

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1097

Introduced by Conrad, 46.

Read first time January 16, 2026

Committee:

- 1 A BILL FOR AN ACT relating to civil actions; to amend sections 13-903 and
2 81-8,210, Reissue Revised Statutes of Nebraska, and section 25-228,
3 Revised Statutes Cumulative Supplement, 2024; to adopt the State and
4 Political Subdivisions Sexual Abuse Liability Act; to change
5 provisions relating to a statute of limitations for actions by
6 sexual abuse victims; to exempt actions from the Political
7 Subdivisions Tort Claims Act and the State Tort Claims Act; to
8 redefine terms; to harmonize provisions; and to repeal the original
9 sections.
- 10 Be it enacted by the people of the State of Nebraska,

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

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

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

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

12 (2) Developmental disability has the same meaning as in section
13 71-1107;

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

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

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

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

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

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

30 **Sec. 4.** (1) An individual who is a victim of child sexual abuse may
31 bring a tort claim arising from such child sexual abuse against a

1 political subdivision or a state agency.

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

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

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

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

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

21 **Sec. 7.** Section 13-903, Reissue Revised Statutes of Nebraska, is
22 amended to read:

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

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

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

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

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

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

26 **Sec. 8.** Section 25-228, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 25-228 (1) For purposes of this section, the terms child sexual
29 abuse, developmental disability, and sexual abuse have the same meanings
30 as in section 2 of this act. ~~(1) Notwithstanding any other provision of~~
31 ~~law:~~

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

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

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

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

26 (i) Four years after the abuse; or

27 (ii) Twelve years after the plaintiff's twenty-first birthday.

28 ~~(4) {2}~~ Criminal prosecution of a defendant ~~under section 28-319.01~~
29 ~~or 28-320.01~~ is not required to maintain a civil action described in this
30 section for violation of such sections.

31 **Sec. 9.** Section 81-8,210, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-8,210 For purposes of the State Tort Claims Act:

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

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

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

18 (4)(a) (4) Tort claim means any claim against the State of Nebraska
19 for money only on account of damage to or loss of property or on account
20 of personal injury or death caused by the negligent or wrongful act or
21 omission of any employee of the state, while acting within the scope of
22 his or her office or employment, under circumstances in which the state,
23 if a private person, would be liable to the claimant for such damage,
24 loss, injury, or death but does not include any claim accruing before
25 January 1, 1970, any claim against an employee of the state for money
26 only on account of damage to or loss of property or on account of
27 personal injury or death caused by the negligent or wrongful act or
28 omission of the employee while acting within the scope of his or her
29 employment occurring on or after August 25, 1989, and any claim allowed
30 under the Nebraska Claims for Wrongful Conviction and Imprisonment Act, ÷

31 (b) Tort claim does not include an action under the State and

1 Political Subdivisions Sexual Abuse Liability Act;

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

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

7 **Sec. 10.** Original sections 13-903 and 81-8,210, Reissue Revised
8 Statutes of Nebraska, and section 25-228, Revised Statutes Cumulative
9 Supplement, 2024, are repealed.