

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 758

Introduced by DeBoer, 10.

Read first time January 18, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to sexual assaults; to create the Sexual

2 Violence Review Act.

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

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Sexual Violence Review Act.

3 Sec. 2. The Legislature finds and declares that:

4 (1) It is in the best interests of the state, its residents, and
5 survivors and families of sexual violence, that the number and cases of
6 sexual assault and sexual violence be examined. The majority of sexual
7 assaults are not reported to law enforcement. While statistics vary
8 across jurisdictions, of those sexual assaults that are reported to law
9 enforcement, only approximately half are prosecuted. And for those that
10 are prosecuted, many do not lead to conviction, with a significant
11 percentage resulting in dismissal; and

12 (2) There is a need for a comprehensive integrated review of all
13 sexual assault and sexual violence crimes to increase the rate of
14 reporting, investigation, prosecution, and conviction. Such review is
15 necessary to determine whether modifications or reforms to law or policy
16 are required to increase reporting, investigation, prosecution, and
17 conviction for sexual assaults and sexual violence crimes. A
18 retrospective review of existing cases reported to law enforcement and
19 prosecuted by prosecutors will further this effort.

20 Sec. 3. For purposes of this act:

21 (1) Law enforcement agency has the same meaning as defined in
22 subdivision (7) of section 81-1401;

23 (2) Perpetrator means the individual who is the aggressor of sexual
24 assault;

25 (3) Prosecutor has the same meaning as defined in subdivision (4) of
26 section 28-1354;

27 (4) Sexual assault means any alleged or attempted alleged offense
28 which includes conduct defined in subdivisions (5) and (6) of section
29 28-318; and

30 (5) Victim has the same meaning as defined in subdivision (7) of
31 section 28-318.

1 Sec. 4. The Sexual Violence Review Task Force is hereby created and
2 shall be comprised of:

3 (1) The Attorney General, or designee;

4 (2) Two full-time prosecutors with at least three years experience
5 in prosecuting felony criminal cases, including sexual assault;

6 (3) Two full-time defense attorneys with at least three years
7 experience in defending felony criminal cases, including sexual assault;

8 (4) One person who has at least five years experience in mental
9 health or social services; and

10 (5) One person who has at least five years experience in victim
11 advocacy.

12 Sec. 5. The Sexual Violence Review Task Force shall create a
13 framework for multidisciplinary review of reported acts of sexual
14 violence and sexual assaults, and to the extent practicable, to examine
15 the circumstances surrounding the reported acts of sexual violence and
16 sexual assaults. As part of each review, the following information shall
17 be collected which shall include, but not be limited to:

18 (1) The name of the law enforcement agency that received the
19 reported act of sexual violence or sexual assault;

20 (2) A general description of the manner in which the act of sexual
21 violence or sexual assault was reported;

22 (3) The date the act of sexual violence or sexual assault was
23 reported and the date the act or assault occurred;

24 (4) The victim's age, race, sex, and disability status;

25 (5) The perpetrator's age, race, sex, and disability status;

26 (6) The nature and description of the relationship between the
27 victim and perpetrator;

28 (7) Whether an investigation was made by law enforcement, including,
29 (i) the date such investigation was initiated, (ii) whether an arrest or
30 citation was issued, (iii) the date of such arrest or citation, (iv)
31 whether criminal charges were filed, and (v) the name of the prosecutor's

1 office;

2 (8) Whether the victim was notified by law enforcement or the
3 prosecutor's office concerning charges being filed or dismissed;

4 (9) If charges were filed, whether the perpetrator was convicted of
5 any offense, and if so, whether the conviction resulted in a plea
6 agreement;

7 (10) Whether the victim was notified by law enforcement or the
8 prosecutor's office concerning any conviction or plea agreement;

9 (11) Whether the victim was notified by law enforcement or the
10 prosecutor's office regarding the victim's rights as provided in section
11 81-1848; and

12 (12) Any other relevant information as determined by the Sexual
13 Violence Review Task Force described in section 4 of this act.

14 Sec. 6. The Sexual Violence Review Task Force shall not be
15 considered a public body for purposes of the Open Meetings Act.

16 Sec. 7. The Sexual Violence Review Task Force, upon written
17 request, shall be provided with:

18 (1) The investigative reports developed or received by law
19 enforcement agencies when such reports directly relate to the
20 investigation of an underlying act of sexual violence or sexual assault
21 charge;

22 (2) The files or materials relating to an act of sexual violence or
23 a sexual assault investigation conducted by a prosecutor's office; and

24 (3) Any other information maintained by a state or local government
25 agency or entity, including, but not limited to, medical examiner
26 reports, emergency medical services reports, fire department records,
27 court records, school records, and information and records of a social
28 services agency.

29 Sec. 8. The Sexual Violence Review Task Force shall compile the
30 data described in section 5 of this act and beginning on December 31,
31 2024, and each year thereafter, submit an electronic report to the Clerk

1 of the Legislature and the office of the Attorney General. Such report
2 shall aggregate the information by city and county, where appropriate.
3 The report shall identify any deficiencies in investigating and
4 prosecuting reported acts of sexual violence and sexual assault crimes
5 and make recommendations to law enforcement, prosecutors, and the
6 Legislature. The report shall not contain any personally identifiable
7 information of victims or perpetrators. The Attorney General shall also
8 publish the report on its officer website, with a prominent link or
9 banner.