

AMENDMENTS TO LB 255

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 28-707, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 28-707 (1) A person commits child abuse if he or she
6 knowingly, intentionally, or negligently causes or permits a minor
7 child to be:

8 (a) Placed in a situation that endangers his or her life
9 or physical or mental health;

10 (b) Cruelly confined or cruelly punished;

11 (c) Deprived of necessary food, clothing, shelter, or
12 care;

13 (d) Placed in a situation to be sexually exploited by
14 allowing, encouraging, or forcing such minor child to solicit for
15 or engage in prostitution, debauchery, public indecency, or obscene
16 or pornographic photography, films, or depictions; ~~or~~

17 (e) Placed in a situation to be sexually abused as
18 defined in section 28-319, 28-319.01, or 28-320.01; ~~or-~~

19 (f) Placed in a situation to be a trafficking victim as
20 defined in section 28-830.

21 (2) The statutory privilege between patient and
22 physician, between client and professional counselor, and between
23 husband and wife shall not be available for excluding or refusing

1 testimony in any prosecution for a violation of this section.

2 (3) Child abuse is a Class I misdemeanor if the offense
3 is committed negligently and does not result in serious bodily
4 injury as defined in section 28-109 or death.

5 (4) Child abuse is a Class IIIA felony if the offense
6 is committed knowingly and intentionally and does not result in
7 serious bodily injury as defined in section 28-109 or death.

8 (5) Child abuse is a Class IIIA felony if the offense
9 is committed negligently and results in serious bodily injury as
10 defined in section 28-109.

11 (6) Child abuse is a Class III felony if the offense is
12 committed negligently and results in the death of such child.

13 (7) Child abuse is a Class II felony if the offense is
14 committed knowingly and intentionally and results in serious bodily
15 injury as defined in such section.

16 (8) Child abuse is a Class IB felony if the offense is
17 committed knowingly and intentionally and results in the death of
18 such child.

19 (9) For purposes of this section, negligently refers to
20 criminal negligence and means that a person knew or should have
21 known of the danger involved and acted recklessly, as defined in
22 section 28-109, with respect to the safety or health of the minor
23 child.

24 Sec. 2. Section 28-801, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 28-801 (1) Any Except as provided in subsection (5) of
27 this section, any person who performs, offers, or agrees to perform

1 any act of sexual contact or sexual penetration, as those terms
2 are defined in section 28-318, with any person not his or her
3 spouse, in exchange for money or other thing of value, commits
4 prostitution.

5 (2) Any person convicted of violating subsection (1) of
6 this section shall be punished as follows:

7 (a) If such person has had no prior convictions or has
8 had one prior conviction, such person shall be guilty of a Class
9 II misdemeanor. If the court places such person on probation, such
10 order of probation shall include, as one of its conditions, that
11 such person shall satisfactorily attend and complete an appropriate
12 mental health and substance abuse assessment conducted by a
13 licensed mental health professional or substance abuse professional
14 authorized to complete such assessment; and

15 (b) If such person has had two or more prior convictions,
16 such person shall be guilty of a Class I misdemeanor. If the
17 court places such person on probation, such order of probation
18 shall include, as one of its conditions, that such person shall
19 satisfactorily attend and complete an appropriate mental health and
20 substance abuse assessment conducted by a licensed mental health
21 professional or substance abuse professional authorized to complete
22 such assessment.

23 (3) It is an affirmative defense to prosecution under
24 this section that such person was a victim of human trafficking or
25 forced labor or services pursuant to sections 28-830 and 28-831.

26 (4) For purposes of this subsection, section, prior
27 conviction means any conviction on or after July 14, 2006, for

1 violation of subsection (1) of this section or any conviction on or
2 after July 14, 2006, for violation of a city or village ordinance
3 relating to prostitution.

