

## LEGISLATIVE BILL 677

Approved by the Governor March 7, 2012

Introduced by Lathrop, 12.

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

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

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

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

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

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

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

(iii) To a health care professional; and

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

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

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

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

(a) He or she:

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

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

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

(C) To a health care professional; or

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

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

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

(C) To a health care professional; and

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

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

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

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

(a) He or she intentionally, knowingly, or recklessly causes bodily injury:

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

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

(iii) To a health care professional; and

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

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

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

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

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

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

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

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

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