

AMENDMENTS TO LB913

Introduced by McDonnell, 5.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-929.02, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 28-929.02 Every hospital and health clinic shall display at all
6 times in a prominent place a printed sign with a minimum height of twenty
7 inches and a minimum width of fourteen inches, with each letter to be a
8 minimum of one-fourth inch in height, which shall read as follows:

9 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE
10 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH
11 CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE
12 PUNISHABLE AS A FELONY.

13 Sec. 2. Section 28-934, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 28-934 (1) Any person who knowingly and intentionally strikes any
16 public safety officer with any bodily fluid is guilty of assault with a
17 bodily fluid against a public safety officer.

18 (2) Except as provided in subsection (3) of this section, assault
19 with a bodily fluid against a public safety officer is a Class I
20 misdemeanor.

21 (3) Assault with a bodily fluid against a public safety officer is a
22 Class IIIA felony if the person committing the offense strikes with a
23 bodily fluid the eyes, mouth, or skin of a public safety officer and knew
24 the source of the bodily fluid was infected with the human
25 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
26 offense was committed.

27 (4) Upon a showing of probable cause by affidavit to a judge of this

1 state that an offense as defined in subsection (1) of this section has
2 been committed and that identifies the probable source of the bodily
3 fluid or bodily fluids used to commit the offense, the judge shall grant
4 an order or issue a search warrant authorizing the collection of any
5 evidence, including any bodily fluid or medical records or the
6 performance of any medical or scientific testing or analysis, that may
7 assist with the determination of whether or not the person committing the
8 offense or the person from whom the person committing the offense
9 obtained the bodily fluid or bodily fluids is infected with the human
10 immunodeficiency virus, hepatitis B, or hepatitis C.

11 (5) As used in this section:

12 (a) Bodily fluid means any naturally produced secretion or waste
13 product generated by the human body and shall include, but not be limited
14 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
15 fluid, or feces; and

16 (b) Public safety officer includes any of the following persons who
17 are engaged in the performance of their official duties at the time of
18 the offense: A peace officer; a probation officer; a firefighter; an out-
19 of-hospital emergency care provider as defined in section 28-929.01; a
20 health care professional as defined in section 28-929.01; an employee of
21 a county, city, or village jail; an employee of the Department of
22 Correctional Services; an employee of the secure youth confinement
23 facility operated by the Department of Correctional Services, if the
24 person committing the offense is committed to such facility; an employee
25 of the Youth Rehabilitation and Treatment Center-Geneva or the Youth
26 Rehabilitation and Treatment Center-Kearney; or an employee of the
27 Department of Health and Human Services if the person committing the
28 offense is committed as a dangerous sex offender under the Sex Offender
29 Commitment Act.

30 Sec. 3. Original sections 28-929.02 and 28-934, Reissue Revised
31 Statutes of Nebraska, are repealed.