4 (5) If the law enforcement officer determines, after
5 a reasonable detention for investigative purposes, that a person
6 suspected of or charged with a violation of subsection (1) of this
7 section is a person under eighteen years of age, such person shall
8 be immune from prosecution for a prostitution offense under this
9 section and shall be subject to temporary custody under section
10 43-248 and further disposition under the Nebraska Juvenile Code.
11 A law enforcement officer who takes a person under eighteen years
12 of age into custody under this section shall immediately report
13 an allegation of a violation of section 28-831 to the Department
14 of Health and Human Services which shall commence an investigation
15 within twenty-four hours under the Child Protection Act.

16 Sec. 3. Section 28-801.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-801.01 (1) Any person who solicits another person not
19 his or her spouse to perform any act of sexual contact or sexual
20 penetration, as those terms are defined in section 28-318, in
21 exchange for money or other thing of value, commits solicitation of
22 prostitution.

23 (2) Any person convicted of violating subsection (1) of
24 this section shall be punished as follows:

25 (a) If such person has had no prior convictions, such
26 person shall be guilty of a Class I misdemeanor and pay a fine
27 of not less than two hundred fifty dollars, unless the person

1 solicited is under the age of eighteen years, in which case
2 such person violating this section shall be guilty of a Class IV
3 felony. If the court places such person on probation, such order
4 of probation shall include, as one of its conditions, the payment
5 of a fine of not less than two hundred fifty dollars and such
6 person shall satisfactorily attend and complete an appropriate
7 mental health and substance abuse assessment conducted by a
8 licensed mental health professional or substance abuse professional
9 authorized to complete such assessment; and

10 (b) If such person has had one or more prior convictions,
11 such person shall be guilty of a Class IV felony and pay a fine of
12 not less than five hundred dollars. If the court places such person
13 on probation, such order of probation shall include, as one of its
14 conditions, the payment of a fine of not less than five hundred
15 dollars and such person shall satisfactorily attend and complete an
16 appropriate mental health and substance abuse assessment conducted
17 by a licensed mental health professional or substance abuse
18 professional authorized to complete such assessment.

19 Sec. 4. Section 28-802, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 28-802 (1) A person commits pandering if such person:

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

23 (b) Procures or harbors therein an inmate for a house of
24 prostitution or for any place where prostitution is practiced or
25 allowed; or

26 (c) Inveigles, entices, persuades, encourages, or
27 procures any person to come into or leave this state for the

1 purpose of prostitution or debauchery; or

2 (d) Receives or gives or agrees to receive or give any
3 money or other thing of value for procuring or attempting to
4 procure any person to become a prostitute or commit an act of
5 prostitution or come into this state or leave this state for the
6 purpose of prostitution or debauchery.

7 (2) Pandering is a Class IV felony for a first offense,
8 unless the person being enticed, procured, harbored, or otherwise
9 persuaded to become a prostitute ~~in violation of this section~~ is
10 under the age of eighteen years, in which case pandering is a Class
11 III felony for a first offense. Pandering is a Class III felony for
12 a second or subsequent offense.

13 Sec. 5. Section 28-804, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 28-804 (1) Any person who has or exercises control over
16 the use of any place which offers seclusion or shelter for the
17 practice of prostitution and who knowingly grants or permits the
18 use of such place for the purpose of prostitution commits the
19 offense of keeping a place of prostitution.

20 (2) Keeping a place of prostitution is a Class I
21 misdemeanor, unless any person using such place for the practice of
22 prostitution is under the age of eighteen years, in which case any
23 person convicted of keeping a place of prostitution shall be guilty
24 of a Class IV felony.

