

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1112

Introduced by Kolowski, 31.

Read first time January 22, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to forensic testing; to amend section
2 81-1429.03, Revised Statutes Cumulative Supplement, 2018; to change
3 provisions relating to payment for sexual assault forensic
4 examinations; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1429.03, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 81-1429.03 (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.

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

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

17 (a) An examiner's fee for:

- 18 (i) Examination of physical trauma;
- 19 (ii) Determination of penetration or force;
- 20 (iii) Patient interview; and
- 21 (iv) Collection and evaluation of evidence;

22 (b) An examination facility fee for the:

- 23 (i) Emergency room, clinic room, office room, or child advocacy
24 center; and

- 25 (ii) Pelvic tray and other medically required supplies;~~and~~

- 26 (c) The laboratory fees for collection and processing of specimens
27 for criminal evidence, the determination of the presence of any sexually
28 transmitted disease, and pregnancy testing; and -

- 29 (d) Prophylactic treatment for sexually transmitted infections and
30 pregnancy prevention, as medically indicated.

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 coordinate payments from
7 the Sexual Assault Payment Program Cash Fund.

8 (5) The Sexual Assault Payment Program Cash Fund is created. The
9 fund shall be administered by the commission. The fund shall consist of
10 any money appropriated to it by the Legislature and any money received by
11 the commission for the program, including federal and other public and
12 private funds. The fund shall be used for the payment of the full out-of-
13 pocket costs or expenses for forensic medical examinations pursuant to
14 subsection (3) of this section, for the purpose set forth in subsection
15 (4) of this section, and for the purchase of forensic medical examination
16 kits. The fund shall be used to pay only those charges determined by the
17 commission to be reasonable and fair. The fund shall be used to pay up to
18 two hundred dollars for the examiner's fee, ~~and~~ up to three hundred
19 dollars for the examination facility fee, and for prophylactic treatment
20 for sexually transmitted infections and pregnancy prevention. The
21 examiner and facility shall provide additional documentation as
22 determined by the commission for payment of charges in excess of such
23 amounts. The fund may also be used to facilitate programs that reduce or
24 prevent the crimes of domestic violence, dating violence, sexual assault,
25 stalking, child abuse, child sexual assault, human trafficking, labor
26 trafficking, or sex trafficking or that enhance the safety of victims of
27 such crimes. Any money in the fund available for investment shall be
28 invested by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.

30 Sec. 2. Original section 81-1429.03, Revised Statutes Cumulative
31 Supplement, 2018, is repealed.