

**ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB897**

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**Hearing Date:** Friday February 23, 2018  
**Committee On:** Judiciary  
**Introducer:** Howard  
**One Liner:** Change medical providers' duties under offense of failure to report injury or violence

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld,  
Pansing Brooks

**Nay:**

**Absent:**

**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Sara Howard  
Anne Boatright  
Jennifer Tran  
Tracy Marcotte  
Don Wesely  
Kim Robak

**Representing:**

Introducer  
Nebraska Attorney General  
Methodist Hospital  
CHI Health & Nebraska Hospital Association  
Nebraska Nurses' Association  
Nebraska Medical Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

This bill would modify the duty of medical providers to report wounds or injuries of violence which appear to have been received as the result of commission of a criminal offense. Where multiple providers are involved in treating the person, only one of the providers would be required to make a report as required under existing law.

The bill would also provide an exception to this general reporting duty for medical providers, where an adult patient who seems to have suffered such wounds or injuries from a sexual assault. In those cases, the report could be made to law enforcement only with the written consent of the patient. Where written consent is given by the patient, the medical provider would still have a duty to report.

The bill also provides a new definition of "medical provider" that includes all physicians, surgeons, physician's assistants, and nurses.

Failure to file a mandated report would remain a Class III Misdemeanor.

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**Explanation of amendments:**

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AM 2342 strikes the original sections and

Section 1 makes exemptions in the statute that requires medical providers to report injuries that are the result of violence or the commission of a criminal offense to law enforcement. If a victim appears to have been the victim of a sexual assault or attempted sexual assault, they must give written consent before a medical provider may contact law enforcement.

The amendment also provides an avenue by which a victim may report anonymously while still receiving treatment and obtaining a sexual assault evidence collection kit. The amendment also provides for referral to an advocate as defined in 29-3402, unless such referral is declined by the victim. Mandatory reporting is still required if the victim is suffering from a serious bodily injury or a bodily injury where a deadly weapon was used to inflict such injury.

Section 2 provides for the creation of a state wide model anonymous reporting protocol by the Attorney General's office to be maintained by the Nebraska Commission on Law Enforcement and Criminal Justice.

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Laura Ebke, Chairperson