25 Sec. 6. Section 28-830, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 28-830 For purposes of sections 28-830 ~~to 28-832,~~ and

1 28-831, the following definitions apply:

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

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

7 (3) Financial harm means theft by extortion as described
8 by section 28-513;

9 (4) Forced labor or services means labor or services that
10 are performed or provided by another person and are obtained or
11 maintained through:

12 (a) Inflicting or threatening to inflict serious personal
13 injury to the other person as defined by section 28-318;

14 (b) Physically restraining or threatening to physically
15 restrain ~~another~~ the other person;

16 (c) Knowingly destroying, concealing, removing,
17 confiscating, or possessing any actual or purported passport
18 or other immigration document or any other actual or purported
19 government identification document of ~~another~~ the other person; or

20 (d) Causing or threatening to cause financial harm to
21 ~~another~~ the other person;

22 (5) Labor means work of economic or financial value;

23 (6) Labor trafficking means knowingly recruiting,
24 enticing, harboring, transporting, providing, or obtaining by any
25 means or attempting to recruit, entice, harbor, transport, provide,
26 or obtain by any means a person eighteen years of age or older
27 intending or knowing that the person will be subjected to forced

1 labor or services;

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

8 ~~(6)~~ (8) Maintain means, in relation to labor or services,
9 to secure continued performance thereof, regardless of any initial
10 agreement by the ~~victim~~ other person to perform such type of
11 service;

12 ~~(7)~~ (9) Minor means a person younger than eighteen years
13 of age;

14 ~~(8)~~ (10) Obtain means, in relation to labor or services,
15 to secure performance thereof;

16 ~~(9)~~ (11) Services means an ongoing relationship between
17 a ~~person~~ and the actor and another person in which the person
18 performs activities under the supervision of or for the benefit
19 of the actor. Commercial sexual activity and sexually-explicit
20 performances are forms of services under this section. Nothing in
21 this subdivision shall be construed to legalize prostitution;

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

1 the production of pornography or to cause or attempt to cause a
2 person to engage in commercial sexual activity, sexually explicit
3 performance, or the production of pornography;

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

13 ~~(10)~~ (14) Sexually-explicit performance means a live or
14 public play, dance, show, or other exhibition intended to arouse or
15 gratify sexual desire or to appeal to prurient interests; and

16 ~~(11)~~ (15) Trafficking victim means a person subjected to
17 any act or acts prohibited by section 28-831.

18 Sec. 7. Section 28-831, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 28-831 (1) No person shall knowingly ~~subject or attempt~~
21 ~~to subject another person to forced labor or services.~~ engage
22 in labor trafficking or sex trafficking. If an actor knowingly
23 ~~subjects another person to forced labor or services by~~ engages in
24 labor trafficking or sex trafficking by:

25 (a) Inflicting or threatening to inflict serious personal
26 injury to the other person as defined by section 28-318, the actor
27 is guilty of a Class III felony;

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

4 (c) Knowingly destroying, concealing, removing,
5 confiscating, or possessing any actual or purported passport or
6 other immigration document, or any other actual or purported
7 government identification document, of ~~such~~ the other person, the
8 actor is guilty of a Class IV felony; or

9 (d) Causing or threatening to cause financial harm to
10 ~~another~~ the other person, the actor is guilty of a Class I
11 misdemeanor.

12 (2) No person shall knowingly recruit, entice, harbor,
13 transport, provide, or obtain by any means or attempt to recruit,
14 entice, harbor, provide, or obtain by any means a minor for the
15 purpose of having such minor engage in commercial sexual activity,
16 sexually-explicit performance, or the production of pornography,
17 or to cause or attempt to cause a minor to engage in commercial
18 sexual activity, sexually-explicit performance, or the production
19 of pornography. A person engage in labor trafficking of a minor or
20 sex trafficking of a minor. An actor who violates this subsection
21 engages in labor trafficking of a minor or sex trafficking of a
22 minor shall be punished as follows:

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

26 (b) In cases in which the trafficking victim has not
27 attained the age of fifteen years, and the actor does not use overt

1 ~~force or the threat of force~~, the actor is guilty of a Class II
2 felony; or

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

7 (3) Any person who ~~knowingly (a) recruits, entices,~~
8 ~~harbors, transports, provides, or obtains by any means, or attempts~~
9 ~~to recruit, entice, harbor, transport, provide, or obtain by any~~
10 ~~means, a person eighteen years of age or older, intending or~~
11 ~~knowing that the person will be subjected to forced labor or~~
12 ~~services or (b) benefits, financially or by receiving anything of~~
13 value, from participation in a venture which has, as part of the
14 venture, an act that is in violation of ~~subsection (1) of this~~
15 section, is guilty of a Class IV felony.

