

AMENDMENTS TO LB935

(Amendments to Standing Committee amendments, AM2743)

Introduced by Cavanaugh, J., 9.

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 Sexual Abuse Liability Act.

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

9 **Sec. 3.** For purposes of the State and Political Subdivisions Sexual
10 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) Developmental disability has the same meaning as in section
14 71-1107;

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

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

19 (4) Political subdivision has the same meaning as in section 13-903;

20 (5) Sexual abuse means conduct that amounts to a violation of
21 section 28-319 or 28-320, other than a misdemeanor violation of section
22 28-320;

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

24 (7) Tort claim means any claim against a political subdivision or
25 state agency for money only on account of personal injury or death,
26 caused by the negligent or wrongful act or omission of any official or

1 employee of the political subdivision or state agency, while acting
2 within the scope of his or her office or employment, under circumstances
3 in which the political subdivision or state agency, if a private person,
4 would be liable to the claimant for such injury or death.

5 **Sec. 4.** (1) An individual who is a victim of child sexual abuse may
6 bring a tort claim arising from such child sexual abuse against a
7 political subdivision or a state agency.

8 (2) An individual with a developmental disability who is a victim of
9 sexual abuse may bring a tort claim arising from such sexual abuse
10 against a political subdivision or a state agency.

11 **Sec. 5.** The State and Political Subdivisions Sexual Abuse Liability
12 Act constitutes a waiver of the sovereign immunity of the state and all
13 political subdivisions, and an action under the act is not subject to the
14 State Tort Claims Act or the Political Subdivisions Tort Claims Act or
15 the limitations or requirements in such acts, including, but not limited
16 to, limits on recoverable damages, limits on the availability of a jury
17 trial, notice requirements, and statutes of limitations.

18 **Sec. 6.** (1) Criminal prosecution of any sexual abuse is not
19 required to maintain a civil action under the State and Political
20 Subdivisions Sexual Abuse Liability Act.

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

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

27 **Sec. 8.** Section 13-903, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 13-903 For purposes of the Political Subdivisions Tort Claims Act
30 and sections 16-727, 16-728, 23-175, 39-809, and 79-610, unless the
31 context otherwise requires:

1 (1) Political subdivision includes ~~shall include~~ villages, cities of
2 all classes, counties, school districts, learning communities, public
3 power districts, and all other units of local government, including
4 entities created pursuant to the Interlocal Cooperation Act or Joint
5 Public Agency Act. Political subdivision shall not be construed to
6 include any contractor with a political subdivision;

7 (2) Governing body means ~~shall mean~~ the village board of a village,
8 the city council of a city, the board of commissioners or board of
9 supervisors of a county, the board of directors of a public power
10 district, the governing board or other governing body of an entity
11 created pursuant to the Interlocal Cooperation Act or Joint Public Agency
12 Act, and any duly elected or appointed body holding the power and
13 authority to determine the appropriations and expenditures of any other
14 unit of local government;

15 (3) Employee of a political subdivision means ~~shall mean~~ any one or
16 more officers or employees of the political subdivision or any agency of
17 the subdivision and shall include members of the governing body, duly
18 appointed members of boards or commissions when they are acting in their
19 official capacity, volunteer firefighters, and volunteer rescue squad
20 personnel. Employee shall not be construed to include any contractor with
21 a political subdivision; and

22 (4)(a) (4) Tort claim means ~~shall mean~~ any claim against a political
23 subdivision for money only on account of damage to or loss of property or
24 on account of personal injury or death, caused by the negligent or
25 wrongful act or omission of any employee of the political subdivision,
26 while acting within the scope of his or her office or employment, under
27 circumstances in which the political subdivision, if a private person,
28 would be liable to the claimant for such damage, loss, injury, or death
29 but shall not include any claim accruing before January 1, 1970.

30 (b) Tort claim does not include an action under the State and
31 Political Subdivisions Sexual Abuse Liability Act.

