

AMENDMENTS TO LB1188

(Amendments to Standing Committee amendments, AM2923)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 6 of this act shall be known and may be
3 cited as the State and Political Subdivisions Child Sexual Abuse
4 Liability Act.

5 Sec. 2. The Legislature hereby declares that the state, state
6 agencies, and political subdivisions shall be liable in a similar manner
7 and to a similar extent as a private individual or entity under like
8 circumstances for tort claims arising out of child sexual abuse.

9 Sec. 3. For purposes of the State and Political Subdivisions Child
10 Sexual Abuse Liability Act:

11 (1) Child sexual abuse means conduct that amounts to a violation of
12 section 28-319.01 or 28-320.01;

13 (2)(a) Employee, with reference to a political subdivision, has the
14 same meaning as in section 13-903.

15 (b) Employee, with reference to a state agency, has the same meaning
16 as in section 81-8,210;

17 (3) Political subdivision has the same meaning as in section 13-903;

18 (4) State agency has the same meaning as in section 81-8,210; and

19 (5) Tort claim means any claim against a political subdivision or
20 state agency for money only on account of personal injury or death,
21 caused by the negligent or wrongful act or omission of any official or
22 employee of the political subdivision or state agency, while acting
23 within the scope of his or her office or employment, under circumstances
24 in which the political subdivision or state agency, if a private person,
25 would be liable to the claimant for such injury or death.

26 Sec. 4. An individual who is a victim of child sexual abuse may

1 bring a tort claim arising from such child sexual abuse against a
2 political subdivision or a state agency.

3 Sec. 5. The State and Political Subdivisions Child Sexual Abuse
4 Liability Act constitutes a waiver of the sovereign immunity of the state
5 and all political subdivisions, and an action under the act is not
6 subject to the State Tort Claims Act or the Political Subdivisions Tort
7 Claims Act or the limitations or requirements in such acts, including,
8 but not limited to, limits on recoverable damages, limits on the
9 availability of a jury trial, notice requirements, and statutes of
10 limitations.

11 Sec. 6. (1) Criminal prosecution under section 28-319.01 or
12 28-320.01 is not required to maintain a civil action under the State and
13 Political Subdivisions Child Sexual Abuse Liability Act.

14 (2) The remedy provided in the State and Political Subdivisions
15 Child Sexual Abuse Liability Act is cumulative and shall be in addition
16 to any other remedies provided by law.

17 (3) No writ of execution shall issue against the state, a state
18 agency, or a political subdivision for a tort claim under the State and
19 Political Subdivisions Child Sexual Abuse Liability Act.

20 Sec. 7. Section 13-901, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 13-901 Sections 13-901 to 13-928 and section 8 of this act shall be
23 known and may be cited as the Political Subdivisions Tort Claims Act.

24 Sec. 8. An action under the State and Political Subdivisions Child
25 Sexual Abuse Liability Act is not subject to the Political Subdivisions
26 Tort Claims Act.

27 Sec. 9. Section 25-228, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 25-228 ~~(1) Notwithstanding any other provision of law:~~

30 (1) (a) There shall not be any time limitation for an action against
31 the individual or individuals directly causing an injury or injuries

1 suffered by a plaintiff when the plaintiff was a victim of a violation of
2 section 28-319.01 or 28-320.01 if such violation occurred (a) ~~(i)~~ on or
3 after August 24, 2017, or (b) ~~(ii)~~ prior to August 24, 2017, if such
4 action was not previously time barred. ~~and~~

5 (2) ~~(b)~~ An action against any person or entity other than the
6 individual directly causing an injury or injuries suffered by a plaintiff
7 when the plaintiff was a victim of a violation of section 28-319.01 or
8 28-320.01, including an action under the State and Political Subdivisions
9 Child Sexual Abuse Liability Act, may only be brought within twelve years
10 after the plaintiff's twenty-first birthday.

11 (3) ~~(2)~~ Criminal prosecution of a defendant under section 28-319.01
12 or 28-320.01 is not required to maintain a civil action for violation of
13 such sections.

14 Sec. 10. Section 81-8,235, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-8,235 Sections 81-8,209 to 81-8,235 and section 11 of this act
17 shall be known and may be cited as the State Tort Claims Act.

18 Sec. 11. An action under the State and Political Subdivisions Child
19 Sexual Abuse Liability Act is not subject to the State Tort Claims Act.

20 Sec. 16. Original sections 13-901 and 81-8,235, Reissue Revised
21 Statutes of Nebraska, and section 25-228, Revised Statutes Cumulative
22 Supplement, 2022, are repealed.

23 2. Renumber the remaining sections accordingly.