16 Sec. 8. Section 28-1354, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 28-1354 For purposes of the Public Protection Act:

19 (1) Enterprise means any individual, sole proprietorship,
20 partnership, corporation, trust, association, or any legal entity,
21 union, or group of individuals associated in fact although not
22 a legal entity, and shall include illicit as well as licit
23 enterprises as well as other entities;

24 (2) Pattern of racketeering activity means a cumulative
25 loss for one or more victims or gains for the enterprise of not
26 less than one thousand five hundred dollars resulting from at least
27 two acts of racketeering activity, one of which occurred after

1 August 30, 2009, and the last of which occurred within ten years,
2 excluding any period of imprisonment, after the commission of a
3 prior act of racketeering activity;

4 (3) Person means any individual or entity, as defined in
5 section 21-2014, holding or capable of holding a legal, equitable,
6 or beneficial interest in property;

7 (4) Prosecutor includes the Attorney General of the
8 State of Nebraska, the deputy attorney general, assistant attorneys
9 general, a county attorney, a deputy county attorney, or any person
10 so designated by the Attorney General, a county attorney, or a
11 court of the state to carry out the powers conferred by the act;

12 (5) Racketeering activity includes the commission of,
13 criminal attempt to commit, conspiracy to commit, aiding and
14 abetting in the commission of, aiding in the consummation of,
15 acting as an accessory to the commission of, or the solicitation,
16 coercion, or intimidation of another to commit or aid in the
17 commission of any of the following:

18 (a) Offenses against the person which include: Murder in
19 the first degree under section 28-303; murder in the second degree
20 under section 28-304; manslaughter under section 28-305; assault in
21 the first degree under section 28-308; assault in the second degree
22 under section 28-309; assault in the third degree under section
23 28-310; terroristic threats under section 28-311.01; kidnapping
24 under section 28-313; false imprisonment in the first degree under
25 section 28-314; false imprisonment in the second degree under
26 section 28-315; sexual assault in the first degree under section
27 28-319; and robbery under section 28-324;

1 (b) Offenses relating to controlled substances which
2 include: To unlawfully manufacture, distribute, deliver, dispense,
3 or possess with intent to manufacture, distribute, deliver, or
4 dispense a controlled substance under subsection (1) of section
5 28-416; possession of marijuana weighing more than one pound
6 under subsection (12) of section 28-416; possession of money
7 used or intended to be used to facilitate a violation of
8 subsection (1) of section 28-416 prohibited under subsection
9 (17) of section 28-416; any violation of section 28-418; to
10 unlawfully manufacture, distribute, deliver, or possess with intent
11 to distribute or deliver an imitation controlled substance under
12 section 28-445; possession of anhydrous ammonia with the intent to
13 manufacture methamphetamine under section 28-451; and possession of
14 ephedrine, pseudoephedrine, or phenylpropanolamine with the intent
15 to manufacture methamphetamine under section 28-452;

16 (c) Offenses against property which include: Arson in
17 the first degree under section 28-502; arson in the second degree
18 under section 28-503; arson in the third degree under section
19 28-504; burglary under section 28-507; theft by unlawful taking
20 or disposition under section 28-511; theft by shoplifting under
21 section 28-511.01; theft by deception under section 28-512; theft
22 by extortion under section 28-513; theft of services under section
23 28-515; theft by receiving stolen property under section 28-517;
24 criminal mischief under section 28-519; and unlawfully depriving
25 or obtaining property or services using a computer under section
26 28-1344;

