

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 341

Introduced by Halloran, 33.

Read first time January 12, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil actions; to amend sections 13-901 and
2 81-8,235, Reissue Revised Statutes of Nebraska, and section 25-228,
3 Revised Statutes Cumulative Supplement, 2022; to adopt the State and
4 Political Subdivisions Child Sexual Abuse Liability Act; to change
5 provisions relating to a statute of limitations for actions by child
6 sexual abuse victims; to exempt actions from the Political
7 Subdivisions Tort Claims Act and the State Tort Claims Act; to
8 harmonize provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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

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

28 Sec. 5. The State and Political Subdivisions Child Sexual Abuse
29 Liability Act constitutes a waiver of the sovereign immunity of the state
30 and all political subdivisions, and an action under the act is not
31 subject to the State Tort Claims Act or the Political Subdivisions Tort

1 Claims Act or the limitations or requirements in such acts, including,
2 but not limited to, limits on recoverable damages, limits on the
3 availability of a jury trial, notice requirements, and statutes of
4 limitations.

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

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

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

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

16 13-901 Sections 13-901 to 13-928 and section 8 of this act shall be
17 known and may be cited as the Political Subdivisions Tort Claims Act.

18 Sec. 8. An action under the State and Political Subdivisions Child
19 Sexual Abuse Liability Act is not subject to the Political Subdivisions
20 Tort Claims Act.

21 Sec. 9. Section 25-228, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 25-228 ~~(1) Notwithstanding any other provision of law:~~

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

30 (2) (b) An action against any person or entity other than the
31 individual directly causing an injury or injuries suffered by a plaintiff

1 when the plaintiff was a victim of a violation of section 28-319.01 or
2 28-320.01, including an action under the State and Political Subdivisions
3 Child Sexual Abuse Liability Act, may only be brought within twelve years
4 after the plaintiff's twenty-first birthday.

5 ~~(3)~~ (2) Criminal prosecution of a defendant under section 28-319.01
6 or 28-320.01 is not required to maintain a civil action for violation of
7 such sections.

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

10 81-8,235 Sections 81-8,209 to 81-8,235 and section 11 of this act
11 shall be known and may be cited as the State Tort Claims Act.

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

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