1 **Sec. 9.** Section 25-228, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 25-228 (1) For purposes of this section, the terms child sexual
4 abuse, developmental disability, and sexual abuse have the same meanings
5 as in section 2 of this act. ~~(1) Notwithstanding any other provision of~~
6 law:

7 (2)(a) ~~(a)~~ There shall not be any time limitation for an action
8 against the individual or individuals directly causing an injury or
9 injuries suffered by a plaintiff when the plaintiff was a victim of child
10 sexual abuse a violation of section 28-319.01 or 28-320.01 if such abuse
11 violation occurred (i) on or after August 24, 2017, or (ii) prior to
12 August 24, 2017, if such action was not previously time barred. ~~;~~ and

13 (b) An action against any person or entity other than the individual
14 directly causing an injury or injuries suffered by a plaintiff when the
15 plaintiff was a victim of child sexual abuse, including an action under
16 the State and Political Subdivisions Sexual Abuse Liability Act, a
17 violation of section 28-319.01 or 28-320.01 may only be brought within
18 twelve years after the plaintiff's twenty-first birthday.

19 (3)(a) There shall not be any time limitation for an action against
20 the individual or individuals directly causing an injury or injuries
21 suffered by a plaintiff when the plaintiff was an individual with a
22 developmental disability and was a victim of sexual abuse, if such abuse
23 occurred (i) on or after the effective date of this act, or (ii) prior to
24 the effective date of this act, if such action was not previously time
25 barred.

26 (b) An action against any person or entity other than the individual
27 directly causing an injury or injuries suffered by a plaintiff when the
28 plaintiff was an individual with a developmental disability and was a
29 victim of sexual abuse, including an action under the State and Political
30 Subdivisions Sexual Abuse Liability Act, may only be brought within the
31 later of:

- 1 (i) Four years after the abuse; or
- 2 (ii) Twelve years after the plaintiff's twenty-first birthday.
- 3 ~~(4) (2) Criminal prosecution of a defendant under section 28-319.01~~
- 4 ~~or 28-320.01 is not required to maintain a civil action described in this~~
- 5 ~~section for violation of such sections.~~

6 **Sec. 51.** Section 81-8,210, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-8,210 For purposes of the State Tort Claims Act:

9 (1) State agency includes all departments, agencies, boards,
10 bureaus, and commissions of the State of Nebraska and corporations the
11 primary function of which is to act as, and while acting as,
12 instrumentalities or agencies of the State of Nebraska but shall not
13 include corporations that are essentially private corporations or
14 entities created pursuant to the Interlocal Cooperation Act or the Joint
15 Public Agency Act. State agency does not include any contractor with the
16 State of Nebraska;

17 (2) State Claims Board means the board created by section 81-8,220;

18 (3) Employee of the state means any one or more officers or
19 employees of the state or any state agency and shall include duly
20 appointed members of boards or commissions when they are acting in their
21 official capacity. State employee does not include any employee of an
22 entity created pursuant to the Interlocal Cooperation Act or the Joint
23 Public Agency Act or any contractor with the State of Nebraska;

24 ~~(4)(a) (4)~~ Tort claim means any claim against the State of Nebraska
25 for money only on account of damage to or loss of property or on account
26 of personal injury or death caused by the negligent or wrongful act or
27 omission of any employee of the state, while acting within the scope of
28 his or her office or employment, under circumstances in which the state,
29 if a private person, would be liable to the claimant for such damage,
30 loss, injury, or death but does not include any claim accruing before
31 January 1, 1970, any claim against an employee of the state for money

1 only on account of damage to or loss of property or on account of
2 personal injury or death caused by the negligent or wrongful act or
3 omission of the employee while acting within the scope of his or her
4 employment occurring on or after August 25, 1989, and any claim allowed
5 under the Nebraska Claims for Wrongful Conviction and Imprisonment Act. ÷

6 (b) Tort claim does not include an action under the State and
7 Political Subdivisions Sexual Abuse Liability Act;

8 (5) Award means any amount determined by the Risk Manager or State
9 Claims Board to be payable to a claimant under section 81-8,211 or the
10 amount of any compromise or settlement under section 81-8,218; and

11 (6) Risk Manager means the Risk Manager appointed under section
12 81-8,239.01.

13 2. Renumber the remaining sections and correct internal references
14 accordingly.

15 3. Correct the operative date and repealer sections so that the
16 sections added by this amendment become operative three calendar months
17 after the adjournment of this legislative session.