. 3. Section 28-310, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 28-310 (1) A person commits the offense of assault in the
7 third degree if he:

8 (a) Intentionally, knowingly, or recklessly causes bodily
9 injury to another person; or

10 (b) Threatens another in a menacing manner.

11 (2) Assault in the third degree shall be a Class I
12 misdemeanor unless committed in a fight or scuffle entered into by
13 mutual consent, in which case it shall be a Class II misdemeanor.

14 (3) A person who commits assault in the third degree on a
15 health care provider while the health care provider is engaged in the
16 performance of his or her official duties shall upon conviction be
17 sentenced to not less than six months imprisonment.

18 Sec. 4. For purposes of sections 28-308, 28-309, and
19 28-310 and section 5 of this act, health care provider means a
20 practitioner licensed or certified under the Uniform Credentialing
21 Act.

22 Sec. 5. Every health care provider's office and every
23 facility where health services are provided shall display at all
24 times in a prominent place a printed sign with a minimum height of
25 twenty inches and a minimum width of fourteen inches, with each

1 letter to be a minimum of one-fourth inch in height, which shall read
2 as follows:

3 WARNING TO PERSONS SEEKING OR ASSISTING A PERSON SEEKING
4 HEALTH CARE SERVICES: ASSAULTING OR THREATENING IN A MENACING MANNER
5 A HEALTH CARE PROVIDER ENGAGING IN THE PERFORMANCE OF HIS OR HER
6 OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

7 Sec. 6. Original section 28-310, Reissue Revised Statutes
8 of Nebraska, and sections 28-308 and 28-309, Revised Statutes
9 Cumulative Supplement, 2010, are repealed.