

LEGISLATIVE BILL 299

Approved by the Governor March 1, 2001

Introduced by Chambers, 11

AN ACT relating to the Uniform Act on Fresh Pursuit; to amend sections 29-419, 29-420, and 29-421, Reissue Revised Statutes of Nebraska; to provide for liability and personal jurisdiction relating to interstate pursuit; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) A member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be jointly and severally liable, along with the state, county, or municipal peace unit employing the member, for death, injury, or property damage to an innocent third party proximately caused by the action of the member during fresh pursuit.

(2) A member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be deemed to have given his or her consent to be subject to the laws of this state, and such action by the member shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such person, with respect to a cause of action regarding death, injury, or property damage to an innocent third party proximately caused by the actions of the member during fresh pursuit.

(3) Any duly organized state, county, or municipal peace unit of another state of the United States that authorizes its members to enter this state during fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be deemed to have given its consent to be subject to the laws of this state, and such action by the members shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such peace unit, with respect to a cause of action regarding death, injury, or property damage to an innocent third party proximately caused by the actions of such members during fresh pursuit.

Sec. 2. Section 29-419, Reissue Revised Statutes of Nebraska, is amended to read:

29-419. For the purpose purposes of sections 29-416 to 29-420 the Uniform Act on Fresh Pursuit, the word state shall include the District of Columbia.

Sec. 3. Section 29-420, Reissue Revised Statutes of Nebraska, is amended to read:

29-420. The For purposes of the Uniform Act on Fresh Pursuit, the term fresh pursuit, as used in sections 29-416 to 29-420, shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used herein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Sec. 4. Section 29-421, Reissue Revised Statutes of Nebraska, is amended to read:

29-421. Sections 29-416 to 29-421 and section 1 of this act shall be known and may be cited as the Uniform Act on Fresh Pursuit.

Sec. 5. Original sections 29-419, 29-420, and 29-421, Reissue Revised Statutes of Nebraska, are repealed.