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FLOOR DEBATE

March 12, 2003      LB 294

that are being brought, they tend to be drunk driving cases or assaults or felonies, things of that nature. But there may be some other instances where...

SENATOR CUDABACK: One minute.

SENATOR FOLEY: ...where a child could be killed through a noncriminal act.

SENATOR BOURNE: Could you...you know, in the situation of a drunk driver, an assault of that nature, I believe there should be a civil component to that. Can you give us other instances that have happened? And I don't know how many states have adopted a measure such as this, but can you give us some other instances where a civil action has been brought under similar statutes? And also, I want to ask you what elements are required to prove to win a civil action in a matter such as this.

SENATOR FOLEY: Right. Well, first, the burden of proof always rests with the plaintiff in these kinds of cases, just as it would in the hypothetical that I posed of the woman who slipped carrying her born infant. The burden of proof is on her to prove that ice on the sidewalk and so forth was the factor that resulted in the death of her child. The preponderance of the evidence must weigh in her favor when she brings that kind of an action.

SENATOR CUDABACK: Time.

SENATOR FOLEY: Typically the cases...oh, we're out of time.

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Bourne, you may continue.

SENATOR BOURNE: Thank you, Senator Cudaback. Senator Foley, if you would continue.

SENATOR FOLEY: Right. As we look out across the country, the kinds of cases that are brought, typically, yes, they are criminal activities--drunk driving, assaults, things of that