

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 677
Final Reading

Introduced by Lathrop, 12.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections 28-929,
2 28-930, and 28-931, Revised Statutes Cumulative
3 Supplement, 2010; to provide penalties for assault on a
4 health care professional as prescribed; to define terms;
5 to provide for signs; and to repeal the original
6 sections.

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

1 Section 1. Section 28-929, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 28-929 (1) A person commits the offense of assault on an
4 officer or a health care professional in the first degree if:

5 (a) He or she intentionally or knowingly causes serious
6 bodily injury:

7 (i) To a peace officer, a probation officer, or an
8 employee of the Department of Correctional Services; ~~or~~

9 (ii) To an employee of the Department of Health and Human
10 Services if the person committing the offense is committed as a
11 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~ or

12 (iii) To a health care professional; and

13 (b) The offense is committed while such officer or
14 employee is engaged in the performance of his or her official duties
15 or while the health care professional is on duty at a hospital or a
16 health clinic.

17 (2) Assault on an officer or a health care professional
18 in the first degree shall be a Class ID felony.

19 Sec. 2. Section 28-930, Revised Statutes Cumulative
20 Supplement, 2010, is amended to read:

21 28-930 (1) A person commits the offense of assault on an
22 officer or a health care professional in the second degree if:

23 (a) He or she:

24 (i) Intentionally or knowingly causes bodily injury with
25 a dangerous instrument:

1 (A) To a peace officer, a probation officer, or an
2 employee of the Department of Correctional Services; ~~or~~

3 (B) To an employee of the Department of Health and Human
4 Services if the person committing the offense is committed as a
5 dangerous sex offender under the Sex Offender Commitment Act; or

6 (C) To a health care professional; or

7 (ii) Recklessly causes bodily injury with a dangerous
8 instrument:

9 (A) To a peace officer, a probation officer, or an
10 employee of the Department of Correctional Services; ~~or~~

11 (B) To an employee of the Department of Health and Human
12 Services if the person committing the offense is committed as a
13 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~ or

14 (C) To a health care professional; and

15 (b) The offense is committed while such officer or
16 employee is engaged in the performance of his or her official duties
17 or while the health care professional is on duty at a hospital or a
18 health clinic.

19 (2) Assault on an officer or a health care professional
20 in the second degree shall be a Class II felony.

21 Sec. 3. Section 28-931, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 28-931 (1) A person commits the offense of assault on an
24 officer or a health care professional in the third degree if:

25 (a) He or she intentionally, knowingly, or recklessly

1 causes bodily injury:

2 (i) To a peace officer, a probation officer, or an
3 employee of the Department of Correctional Services; ~~or~~

4 (ii) To an employee of the Department of Health and Human
5 Services if the person committing the offense is committed as a
6 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~ or

7 (iii) To a health care professional; and

8 (b) The offense is committed while such officer or
9 employee is engaged in the performance of his or her official duties
10 or while the health care professional is on duty at a hospital or a
11 health clinic.

12 (2) Assault on an officer or a health care professional
13 in the third degree shall be a Class IIIA felony.

14 Sec. 4. For purposes of sections 28-929, 28-930, and
15 28-931 and section 5 of this act:

16 (1) Health care professional means a physician or other
17 health care practitioner who is licensed, certified, or registered to
18 perform specified health services consistent with state law who
19 practices at a hospital or a health clinic;

20 (2) Health clinic has the definition found in section
21 71-416; and

22 (3) Hospital has the definition found in section 71-419.

23 Sec. 5. Every hospital and health clinic shall display at
24 all times in a prominent place a printed sign with a minimum height
25 of twenty inches and a minimum width of fourteen inches, with each

1 letter to be a minimum of one-fourth inch in height, which shall read
2 as follows:

3 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS
4 ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A FELONY.

5 Sec. 6. Original sections 28-929, 28-930, and 28-931,
6 Revised Statutes Cumulative Supplement, 2010, are repealed.