

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 870**

Introduced by Cavanaugh, M., 6.

Read first time January 03, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Sexual Assault Victims' Bill of Rights  
2 Act; to amend section 29-4313, Revised Statutes Cumulative  
3 Supplement, 2022; to provide for rights of notification and  
4 information for victims of sexual assault as prescribed; to require  
5 preservation of sexual assault forensic evidence as prescribed; and  
6 to repeal the original section.

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

1 Section 1. Section 29-4313, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 29-4313 (1) A victim has the right to timely analysis of sexual  
4 assault forensic evidence.

5 (2) Subject to section 28-902, a health care provider shall notify  
6 the appropriate law enforcement agency of a victim's reported sexual  
7 assault and submit to law enforcement the sexual assault forensic  
8 evidence, if evidence has been obtained.

9 (3)(a) (3) A law enforcement agency shall collect the sexual assault  
10 forensic evidence upon notification by the health care provider and shall  
11 retain the sexual assault forensic evidence for the longer of the statute  
12 of limitations applicable to the sexual assault or the retention period  
13 set forth in subsection (4) of section 28-902.

14 (b) No later than sixty days before expiration of the retention  
15 period described in subdivision (3)(a) of this section, the law  
16 enforcement agency shall notify the victim of any intended destruction or  
17 disposal of the sexual assault forensic evidence. Upon request by the  
18 victim, the law enforcement agency shall preserve the sexual assault  
19 forensic evidence for an additional twenty years.

20 (4) A victim has a right to contact the investigating law  
21 enforcement agency and be provided with information on the status of the  
22 processing and analysis of the victim's sexual assault forensic evidence,  
23 if the victim did not report anonymously.

24 (5) A victim has the right to have the results of the analysis of  
25 the victim's sexual assault forensic evidence uploaded to the appropriate  
26 local, state, and federal DNA databases, as allowed by law.

27 (6) A victim has the right to be informed by the investigating law  
28 enforcement agency, upon the victim's request, of the results of analysis  
29 of the victim's sexual assault forensic evidence, whether the analysis  
30 yielded a DNA profile, and whether the analysis yielded a DNA match,  
31 either to the named perpetrator or to a suspect already in the Federal

1 Bureau of Investigation's Combined DNA Index System, so long as the  
2 provision of such information would not hinder or interfere with  
3 investigation or prosecution of the case associated with such  
4 information.

5 (7) A victim has the right to be informed when there is any change  
6 in the status of the victim's case, including if a case has been closed  
7 or reopened.

8 (8) (7) A victim has the right to inspect or request copies of law  
9 enforcement reports concerning the sexual assault at the conclusion of  
10 the case.

11 Sec. 2. Original section 29-4313, Revised Statutes Cumulative  
12 Supplement, 2022, is repealed.