

AMENDMENTS TO LB998

(Amendments to Standing Committee amendments, AM2079)

Introduced by McGill

1           1. Insert the following new sections:

2           Section 1. Section 28-830, Revised Statutes Supplement,  
3 2013, is amended to read:

4           28-830 For purposes of sections 28-830 and 28-831, the  
5 following definitions apply:

6           (1) Actor means a person who solicits, procures, or  
7 supervises the services or labor of another person;

8           (2) Commercial sexual activity means any sex act on  
9 account of which anything of value is given, promised to, or  
10 received by any person;

11           (3) Debt bondage means inducing another person to  
12 provide:

13           (a) Commercial sexual activity in payment toward or  
14 satisfaction of a real or purported debt; or

15           (b) Labor or services in payment toward or satisfaction  
16 of a real or purported debt if:

17           (i) The reasonable value of the labor or services is not  
18 applied toward the liquidation of the debt; or

19           (ii) The length of the labor or services is not limited  
20 and the nature of the labor or services is not defined.

21           ~~(3)~~ (4) Financial harm means theft by extortion as  
22 described by section 28-513;

1           ~~(4)~~ (5) Forced labor or services means labor or services  
2 that are performed or provided by another person and are obtained  
3 or maintained through:

4           (a) Inflicting or threatening to inflict serious personal  
5 injury, ~~to the other person~~ as defined by section 28-318, on  
6 another person;

7           (b) Physically restraining or threatening to physically  
8 restrain the other person;

9           ~~(c)~~ Abusing or threatening to abuse the legal process  
10 against another person to cause arrest or deportation for violation  
11 of federal immigration law;

12           ~~(d)~~ Controlling or threatening to control another  
13 person's access to a controlled substance listed in Schedule I, II  
14 or III of section 28-405;

15           ~~(e)~~ Exploiting another person's substantial functional  
16 impairment as defined in section 28-368 or substantial mental  
17 impairment as defined in section 28-369;

18           ~~(e)~~ (f) Knowingly destroying, concealing, removing,  
19 confiscating, or possessing any actual or purported passport  
20 or other immigration document or any other actual or purported  
21 government identification document of the other person; or

22           ~~(d)~~ (g) Causing or threatening to cause financial harm to  
23 ~~the other person;~~ another person, including debt bondage;

24           ~~(5)~~ (6) Labor means work of economic or financial value;

25           ~~(6)~~ (7) Labor trafficking means knowingly recruiting,  
26 enticing, harboring, transporting, providing, or obtaining by any  
27 means or attempting to recruit, entice, harbor, transport, provide,

1 or obtain by any means a person eighteen years of age or older  
2 intending or knowing that the person will be subjected to forced  
3 labor or services;

4 ~~(7)~~ (8) Labor trafficking of a minor means knowingly  
5 recruiting, enticing, harboring, transporting, providing, or  
6 obtaining by any means or attempting to recruit, entice, harbor,  
7 transport, provide, or obtain by any means a minor intending  
8 or knowing that the minor will be subjected to forced labor or  
9 services;

10 ~~(8)~~ (9) Maintain means, in relation to labor or services,  
11 to secure continued performance thereof, regardless of any initial  
12 agreement by the other person to perform such type of service;

13 ~~(9)~~ (10) Minor means a person younger than eighteen years  
14 of age;

15 ~~(10)~~ (11) Obtain means, in relation to labor or services,  
16 to secure performance thereof;

17 ~~(11)~~ (12) Services means an ongoing relationship between  
18 the actor and another person in which the person performs  
19 activities under the supervision of or for the benefit of  
20 the actor. Commercial sexual activity and sexually-explicit  
21 performances are forms of services under this section. Nothing in  
22 this subdivision shall be construed to legalize prostitution;

