

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 479
Final Reading

Introduced by Lathrop, 12.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public health and safety; to amend section
2 29-4306, Reissue Revised Statutes of Nebraska; to
3 authorize a person eighteen years of age to give consent
4 to evidence collection and examination and treatment in
5 cases of sexual assault and domestic violence; and to
6 repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4306, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-4306 Every health care professional as defined in
4 section 44-5418 or any person in charge of any emergency room in this
5 state:

6 (1) Shall utilize a standardized sexual assault evidence
7 collection kit approved by the Attorney General; and

8 (2) Shall collect forensic evidence with the consent of
9 the sexual assault or domestic violence victim without separate
10 authorization by a law enforcement agency. If the sexual assault or
11 domestic violence victim is eighteen years of age, the consent of or
12 notification of the parent, parents, guardian, or any other person
13 having custody of the sexual assault or domestic violence victim is
14 not required.

15 Sec. 2. A physician, his or her agent, or a mental health
16 professional as defined in section 71-906, upon consultation with a
17 patient who is eighteen years of age, shall, with the consent of the
18 patient, make or cause to be made a diagnostic examination for
19 physical or mental injuries associated with sexual assault or
20 domestic violence and prescribe for and treat such person for
21 injuries associated with sexual assault or domestic violence. All
22 such examinations and treatment may be performed without the consent
23 of or notification to the parent, parents, guardian, or any other
24 person having custody of the patient.

25 Sec. 3. Original section 29-4306, Reissue Revised

1 Statutes of Nebraska, is repealed.