

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB832

Hearing Date: Friday January 31, 2020
Committee On: Judiciary
Introducer: Bostelman
One Liner: Provide immunity for removal of a child from a motor vehicle

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

Vote Results:

Aye: 8 Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Bruce Bostelman
Trisha Nicolas
Delanie Hudnall
Eric Koeppel
Fredric Voelker
Travis Hedlund

Representing:

Introducer
Self
Self
National Safety Council of Nebraska
Nebraska Safety Council
Children's Hospital & Medical Center

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB832 would create civil and criminal immunity for property damage caused by a person removing a child from a locked vehicle.

The bill includes five requirements for the immunity to apply. First, the person had a good faith and reasonable belief that breaking into the vehicle was necessary because the child was in imminent danger of harm. Second, the person must also have determined that the vehicle was locked and there was no other reasonable method for the child to exit with assistance. Third, the person notified law enforcement before or as soon as practicable after breaking into the car. Fourth, the person used no more force than reasonable necessary.

The fifth requirement, with an exception, is the person remained with the child near the vehicle until emergency personnel, the parent or guardian, or owner of the vehicle arrived. The person may leave the area to protect the health and safety of the child if the person notifies law enforcement and leaves a note.

Explanation of amendments:

AM2293 replaces the original bill.

The amendment would add a new subsection to Sec. 25-2,186, also known as the Good Samaritan law. The existing law provides immunity for a person rendering emergency care at the scene of an accident or other emergency. The new subsection would include entering a vehicle to remove a child to avoid immediate harm to the child in the definition of rendering emergency care at the scene of an accident or other emergency.

Steve Lathrop, Chairperson