

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB677

Hearing Date: Friday February 04, 2011
Committee On: Judiciary
Introducer: Lathrop
One Liner: Provide criminal penalties for assault on a health care provider in the first, second, and third degrees

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Ashford, Harr, Larson, Lathrop, McGill
Nay:	2	Senators Coash, Lautenbaugh
Absent:		
Present Not Voting:	1	Senator Council

Proponents:
SEN. STEVE LATHROP
GARY HONTS
TAMARA FIELD
SHANNON ENGLER
KAREN WILEY

Representing:
INTRODUCER
CREIGHTON UNIVERSITY MEDICAL CENTER
ALLEGENT
BRYAN LGH MEDICAL CENTER
NEBRASKA NURSES ASSOCIATION

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 677 is a bill that would add the offense of "assault of a healthcare worker" to the statutes providing for assault across the Nebraska Statutes in the following manner:

Section 1. Would add a new subsection (2) to 28-308 (Assault in the first degree) to provide that a person who commits an assault in the first degree on a healthcare provider while the healthcare provider is engaged in their official duties "shall" upon conviction be sentenced to a mandatory minimum of two years imprisonment.

(Assault in the 1st degree is a Class II felony with a maximum penalty of 50 years imprisonment.)

Section 2. Would amend 28-309 (Assault in the second degree) by adding a new subsection (2) to provide that a person who commits an assault in the second degree on a healthcare provider while the healthcare provider is engaged in their official duties "shall" be sentenced to a mandatory minimum of at least one year upon conviction.

(Assault in the 2nd degree is a Class III felony with a maximum sentence of 20 year imprisonment/ \$25,000 fine/ or both.)

Section 3. Would amend 28-310 (Assault in the third degree) by adding a new subsection (3) to provide that a person who commits an assault in the third degree on a healthcare provider while the healthcare provider is engaged in their official duties shall be sentenced to a mandatory minimum of not less than six months imprisonment.

(assault in the 3rd degree is generally a Class I misdemeanor (1yr/\$1,000/both), unless it is a bar fight in which both parties mutually entered the scuffle then it is a Class II misdemeanor (6months/\$1,000/ or both).

Section 4. Defines healthcare provider as a practitioner licensed or certified under the Uniform Credentialing Act.

Section 5. Requires that healthcare providers prominently display a sign (meeting the qualifications listed in this section) at all times providing notice that assaulting or threatening a healthcare provider while they are performing their official duties will result in mandatory imprisonment.

Explanation of amendments:

AM1704

Sections 1-3 are amended to:

Changes the term "health care provider" to "health care professional" as the term is used in these sections; and
Clarifies that in order for the mandatory sentence to be applicable, the health care professional who is assaulted must be performing their official duties at a hospital or health clinic.

AM1704 also makes the following changes to sections 4 & 5 of LB 677:

Section 4 is amended to provide (for purposes of sections 28-308 thru 28-310):

- Health care professional is defined as "a physician or other healthcare practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who practices at a hospital or health clinic";
- Provides that "health clinic" has the definition as found in section 71-416; and
- Provides that "hospital" is defined as it is found in section 71-419.

Section 5 is amended to provide that the sign that is required under this section shall state as follows: **WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.**

Brad Ashford, Chairperson