



Ninety-Eighth Legislature - Second Session - 2004
Introducer's Statement of Intent
LB 959

Chairperson: Kermit A. Brashear
Committee: Judiciary
Date of Hearing: February 25, 2004

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

LB 959 would include unborn children as infants in Neb.Rev.Stat. 25-307 for purposes of the commencement of civil actions on the part of infants by their guardians or next friends.

The bill accompanies LB 958, which provides criminal penalties for the assault of an unborn child in cases where unborn children sustain serious bodily injury from a third-party criminal attack. LB 959 also builds on the spirit of LB 294, a bill passed unanimously by the Legislature last session that defined unborn children as persons for purposes of initiating wrongful death civil actions.

As the law now stands, unborn children and their parents or guardians have no civil action recourse in the event an unborn child is injured by the tortious act of another. LB 959 would revise state law to make clear that unborn children shall be regarded as infants eligible for the commencement of civil actions on their behalf by guardians.

LB 959 does not allow actions for damages on behalf of an infant who is an unborn child against the mother of the unborn child, a physician or other licensed health care provider, or a person who dispenses a drug or device in accordance with the law.

Principal Introducer:

Senator Mike Foley