

AMENDMENTS TO LB913

Introduced by McDonnell, 5.

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

3           Section 1. Section 28-929.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           28-929.02 Every hospital and health clinic shall display at all  
6 times in a prominent place a printed sign with a minimum height of twenty  
7 inches and a minimum width of fourteen inches, with each letter to be a  
8 minimum of one-fourth inch in height, which shall read as follows:

9           WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE  
10 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH  
11 CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE  
12 PUNISHABLE AS A FELONY.

13          Sec. 2. Section 28-934, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15          28-934 (1) Any person who knowingly and intentionally strikes any  
16 public safety officer with any bodily fluid is guilty of assault with a  
17 bodily fluid against a public safety officer.

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

21          (3) Assault with a bodily fluid against a public safety officer is a  
22 Class IIIA felony if the person committing the offense strikes with a  
23 bodily fluid the eyes, mouth, or skin of a public safety officer and knew  
24 the source of the bodily fluid was infected with the human  
25 immunodeficiency virus, hepatitis B, or hepatitis C at the time the  
26 offense was committed.

27          (4) Upon a showing of probable cause by affidavit to a judge of this

1 state that an offense as defined in subsection (1) of this section has  
2 been committed and that identifies the probable source of the bodily  
3 fluid or bodily fluids used to commit the offense, the judge shall grant  
4 an order or issue a search warrant authorizing the collection of any  
5 evidence, including any bodily fluid or medical records or the  
6 performance of any medical or scientific testing or analysis, that may  
7 assist with the determination of whether or not the person committing the  
8 offense or the person from whom the person committing the offense  
9 obtained the bodily fluid or bodily fluids is infected with the human  
10 immunodeficiency virus, hepatitis B, or hepatitis C.

11 (5) As used in this section:

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

16 (b) Public safety officer includes any of the following persons who  
17 are engaged in the performance of their official duties at the time of  
18 the offense: A peace officer; a probation officer; a firefighter; an out-  
19 of-hospital emergency care provider as defined in section 28-929.01; a  
20 health care professional as defined in section 28-929.01; an employee of  
21 a county, city, or village jail; an employee of the Department of  
22 Correctional Services; an employee of the secure youth confinement  
23 facility operated by the Department of Correctional Services, if the  
24 person committing the offense is committed to such facility; an employee  
25 of the Youth Rehabilitation and Treatment Center-Geneva or the Youth  
26 Rehabilitation and Treatment Center-Kearney; or an employee of the  
27 Department of Health and Human Services if the person committing the  
28 offense is committed as a dangerous sex offender under the Sex Offender  
29 Commitment Act.

30 Sec. 3. Original sections 28-929.02 and 28-934, Reissue Revised  
31 Statutes of Nebraska, are repealed.