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FLOOR DEBATE

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LB 713

SENATOR CUDABACK: Thank you, Senator Bourne. Heard the opening on AM1344. Open for discussion on that motion. Senator Flood, followed by Senator Synowiecki.

SENATOR FLOOD: Thank you, Mr. President and members. I do support Senator Bourne's amendment, AM1344, to the Judiciary Committee amendments. As a member of the Judiciary Committee, though, I wanted to make a comment on Senator Thompson's bill, LB 713, of which I'm a cosponsor. I supported her bill in the green copy and I still support the green copy today, but I will be voting for the Judiciary Committee amendments. But here was the...here was the problem in committee with regard to the mandatory reporting of a sexual assault by healthcare professional to law enforcement. Imagine a sexual assault victim, terrorized, frightened, placed in a horrific criminal situation where another individual sexually assaults him or her and they are taken to the hospital. Not only are they dealing with all of the emotion of a sexual assault. They're in a cold emergency room, a lot of times in rural Nebraska, or a hospital that is more geared to help a sexual assault victim. They're trying to communicate with a health professional, and the health professional is under a duty, as provided in our statutes, to contact law enforcement and immediately come to the hospital. So now this victim of a sexual assault is not only dealing with her immediate health concerns and getting back on track; he or she is going into a separate room, talking to a law enforcement official, trying to describe what happened, who it was, how it happened. And don't get me wrong. I want sexual predators prosecuted. I want them in jail. I think everybody here does. And there are some victims that are ready to talk that minute, but I always think about the victim who may be the victim of a date rape or may be somebody they work with, their boss. There are so many considerations that that victim has to take into account before they feel comfortable with a process, a criminal process, taking place. And when I say "criminal process," I'm talking about the investigation, the interrogation, the apprehension of the suspect, the motions, the trial, a deposition in a criminal case. I've worked with Senator Chambers on this. Senator Bourne and I have discussed it at length. Senator Thompson had a provision in the original green