

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 870

FINAL READING

Introduced by Cavanaugh, M., 6.

Read first time January 03, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Sexual Assault Victims' Bill of Rights
2 Act; to amend section 29-4313, Revised Statutes Cumulative
3 Supplement, 2022; to provide for rights of notification and
4 information for victims of sexual assault as prescribed; to require
5 preservation of sexual assault forensic evidence as prescribed; and
6 to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4313, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 29-4313 (1) A victim has the right to timely analysis of sexual
4 assault forensic evidence.

5 (2) Subject to section 28-902, a health care provider shall notify
6 the appropriate law enforcement agency of a victim's reported sexual
7 assault and submit to law enforcement the sexual assault forensic
8 evidence, if evidence has been obtained.

9 (3)(a) ~~(3)~~ A law enforcement agency shall collect the sexual assault
10 forensic evidence upon notification by the health care provider and shall
11 retain the sexual assault forensic evidence for the longer of the statute
12 of limitations applicable to the sexual assault or the retention period
13 set forth in subsection (4) of section 28-902.

14 (b)(i) Except as provided in subdivision (3)(b)(ii) of this section,
15 no later than sixty days before expiration of the retention period
16 described in subdivision (3)(a) of this section, the law enforcement
17 agency shall notify the victim of any intended destruction or disposal of
18 the sexual assault forensic evidence. Upon request by the victim, the law
19 enforcement agency shall preserve the sexual assault forensic evidence
20 for an additional twenty years.

21 (ii) Subdivision (3)(b)(i) of this section does not apply to sexual
22 assault forensic evidence which has been provided anonymously.

23 (c) Each law enforcement agency which stores sexual assault forensic
24 evidence shall have a written policy that details retention periods for
25 sexual assault forensic evidence and methods for carrying out the
26 notifications required by subdivision (3)(b) of this section.

27 (4) A victim has a right to contact the investigating law
28 enforcement agency and be provided with information on the status of the
29 processing and analysis of the victim's sexual assault forensic evidence,
30 if the victim did not report anonymously.

31 (5) A victim has the right to have the results of the analysis of

1 the victim's sexual assault forensic evidence uploaded to the appropriate
2 local, state, and federal DNA databases, as allowed by law.

3 (6) A victim has the right to be informed by the investigating law
4 enforcement agency, upon the victim's request, of the results of analysis
5 of the victim's sexual assault forensic evidence, whether the analysis
6 yielded a DNA profile, and whether the analysis yielded a DNA match,
7 either to the named perpetrator or to a suspect already in the Federal
8 Bureau of Investigation's Combined DNA Index System, so long as the
9 provision of such information would not hinder or interfere with
10 investigation or prosecution of the case associated with such
11 information.

12 (7) A victim has the right to be informed, upon the victim's
13 request, when there is any change in the status of the victim's case,
14 including if a case has been closed or reopened.

15 (8) ~~(7)~~ A victim has the right to inspect or request copies of law
16 enforcement reports concerning the sexual assault at the conclusion of
17 the case.

18 Sec. 2. Original section 29-4313, Revised Statutes Cumulative
19 Supplement, 2022, is repealed.