

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1145

Final Reading

Introduced by McGill, 26; Christensen, 44; Mello, 5; Cook, 13.

Read first time January 19, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal law; to amend section 28-802, Reissue
2 Revised Statutes of Nebraska; to change the penalty for
3 pandering; to create a task force relating to human
4 trafficking; to provide powers and duties; to require the
5 placement of posters and the training of certain
6 officials regarding human trafficking; and to repeal the
7 original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-802, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-802 (1) A person commits pandering if such person:

4 (a) Entices another person to become a prostitute; or

5 (b) Procures or harbors therein an inmate for a house of
6 prostitution or for any place where prostitution is practiced or
7 allowed; or

8 (c) Inveigles, entices, persuades, encourages, or
9 procures any person to come into or leave this state for the purpose
10 of prostitution or debauchery; or

11 (d) Receives or gives or agrees to receive or give any
12 money or other thing of value for procuring or attempting to procure
13 any person to become a prostitute or commit an act of prostitution or
14 come into this state or leave this state for the purpose of
15 prostitution or debauchery.

16 (2) Pandering is a Class IV felony for a first offense,
17 unless the person being enticed, procured, harbored, or otherwise
18 persuaded to become a prostitute in violation of this section is
19 under the age of eighteen years, in which case pandering is a Class
20 III felony for a first offense. Pandering is a Class III felony for a
21 second or subsequent offense.

22 Sec. 2. (1) A task force is hereby established within the
23 Nebraska Commission on Law Enforcement and Criminal Justice for the
24 purposes of investigating and studying human trafficking, the methods
25 for advertising human trafficking services, and the victimization of

1 individuals coerced to participate in human trafficking.

2 (2) The task force shall examine the extent to which
3 human trafficking is prevalent in this state, the scope of efforts
4 being taken to prevent human trafficking from occurring, and the
5 services available to victims of human trafficking in this state. The
6 task force shall also investigate the limitations upon victims who
7 wish to come forward and seek medical attention; investigate the
8 potential to stop human trafficking; and investigate the potential to
9 promote recovery, to protect families and children who may be
10 profoundly impacted by such abuse, and to save lives.

11 (3)(a) The Department of Labor shall work with the task
12 force to develop or select informational posters for placement around
13 the state. The posters shall be in English, Spanish, and any other
14 language deemed appropriate by the task force. The posters shall
15 include a toll-free telephone number a person may call for
16 assistance, preferably the National Human Trafficking Resource Center
17 Hotline (888)373-7888.

18 (b) Posters shall be placed in rest stops and strip
19 clubs. The task force shall work with local businesses and nonprofit
20 entities associated with the prevention of human trafficking to
21 voluntarily place additional signs in high schools, postsecondary
22 educational institutions, gas stations, hotels, hospitals, health
23 care clinics, urgent care centers, airports, train stations, bus
24 stations, and other locations around the state deemed appropriate by
25 the task force.

- 1 (4) The task force shall consist of the following
2 members:
- 3 (a) The Attorney General or his or her designee;
4 (b) The executive director of the Nebraska Commission on
5 Law Enforcement and Criminal Justice;
6 (c) The Superintendent of Law Enforcement and Public
7 Safety or his or her designee;
8 (d) The Director of Correctional Services or his or her
9 designee;
10 (e) The chief of police or director of public safety of a
11 city of two hundred thousand inhabitants or more;
12 (f) The chief of police or director of public safety of a
13 city of less than two hundred thousand inhabitants;
14 (g) A county sheriff;
15 (h) A county attorney;
16 (i) A county commissioner;
17 (j) A mayor or city manager;
18 (k) A person involved with the control or prevention of
19 juvenile delinquency;
20 (l) A person involved with the control or prevention of
21 child abuse;
22 (m) The Commissioner of Education or his or her designee;
23 (n) The director of the Commission on Latino-Americans or
24 his or her designee; and
25 (o) Six members, at least three of whom shall be women,

1 from the public at large.

2 (5) The Governor shall appoint the members of the task
3 force listed in subdivisions (4)(e) through (l) and (o) of this
4 section for terms as provided in subsection (6) of this section. The
5 membership of the task force shall represent varying geographic areas
6 and large and small political subdivisions. One member from the
7 public at large shall be a professional representing child welfare,
8 and one member of the public at large shall represent juvenile
9 pretrial diversion programs.

