

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB479

Hearing Date: Thursday February 10, 2011
Committee On: Judiciary
Introducer: Lathrop
One Liner: Authorize a minor to give consent to evidence collection and examination and treatment in cases of sexual assault

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
SEN. STEVE LATHROP	INTRODUCER
NATALIA PEART	YWCA OMAHA
JACKIE THIELEN	SELF
EMERALD PORTER	SELF
KATIE ZULKOSKI	NSBA
KENT ROBERT	SELF

Opponents: **Representing:**

Neutral: **Representing:**

Summary of purpose and/or changes:

LB 479 would provide the following changes to Nebraska Statute:

Section 1.

* Would provide that evidence shall now be collected with the consent of a victim of domestic assault by healthcare providers and those in charge of emergency rooms just like current law provides for the collection of sexual assault evidence.

* This bill also would allow for the collection of this evidence to occur without parental/guardian consent for those persons eighteen years of age as long as the eighteen year old gave consent.

Section 2.

* Would allow a physician after consultation with and the consent of a patient eighteen years of age, to order and/or conduct a diagnostic examination for physical or mental injuries associated with sexual assault or domestic violence and to provide or prescribe treatment for those injuries.

* The examinations and treatment of sexual assault or domestic violence injuries may be performed without the consent or notification to the parent or guardian and the physician shall not incur civil or criminal liability for conducting a diagnostic examination or providing treatment unless they committed a negligent act or omission during the process.

* The physician shall also be immune to civil or criminal liability for any adverse reaction to medication, if reasonable care is taken to elicit from the patient a history of sensitivity or previous adverse reactions to medication.

Explanation of amendments:

AM 335 makes the following change to LB 479:

* On page 3, strike beginning with "In" in line 1 through line 8. (This change would remove the civil immunity provision that is provided in the "green copy" of the bill.)

Brad Ashford, Chairperson