

ONE HUNDRED FIFTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 216

Introduced by Pansing Brooks, 28; Krist, 10.

PURPOSE: The purpose of this resolution is to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records. In addition, this study will also examine the policies, practices, and laws that govern the state's ability to vacate or expunge criminal records for victims of sex trafficking. The study shall include an examination of the following:

(1) Pending and current state and federal legislation and case law regarding the safeguarding and sealing of juvenile records and vacatur or expungement law for victims of sex trafficking;

(2) Local prosecution, diversion, and law enforcement policies and practices regarding safeguarding and sealing of juvenile records;

(3) Local court rules, practices, and procedures surrounding safeguarding and sealing of juvenile records;

(4) Current data from the State Court Administrator regarding numbers of requests to seal records, objections to sealing records filed and results of such hearings, and current rates of juvenile court records which are eligible for sealing and rates of sealing;

(5) National and state policies, recommendations, and best practices for ensuring adequate safeguarding and sealing of juvenile and criminal court records, and vacatur or expungement law for victims of sex trafficking;

(6) Data sources that can best determine vacatur or expungement law for victims of sex trafficking. Data sources needed include identification, documentation, instances of trafficking within Nebraska, and data sources of adults with convictions for prostitution and prostitution-related activity;

(7) Collateral consequences juveniles and victims of sex trafficking face, including, but not limited to, their ability to get a job, receive medical

care, further their education, receive housing assistance, apply for a loan, and obtain immigration relief when they have a criminal court record; and

(8) A survey of youth and families to determine their access to and understanding of current state policies and procedures surrounding the safeguarding and sealing of juvenile records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.