

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 668

Introduced by Gay, 14.

Read first time January 21, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Reissue Revised Statutes of Nebraska; to create
3 the offenses of assault on an emergency services provider
4 or a health care provider in the first, second, and
5 third degrees; to define terms; to provide penalties; to
6 harmonize provisions; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-101 Sections 28-101 to 28-1350 and sections 2 to 5 of
4 this act shall be known and may be cited as the Nebraska Criminal
5 Code.

6 Sec. 2. For purposes of sections 3 to 5 of this act:

7 (1) Emergency medical services means medical services
8 provided to an individual in need of immediate medical care in
9 order to prevent loss of life or aggravation of physiological or
10 psychological illness or injury;

11 (2) Emergency services provider means a volunteer or
12 paid firefighter or rescue squad member or a person licensed
13 to provide emergency medical services pursuant to the Emergency
14 Medical Services Practice Act; and

15 (3) Health care provider means a person licensed under
16 the Uniform Credentialing Act as a physician, surgeon, or nurse
17 who provides medical services, whether the medical services are
18 rendered in a hospital or clinic or elsewhere and whether the
19 health care provider is paid or voluntary.

20 Sec. 3. (1) A person commits the offense of assault on
21 an emergency services provider or a health care provider in the
22 first degree if he or she intentionally or knowingly causes serious
23 bodily injury to an emergency services provider or a health care
24 provider while such emergency services provider or health care
25 provider is engaged in the performance of his or her official

1 duties, with the knowledge that the person against whom the assault
2 is committed is an emergency services provider or a health care
3 provider.

4 (2) Assault on an emergency services provider or a health
5 care provider in the first degree is a Class II felony.

6 Sec. 4. (1) A person commits the offense of assault on an
7 emergency services provider or a health care provider in the second
8 degree if he or she:

9 (a) Intentionally or knowingly causes bodily injury with
10 a dangerous instrument to an emergency services provider or a
11 health care provider while such emergency services provider or
12 health care provider is engaged in the performance of his or her
13 official duties, with knowledge that the person against whom the
14 assault is committed is an emergency services provider or a health
15 care provider; or

16 (b) Recklessly causes bodily injury with a dangerous
17 instrument to an emergency services provider or a health care
18 provider while such emergency services provider or health care
19 provider is engaged in the performance of his or her official
20 duties.

21 (2) Assault on an emergency services provider or a health
22 care provider in the second degree is a Class III felony.

23 Sec. 5. (1) A person commits the offense of assault on
24 an emergency services provider or a health care provider in the
25 third degree if he or she intentionally, knowingly, or recklessly

1 causes bodily injury to an emergency services provider or a health
2 care provider while such emergency services provider or health care
3 provider is engaged in the performance of his or her official
4 duties, with knowledge that the person against whom the assault
5 is committed is an emergency services provider or a health care
6 provider.

7 (2) Assault on an emergency services provider or a health
8 care provider in the third degree is a Class IIIA felony.

9 Sec. 6. Original section 28-101, Reissue Revised Statutes
10 of Nebraska, is repealed.