

AMENDMENTS TO LB25

(Amendments to Standing Committee amendments, AM440)

Introduced by Wayne, 13.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new
3 sections:

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

7 Sec. 2. The Legislature hereby declares that the state, state
8 agencies, and political subdivisions shall be liable in a similar manner
9 and to a similar extent as a private individual or entity under like
10 circumstances for tort claims arising out of child sexual abuse.

11 Sec. 3. For purposes of the State and Political Subdivisions Child
12 Sexual Abuse Liability Act:

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

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

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

19 (3) Political subdivision has the same meaning as in section 13-903;

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

21 (5) Tort claim means any claim against a political subdivision or
22 state agency for money only on account of personal injury or death,
23 caused by the negligent or wrongful act or omission of any official or
24 employee of the political subdivision or state agency, while acting
25 within the scope of his or her office or employment, under circumstances
26 in which the political subdivision or state agency, if a private person,

1 would be liable to the claimant for such injury or death.

2 Sec. 4. An individual who is a victim of child sexual abuse may
3 bring a tort claim arising from such child sexual abuse against a
4 political subdivision or a state agency.

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

13 Sec. 6. (1) Criminal prosecution under section 28-319.01 or
14 28-320.01 is not required to maintain a civil action under the State and
15 Political Subdivisions Child Sexual Abuse Liability Act.

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

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

22 (4) Punitive damages shall not be awarded in an action against a
23 political subdivision or state agency under the State and Political
24 Subdivisions Child Sexual Abuse Liability Act.

25 Sec. 7. Section 13-901, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 13-901 Sections 13-901 to 13-928 and section 8 of this act shall be
28 known and may be cited as the Political Subdivisions Tort Claims Act.

29 Sec. 8. An action under the State and Political Subdivisions Child
30 Sexual Abuse Liability Act is not subject to the Political Subdivisions
31 Tort Claims Act.

1 Sec. 9. Section 25-228, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 25-228 ~~(1) Notwithstanding any other provision of law:~~

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

10 (2) (b) An action against any person or entity other than the
11 individual directly causing an injury or injuries suffered by a plaintiff
12 when the plaintiff was a victim of a violation of section 28-319.01 or
13 28-320.01, including an action under the State and Political Subdivisions
14 Child Sexual Abuse Liability Act, may only be brought within twelve years
15 after the plaintiff's twenty-first birthday.

16 (3) (2) Criminal prosecution of a defendant under section 28-319.01
17 or 28-320.01 is not required to maintain a civil action for violation of
18 such sections.

19 Sec. 10. Section 81-8,235, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-8,235 Sections 81-8,209 to 81-8,235 and section 11 of this act
22 shall be known and may be cited as the State Tort Claims Act.

23 Sec. 11. An action under the State and Political Subdivisions Child
24 Sexual Abuse Liability Act is not subject to the State Tort Claims Act.

25 Sec. 12. Original sections 13-901 and 81-8,235, Reissue Revised
26 Statutes of Nebraska, and section 25-228, Revised Statutes Cumulative
27 Supplement, 2022, are repealed.