

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB656

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: March 09, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 656 seeks to extend the benefits of the Nebraska Claims for Wrongful Conviction and Imprisonment Act to innocent individuals wrongfully incarcerated for a felony offense.

It would also allow political subdivisions, or successful claimants, to file a claim with the State Claims Board, if the award of a final federal judgement for damages arises from violation of constitutional rights and exceeds the available financial resources of the political subdivision.

The bill renames the act to the Nebraska Claims for Wrongful Conviction or Incarceration Act. To avoid restriction of constitutions rights, it allows a claimant's cause of action to be assignable and survive the claimant's death while removing the bar preventing other claims against the state on another theory.

The bill adds a new section which defines a successful claimant as a person who, wrongfully incarcerated or convicted was unable to file a claim against the state or the political subdivision in state court but obtains a final federal court judgment for damages arising from the violation of rights secured by the United States Constitution when wrongfully convicted or incarcerated despite actual innocence.

Principal Introducer: _____

Senator Roy Baker