

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 249

Introduced by Howard, 9; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

Read first time January 14, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section 25-228,
- 2 Revised Statutes Cumulative Supplement, 2018; to change statutes of
- 3 limitations on civil actions arising from sexual assault and sexual
- 4 assault of a child; to clarify requirements for bringing such civil
- 5 actions; to provide a duty for the Revisor of Statutes; to provide
- 6 severability; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-228, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

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

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

10 (b) An action against any person or entity other than the individual
11 directly causing an injury or injuries suffered by a plaintiff when the
12 plaintiff was a victim of a violation of section 28-319.01 or 28-320.01
13 may only be brought prior to ~~within~~ twelve years after the plaintiff's
14 twenty-first birthday.

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

18 Sec. 2. (1) Notwithstanding any other provision of law:

19 (a) There shall not be any time limitation for an action against the
20 individual or individuals directly causing an injury or injuries suffered
21 by a plaintiff when the plaintiff was a victim of a violation of section
22 28-319 or 28-320 if such violation occurred (i) on or after the effective
23 date of this act, or (ii) prior to the effective date of this act, if
24 such action was not previously time barred; and

25 (b) An action against any person or entity other than the individual
26 directly causing an injury or injuries suffered by a plaintiff when the
27 plaintiff was a victim of a violation of section 28-319 or 28-320 may
28 only be brought prior to twelve years after the plaintiff's twenty-first
29 birthday.

30 (2) Criminal prosecution of a defendant under section 28-319 or
31 28-320 is not required to maintain a civil action for violation of such

1 sections.

2 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
3 within Chapter 25, article 2.

4 Sec. 4. If any section in this act or any part of any section is
5 declared invalid or unconstitutional, the declaration shall not affect
6 the validity or constitutionality of the remaining portions.

7 Sec. 5. Original section 25-228, Revised Statutes Cumulative
8 Supplement, 2018, is repealed.