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LB 952

SENATOR VRTISKA: I yielded my...

PRESIDENT ROBAK: Excuse me, I'm sorry. Senator Bromm, there's three minutes remaining.

SENATOR BROMM: Thank you, Madam President. Thank you, Senator Vrtiska. I have to be gone for a few minutes shortly, and I wanted to ask a question or make a comment. Senator Maurstad, as crystal clear as we can, could we describe for the body the difference in what the innocent victim would receive in terms of compensation under your bill versus the existing law. I think we all...I understand that existing law is absolute liability, strict liability on the part of the employer of the officer in pursuit. Now what will be the difference for the victim in terms of the damages that they'll be paid for?

SENATOR MAURSTAD: Senator Bromm, it depends upon the circumstances. But in the situation where the law enforcement is negligent, they will recover, I believe, what they would under the existing law, except for the case where you have a party that's judgment proof, and in that case the noneconomic damages would not be recovered. However, to offset that, you have the situation in Section 2 where we are providing a source of recovery for economic damages when there is an absence of negligence on the part of the law enforcement agency. So in one case they would receive, I believe, less, and in other cases they would receive more.

SENATOR BROMM: When we're talking about economic damages, we're speaking of what exactly?

SENATOR MAURSTAD: Economic damages...

SENATOR BROMM: Loss of ability to pursue...

SENATOR MAURSTAD: Yeah, I passed out...yeah, medical expenses, loss of earnings, funeral costs, loss of use of property, loss of employment, those types of monetary losses.

SENATOR BROMM: Okay. Just briefly, one comment I wanted to respond to a little bit. I think the impression has been given that under the existing law you really don't even have to hardly go to court, you just get paid and that's it. Well, as a matter of fact, the settlement of the claim, under the existing law,