

Legislature - First Session - 2019

Introducer's Statement of Intent

LB474

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 21, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 474 seeks to extend the benefits of the Nebraska Claims for Wrongful Conviction and Imprisonment Act to individuals wrongfully incarcerated for a felony offense. The bill renames the act. It would also allow political subdivisions, or successful claimants, to file a claim with the State Claims Board, if the award of a final federal judgement for damages arises from violation of constitutional rights and exceeds the available financial resources of the political subdivision.

The bill allows a claimant's cause of action to be assignable and survive the claimant's death while removing the bar preventing other claims against the state on another theory.

The bill adds a new section which defines a successful claimant as a person who, wrongfully incarcerated or convicted was unable to file a claim against the state or the political subdivision in state court but obtains a final federal court judgment for damages arising from the violation of rights secured by the United States Constitution when wrongfully convicted or incarcerated.

Principal Introducer: _____

Senator Myron Dorn