

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT (UPDATED)
LB322

Hearing Date: Wednesday February 12, 2025
Committee On: Judiciary
Introducer: Clouse
One Liner: Prohibit assault on a pharmacist and clarify provisions relating to assault on officers, emergency responders, certain employees, and health care professionals

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

Vote Results:
Aye: 5 Senators Bosn, Hallstrom, Holdcroft, Storer, Storm
Nay: 3 Senators DeBoer, McKinney, Rountree
Absent:
Present Not Voting:

Testimony:

Proponents:
Senator Stan Clouse
Haley Pertzborn

Representing:
Opening Presenter
Nebraska Pharmacists Association

Opponents:
Spike Eickholt
Matthew Jeffrey

Representing:
Nebraska Criminal Defense Attorneys Association
Self

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Summary
LB322 amends sections of law relating to crimes and offenses to prohibit assault on a pharmacist and change and eliminate provisions and penalties relating to offenses involving assault on an officer, emergency responder, certain employees, or a health care professional.

Explanation of amendments:

AM767 is a white copy amendment to LB 322 that strikes and replaces the original sections. AM 767 adds LB 26 to the bill which expands the definition of a health care professional in section 28-929.01 to include any other employee of a hospital or health clinic.



Testifiers on LB26:

Proponents:

Senator Beau Ballard , Opening Presenter

Anthony Ashby, CHI Health

Tammy Winterboer, Nebraska Medicine

Jennifer Hirschfeld, York General Hospital; Nebraska Hospital Association

Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association

Scout Richters, ACLU of Nebraska

Neutral: None

Committee vote to attach LB26:

Yes: 5 Bosn, Hallstrom, Holdcroft, Storer, Storm;

No: 3 DeBoer, McKinney, Rountree;

Absent: 0;

Present Not Voting: 0;

Section by Section Summary

Section 1

Amends section 28-101 to add sections 3 to 8 of AM 767 to the Nebraska Criminal Code. (LB322 as amended by AM767)

Section 2

Amends section 28-115 to add language to include a public safety officer and pharmacist as occupations protected under this section relating to enhanced penalties for a criminal offense against a pregnant woman, replacing emergency responder, an officer, a state correctional employee, and Department of Health and Human Services employee. (LB 322)

Section 3

Amends section 28-929.01 to include definitions of pharmacist and public safety officer. For purposes of sections 3 to 8, pharmacist means any person licensed in Nebraska to practice pharmacy. Public safety officer means a peace officer, probation officer, firefighter, emergency responder, Department of Correctional Services employee, and Department of Health and Human Services (DHHS) employee if the person committing the offense against the DHHS employee is committed as a dangerous sex offender. (LB 322 as amended by Am 767 adding LB26)

Section 4

Amends section 28-929 to also include a pharmacist and public safety officer as persons protected against assault in the first degree. This section also includes language requiring that the public safety officer be engaged in official duties, and the pharmacist be on duty when the first degree assault is committed. (LB322)

Section 5

Amends section 28-930 to also include a pharmacist and public safety officer as persons protected against assault in the second degree. This section also includes language requiring that the public safety officer be engaged in official duties, and the pharmacist be on duty when the second degree assault is committed. (LB322)



Section 6

Amends section 28-931 to also include a pharmacist and public safety officer as persons protected from assault in the third degree. This section also includes language requiring that the public safety officer be engaged in official duties, and the pharmacist be on duty when the third degree assault is committed. (LB322)

Section 7

Amends section 28-934 to also include a pharmacist and health care professional regarding assault with a bodily fluid. This section includes new language requiring that the pharmacist or health care provider be on duty when the offense is committed. (LB322)

Section 8

Amends section 28-929.02 to include a pharmacist in the required warning to be displayed in every hospital and health clinic regarding assaulting a health care professional or pharmacist. (LB322)

Section 9

Amends section 28-1351 to also include a pharmacist and public safety officer regarding the offense of unlawful membership recruitment. (LB322)

Section 10

Amends section 28-1354 of the Public Protection Act to include a pharmacist and public safety officer regarding offenses involving governmental operations. (LB322)

Section 11

Amends section 29-2221 to harmonize with changes made to section 28-929. (LB322)

Section 12

Amends section 28-941.01 to include assaults on pharmacists and public safety officers as potentially disqualifying convictions under the Occupational Reform Board Act. (LB322)

Section 13

Repealer

Section 14

Outright repealer. (outright repeals section 28-931.01 relating to assault using a motor vehicle.)

Carolyn Bosn, Chairperson

