

May 11, 1989

LB 211

case, in the case of western Nebraska, and certainly the case that Senator Smith was talking about and Senator Langford, an extension of the statute of limitations would be very helpful. But there is also a back side to this. And Senator Chambers has been good in pointing out the back side, and I think sincerely so, pointing out the other side to this. It always is difficult when you give people a longer period of time to be convinced whether or not they want to sue or not.

PRESIDENT: Time.

SENATOR BERNARD-STEVENS: And I'll try to finish a little bit later on on this. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Langford, please, followed by Senator Smith and Senator Chambers.

SENATOR LANGFORD: Mr. President, one thing I would like to point out is LB 211 does not eliminate the prosecutors discretion. A county attorney still must decide if the case is worth filing. This will just give him the added protection of two years, it's a very, very simple bill. And I will give Bernard-Stevens the rest of my time.

PRESIDENT: Senator Bernard-Stevens. You have four minutes.

SENATOR BERNARD-STEVENS: Thank you, Senator Langford. I won't need all of that time. What I was going to conclude and say is that one of the things that the body, I think, needs to dis...to look at philosophically is this bill will certainly help in many, many cases. One side would say that it gives people longer to be convinced that they need to sue somebody for something that may have been done five years ago. Sometimes memory gets a little bit clouded, information is harder to find, substantiation and evidence is more difficult to obtain. One side says that makes it...that that in itself says we shouldn't extend it that far. One of the other side of the argument is in case such is happening, the one I was referring to, people, when you're looking at young children who cannot communicate or who are handicapped, what have you, there are things that can happen to young children who it may take over three years to get them to the point where they are able to communicate, where they are able to talk about it and deal with the problem psychologically, because they have been closing that information off to themselves and finding some other way to deal with an abuse