

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 497

Introduced by DeBoer, 10.

Read first time January 19, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations
2 Act; to amend sections 81-1801, 81-1807, 81-1808, and 81-1815,
3 Reissue Revised Statutes of Nebraska; to define terms; to provide
4 for compensation for health care providers for costs incurred for
5 examining or treating victims of sexual assault or domestic assault;
6 to harmonize provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1801, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1801 For purposes of the Nebraska Crime Victim's Reparations Act,
4 unless the context otherwise requires:

5 (1) Commission shall mean the Nebraska Commission on Law Enforcement
6 and Criminal Justice;

7 (2) Committee shall mean the Crime Victim's Reparations Committee;

8 (3) Dependent shall mean a relative of a deceased victim who was
9 dependent upon the victim's income at the time of death, including a
10 child of a victim born after a victim's death;

11 (4) Domestic assault means an offense under section 28-323;

12 (5) (4) Executive director shall mean the executive director of the
13 commission;

14 (6) Health care provider means any person licensed or certified by
15 the State of Nebraska to deliver health care under the Uniform
16 Credentialing Act and any health care facility licensed under the Health
17 Care Facility Licensure Act. Health care provider includes any
18 professional corporation or other professional entity comprised of such
19 health care providers;

20 (7) (5) Personal injury shall mean actual bodily harm;

21 (8) (6) Relative shall mean spouse, parent, grandparent, stepparent,
22 natural born child, stepchild, adopted child, grandchild, brother,
23 sister, half brother, half sister, or spouse's parent; ~~and~~

24 (9) Sexual assault has the same meaning as in section 29-4309; and

25 (10) (7) Victim shall mean a person who is injured or killed as a
26 result of conduct specified in section 81-1818.

27 Sec. 2. Section 81-1807, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1807 (1) Any person who may be eligible for compensation under
30 the Nebraska Crime Victim's Reparations Act may make application to the
31 committee on forms provided by the committee. If the person entitled to

1 make application is a minor or mentally incompetent, the application may
2 be made on his or her behalf by his or her parent, guardian, or any other
3 individual authorized to administer his or her estate. Residents and
4 nonresidents of Nebraska who are victims of crimes committed in Nebraska
5 shall be treated similarly in determining compensation awards under the
6 act. A resident of Nebraska who is the victim of a crime committed in
7 another state shall be eligible for compensation if (a) (1) the crime
8 would be compensable had it occurred in Nebraska and (b) (2) the crime
9 occurred in a state which does not have a crime victim compensation
10 program for which the person is eligible.

11 (2)(a) Beginning on the effective date of this act, a health care
12 provider may apply for reimbursement for health care costs incurred by
13 the provider that are otherwise to be paid for by a victim of sexual
14 assault or domestic violence and for which the provider will not
15 otherwise receive reimbursement from private insurance, the medical
16 assistance program established pursuant to the Medical Assistance Act,
17 the Sexual Assault Payment Program, or any other entity, source, or fund,
18 whether public or private.

19 (b) To be eligible for reimbursement under this section, such health
20 care costs must have been incurred by the health care provider in
21 treating or examining injuries of the victim arising out of the sexual
22 assault or domestic assault. The provider shall apply to the committee on
23 forms provided by the committee.

24 Sec. 3. Section 81-1808, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1808 In order to be eligible for compensation the applicant,
27 including a health care provider as described in section 81-1807, shall,
28 prior to any hearing on an application, submit available reports from any
29 physician or surgeon who has treated or examined the victim in relation
30 to the injury for which compensation is claimed at the time of or
31 subsequent to the victim's injury or death. If, in the opinion of the

1 hearing officer or the committee, reports on the previous medical history
2 of the victim, a report on the examination of the injured victim, or a
3 report on the cause of death of the victim by an impartial medical expert
4 would be of material aid to its determination, the hearing officer or the
5 committee shall order the reports and examination.

6 Sec. 4. Section 81-1815, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-1815 In a case in which a person is injured or killed as a result
9 of conduct specified in the Nebraska Crime Victim's Reparations Act, or
10 by any act of any other person which is within the description of
11 offenses listed in such act, the committee or a hearing officer may order
12 the payment of compensation:

13 (1) To or for the benefit of the injured person;

14 (2) In the case of personal injury or death of the victim, to a
15 person responsible for the maintenance of the victim who has suffered
16 pecuniary loss or incurred expenses as a result of the injury; ~~or~~

17 (3) In the case of death of the victim, to or for the benefit of any
18 one or more of the dependents of the victim; or -

19 (4) To a health care provider for costs incurred in treating or
20 examining injuries of the victim arising out of the sexual assault or
21 domestic assault as described in section 81-1807. Compensation paid to a
22 victim shall not include such costs paid to a health care provider.

23 Sec. 5. Original sections 81-1801, 81-1807, 81-1808, and 81-1815,
24 Reissue Revised Statutes of Nebraska, are repealed.