



## NEBRASKA

### NEB. REV. STAT. § 29-4303

**Type of Privilege:** Qualified by statute

**Privilege:**

- A victim, an advocate without consent of the victim, or a minor or incapacitated victim without consent of a custodial guardian, shall not be compelled to give testimony or to produce records concerning a confidential communication for any purpose in any criminal, civil, legislative, or administrative proceeding NEB. REV. STAT. § 29-4303 (1)
- Under no circumstances may a victim or victim advocate provide testimony in any criminal, civil, legislative, or administrative proceeding that would identify the name, address, location, or telephone number of a shelter that provided temporary emergency shelter to the victim of the offense that is the subject of the proceeding NEB. REV. STAT. § 29-4303 (2)

**Statutory Exceptions to Privilege:** NEB. REV. STAT. § 29-4303 (3)

- Mandatory reporting of child abuse or neglect, as well as suspected child abuse or neglect
- Any other legal duty to report a criminal or unlawful act NEB. REV. STAT. § 29-4303 (3)
- Victim brings suit against an advocate or against the agency or organization in which the advocate was employed or served as a volunteer NEB. REV. STAT. § 29-4304 (2)

**In Camera Review:** Provided for by statute

- Procedure:
  - The party seeking disclosure of privileged information must file a motion accompanied by proof that the confidential communication contains evidence that is relevant and material to the case
  - The court will conduct an in camera review of the requested information to determine whether non-disclosure would violate the constitutional rights of the defendant NEB. REV. STAT. § 29-4303 (1) (a)-(b)

**Holder of Privilege:**

- Only a victim may consent to disclosure NEB. REV. STAT. § 29-4304 (2) and NEB. REV. STAT. § 29-4303 (1)

**Waiver of Privilege:**

- A victim does not waive the privilege by testifying in court about the crime
- However, if a victim partially discloses the contents of a confidential communication while testifying, either party may request the court to rule that the privilege afforded by this statute be waived to the extent that the privilege applies to that portion of the communication NEB. REV. STAT. § 29-4304 (1) (a)-(b)

### DEFINITIONS:

**Confidential Communication:**

- Any written or spoken information exchanged between a victim and an advocate that is disclosed to the advocate for the purposes of overcoming to adverse effects of sexual assault NEB. REV. STAT. § 29-4304 (3)

**Victim Counseling Center:** No definition specified

**Victim Advocate:**

- Any employee or supervised volunteer of a sexual assault victim assistance program, or any other organization that assists sexual assault victims NEB. REV. STAT. § 29-4304 (1)



**Training Requirements for Victims Advocates:** None specified