

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB341

Hearing Date: Friday February 24, 2023
Committee On: Judiciary
Introducer: Halloran
One Liner: Adopt the State and Political Subdivisions Child Sexual Abuse Liability Act and exempt actions from the State Tort Claims Act and Political Subdivisions Tort Claims Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	5	Senators Blood, DeBoer, DeKay, McKinney, Wayne
Nay:	1	Senator Holdcroft
Absent:	1	Senator Ibach
Present Not Voting:	1	Senator Bosn

Testimony:

Proponents:

Senator Steve Halloran
Robbie Adams
Heather Schmidt
Cameron Ghenzel
Elizabeth Davids
Ward Greisen
Loree Woods
Jeanne Greisen

Representing:

Opening Presenter
Self
Self
Nebraska Association of Trial Attorneys
Self
Self
Self
Nebraskans for Founders Values

Opponents:

Chuck Wilbrand

Brandy Johnson

Bo Botelho

Elaine Menzel

Jennifer Huxoll

Representing:

Nebraska Association of School Boards | ALICAP |
League Association of Risk Management | League of
Nebraska Municipalities
Nebraska Intergovernmental Risk Management
Association
Department of Health and Human Services
Nebraska Association of County Officials | Nebraska
County Attorneys Association
Nebraska Attorney General's Office

Neutral:

Representing:

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

LB341 creates the State and Political Subdivisions Child Sexual Abuse Liability Act ("Act"). The Act allows victims of child sexual abuse to sue a political subdivision or state agency for tort claims arising out of the sexual abuse. It explicitly waives sovereign immunity and exempts claims under the Act from all provisions of the State Tort Claims Act and the Political Subdivisions Tort Claims Act. The statute of limitations for a claim under the Act is twelve years after the plaintiff's twenty-first birthday.

Section-by-section

Section 1: Creates the State and Political Subdivisions Child Sexual Abuse Liability Act.

Section 2: Declares that the state, state agencies, and political subdivisions shall be liable for tort claims arising out of child sexual abuse in a similar manner as private individuals and entities.

Section 3: Defines the following terms: child sexual abuse, employee, political subdivision, state agency, and tort claim.

Section 4: States that a victim of child sexual abuse may bring a tort claim against a political subdivision or state agency for a claim arising from the sexual abuse.

Section 5: States that this Act constitutes a waiver of sovereign immunity and that an action filed pursuant to this Act is not subject to the State Tort Claims Act or the Political Subdivisions Tort Claims Act.

Section 6: States that criminal prosecution is not required to file a civil action under the Act. The remedies provided in the Act are cumulative and in addition to any other remedies provided by law. The Act does not authorize a writ of execution against the state, a state agency, or political subdivision for claims under the Act.

Section 7: Amends Section 13-901 to make a harmonizing change to the Political Subdivisions Tort Claims Act.

Section 8: Creates a new section that states actions brought under the Act are not subject to the Political Subdivisions Tort Claims Act.

Section 9: Amends section 25-228 to state that actions brought under the Act may only be brought within twelve years after the plaintiff's twenty-first birthday.

Section 10: Amends section 81-8,235 to make a harmonizing change to the State Tort Claims Act.

Section 11: Creates a new section that states actions brought under the Act are not subject to the State Tort Claims Act.

Section 12: Repeals original sections.

Justin Wayne, Chairperson

