

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB478

Hearing Date: Wednesday March 13, 2019
Committee On: Judiciary
Introducer: Vargas
One Liner: Prohibit use of consent by a minor as a defense or mitigation of damages or liability in certain civil actions arising from sexual assaults

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Senator Tony Vargas
John Lindsay

Representing:
Introducer
Nebraska Association of Trial Attorneys

Opponents:

Representing:

Neutral:
Billie Douglass

Representing:
self

Summary of purpose and/or changes:

LB478 would provide that in civil actions arising from a sexual assault of a person under the age of eighteen by an adult in a position of authority over the minor, consent is not a defense, does not reduce damages, or establish contributory or comparative negligence.

The bill provides a definition of "position of authority over a minor" as a person in position to exercise undue influence over the minor. Undue influence is defined to mean excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity.

Explanation of amendments:

AM1216 replaces the original bill.

The amendment adds a new provision to the existing rules of evidence in Sec. 27-412. Evidence of a victim's consent would not be admissible in any civil action involving sexual assault when the actor is nineteen years of age or older and the victim is under the age of consent.

Steve Lathrop, Chairperson