23 ~~(12)~~ (13) Sex trafficking means knowingly recruiting,  
24 enticing, harboring, transporting, providing, or obtaining by  
25 any means or knowingly attempting to recruit, entice, harbor,  
26 transport, provide, or obtain by any means a person eighteen years  
27 of age or older for the purpose of having such person engage

1 in commercial sexual activity, sexually explicit performance, or  
2 the production of pornography or to cause or attempt to cause  
3 a person eighteen years of age or older to engage in commercial  
4 sexual activity, sexually explicit performance, or the production  
5 of pornography;

6 ~~(13)~~ (14) Sex trafficking of a minor means knowingly  
7 recruiting, enticing, harboring, transporting, providing, or  
8 obtaining by any means or knowingly attempting to recruit, entice,  
9 harbor, transport, provide, or obtain by any means a minor for the  
10 purpose of having such minor engage in commercial sexual activity,  
11 sexually explicit performance, or the production of pornography  
12 or to cause or attempt to cause a minor to engage in commercial  
13 sexual activity, sexually explicit performance, or the production  
14 of pornography;

15 ~~(14)~~ (15) Sexually-explicit performance means a live or  
16 public play, dance, show, or other exhibition intended to arouse or  
17 gratify sexual desire or to appeal to prurient interests; and

18 ~~(15)~~ (16) Trafficking victim means a person subjected to  
19 any act or acts prohibited by section 28-831.

20 Sec. 2. Section 28-831, Revised Statutes Supplement,  
21 2013, is amended to read:

22 28-831 (1) No person shall knowingly engage in labor  
23 trafficking or sex trafficking.

24 (2) If an actor knowingly engages in labor trafficking or  
25 sex trafficking by:

26 (a) Inflicting or threatening to inflict serious personal  
27 injury, ~~to the other person~~ as defined by section 28-318, on

1 another person, the actor is guilty of a Class III felony;

2 (b) Physically restraining or threatening to physically  
3 restrain the other person, the actor is guilty of a Class III  
4 felony;

5 (c) Abusing or threatening to abuse the legal process  
6 against another person to cause arrest or deportation for violation  
7 of federal immigration law, the actor is guilty of a Class IV  
8 felony;

9 (d) Controlling or threatening to control another  
10 person's access to a controlled substance listed in Schedule I, II  
11 or III of section 28-405, the actor is guilty of a Class IV felony;

12 (e) Exploiting another person's substantial functional  
13 impairment as defined in section 28-368 or substantial mental  
14 impairment as defined in section 28-369, the actor is guilty of a  
15 Class IV felony;

16 ~~(e)~~ (f) Knowingly destroying, concealing, removing,  
17 confiscating, or possessing any actual or purported passport or  
18 other immigration document, or any other actual or purported  
19 government identification document, of the other person, the actor  
20 is guilty of a Class IV felony; or

21 ~~(d)~~ (g) Causing or threatening to cause financial harm  
22 to ~~the other~~ another person, including debt bondage, the actor is  
23 guilty of a Class I misdemeanor.

24 ~~(2)~~ (3) No person shall engage in labor trafficking of  
25 a minor or sex trafficking of a minor. An actor who engages in  
26 labor trafficking of a minor or sex trafficking of a minor shall be  
27 punished as follows:

1           (a) In cases in which the actor uses overt force or the  
2 threat of force against the trafficking victim, the actor is guilty  
3 of a Class II felony;

4           (b) In cases in which the trafficking victim has not  
5 attained the age of fifteen years, the actor is guilty of a Class  
6 II felony; or

7           (c) In cases involving a trafficking victim between the  
8 ages of fifteen and eighteen years, and the actor does not use  
9 overt force or threat of force against the trafficking victim, the  
10 actor is guilty of a Class III felony.

11           ~~(3)~~ (4) Any person who benefits, financially or by  
12 receiving anything of value, from participation in a venture which  
13 has, as part of the venture, an act that is in violation of this  
14 section, is guilty of a Class IV felony.

15           2. Renumber the remaining sections and correct the  
16 repealer accordingly.