10 (6) The members of the task force appointed by the
11 Governor shall serve six-year terms, except that of the members first
12 appointed, four shall serve initial two-year terms, four shall serve
13 initial four-year terms, and six shall serve initial six-year terms
14 from January 1 next succeeding their appointments. Thereafter, all
15 members shall serve six-year terms. A member may be reappointed at
16 the expiration of his or her term. Any vacancy occurring otherwise
17 than by expiration of a term shall be filled for the balance of the
18 unexpired term in the same manner as the original appointment.

19 (7) No member shall serve beyond the time when he or she
20 holds the office, employment, or status by reason of which he or she
21 was initially eligible for appointment. Any member of the task force
22 appointed by the Governor may be removed from the task force for
23 cause upon notice and an opportunity to be heard at a public hearing.
24 One of the causes for removal shall be absence from three regularly
25 scheduled meetings of the task force during any six-month period when

1 the member has failed to advise the task force in advance of such
2 meeting that he or she will be absent and stating a reason therefor.

3 (8) The chairperson of the task force shall be designated
4 by the Governor to serve at the pleasure of the Governor. The
5 chairperson shall be the chief executive officer of the task force
6 but may delegate such of his or her duties to other members of the
7 task force as may be authorized by the task force.

8 (9) Notwithstanding any provision of law, ordinance, or
9 charter provision to the contrary, membership on the task force shall
10 not disqualify any member from holding any other public office or
11 employment or cause the forfeiture thereof.

12 (10) The members of the task force shall serve on the
13 task force without compensation, but they shall be entitled to
14 receive reimbursement for any actual expenses incurred as necessary
15 incident to such service as provided in sections 81-1174 to 81-1177.

16 (11) Eleven members of the task force shall constitute a
17 quorum for the transaction of any business or the exercise of any
18 power of the task force. The task force shall have the power to act
19 by a majority of the members present at any meeting at which a quorum
20 is in attendance.

21 (12) All appointments shall be made not later than thirty
22 days after the effective date of this act. The chairperson shall meet
23 with the task force not later than sixty days after the effective
24 date of this act.

25 (13) Not later than one year after the effective date of

1 this act, and every July 1 and December 1 thereafter, the task force
2 shall report to the Clerk of the Legislature the results of its
3 investigation and study and its recommendations, if any, together
4 with drafts of legislation necessary to carry its recommendations
5 into effect by filing the report with the clerk.

6 Sec. 3. (1) It is the intent of the Legislature that law
7 enforcement agencies, prosecutors, public defenders, judges, juvenile
8 detention center staff, and others involved in the juvenile justice
9 system and the criminal justice system and other relevant officials
10 be provided mandatory training regarding issues in human trafficking.
11 The task force established in section 2 of this act shall work with
12 such agencies, persons, and staff to develop a proper curriculum for
13 the training and to determine how the training should be provided.
14 The determination and accompanying legislative recommendations shall
15 be made by December 1, 2012. Such training shall focus on:

16 (a) State and federal law regarding human trafficking;

17 (b) Methods used in identifying victims of human
18 trafficking who are United States citizens and foreign nationals,
19 including preliminary interview techniques and appropriate
20 questioning methods;

21 (c) Methods for prosecuting human traffickers;

22 (d) Methods of increasing effective collaboration with
23 nongovernmental organizations and other relevant social service
24 organizations in the course of investigating and prosecuting a human
25 trafficking case;

1 (e) Methods for protecting the rights of victims of human
2 trafficking, taking into account the need to consider human rights
3 and the special needs of women and minor victims;

4 (f) The necessity of treating victims of human
5 trafficking as crime victims rather than as criminals; and

6 (g) Methods for promoting the safety and well-being of
7 all victims of human trafficking.

8 (2) The task force shall also seek the input and
9 participation of appropriate nongovernmental organizations and other
10 relevant organizations regarding the provision, preparation, and
11 presentation of the training called for in this section.

12 Sec. 4. Original section 28-802, Reissue Revised Statutes
13 of Nebraska, is repealed.