27 (d) Offenses involving fraud which include: Burning

1 to defraud an insurer under section 28-505; forgery in the
2 first degree under section 28-602; forgery in the second degree
3 under section 28-603; criminal possession of a forged instrument
4 under section 28-604; criminal possession of forgery devices
5 under section 28-605; criminal impersonation under section 28-638;
6 identity theft under section 28-639; identity fraud under section
7 28-640; false statement or book entry under section 28-612;
8 tampering with a publicly exhibited contest under section 28-614;
9 issuing a false financial statement for purposes of obtaining a
10 financial transaction device under section 28-619; unauthorized use
11 of a financial transaction device under section 28-620; criminal
12 possession of a financial transaction device under section 28-621;
13 unlawful circulation of a financial transaction device in the first
14 degree under section 28-622; unlawful circulation of a financial
15 transaction device in the second degree under section 28-623;
16 criminal possession of a blank financial transaction device under
17 section 28-624; criminal sale of a blank financial transaction
18 device under section 28-625; criminal possession of a forgery
19 device under section 28-626; unlawful manufacture of a financial
20 transaction device under section 28-627; laundering of sales forms
21 under section 28-628; unlawful acquisition of sales form processing
22 services under section 28-629; unlawful factoring of a financial
23 transaction device under section 28-630; and fraudulent insurance
24 acts under section 28-631;

25 (e) Offenses involving governmental operations which
26 include: Abuse of public records under section 28-911; perjury or
27 subornation of perjury under section 28-915; bribery under section

1 28-917; bribery of a witness under section 28-918; tampering with
2 a witness or informant or jury tampering under section 28-919;
3 bribery of a juror under section 28-920; assault on an officer in
4 the first degree under section 28-929; assault on an officer in the
5 second degree under section 28-930; assault on an officer in the
6 third degree under section 28-931; and assault on an officer using
7 a motor vehicle under section 28-931.01;

8 (f) Offenses involving gambling which include: Promoting
9 gambling in the first degree under section 28-1102; possession of
10 gambling records under section 28-1105; gambling debt collection
11 under section 28-1105.01; and possession of a gambling device under
12 section 28-1107;

13 (g) Offenses relating to firearms, weapons, and
14 explosives which include: Carrying a concealed weapon under
15 section 28-1202; transportation or possession of machine guns,
16 short rifles, or short shotguns under section 28-1203; unlawful
17 possession of a handgun under section 28-1204; unlawful transfer of
18 a firearm to a juvenile under section 28-1204.01; using a deadly
19 weapon to commit a felony or possession of a deadly weapon during
20 the commission of a felony under section 28-1205; possession of
21 a deadly weapon by a prohibited person under section 28-1206;
22 possession of a defaced firearm under section 28-1207; defacing
23 a firearm under section 28-1208; unlawful discharge of a firearm
24 under section 28-1212.02; possession, receipt, retention, or
25 disposition of a stolen firearm under section 28-1212.03; unlawful
26 possession of explosive materials in the first degree under
27 section 28-1215; unlawful possession of explosive materials in the

1 second degree under section 28-1216; unlawful sale of explosives
2 under section 28-1217; use of explosives without a permit under
3 section 28-1218; obtaining an explosives permit through false
4 representations under section 28-1219; possession of a destructive
5 device under section 28-1220; threatening the use of explosives or
6 placing a false bomb under section 28-1221; using explosives to
7 commit a felony under section 28-1222; using explosives to damage
8 or destroy property under section 28-1223; and using explosives to
9 kill or injure any person under section 28-1224;

10 (h) Any violation of the Securities Act of Nebraska
11 pursuant to section 8-1117;

12 (i) Any violation of the Nebraska Revenue Act of 1967
13 pursuant to section 77-2713;

14 (j) Offenses relating to public health and morals which
15 include: Prostitution under section 28-801; pandering under section
16 28-802; keeping a place of prostitution under section 28-804; ~~human~~
17 ~~trafficking or forced labor or services~~ labor trafficking or sex
18 trafficking under section 28-831; a violation of section 28-1005;
19 and any act relating to the visual depiction of sexually explicit
20 conduct prohibited in the Child Pornography Prevention Act; and

21 (k) A violation of the Computer Crimes Act;

22 (6) State means the State of Nebraska or any political
23 subdivision or any department, agency, or instrumentality thereof;
24 and

25 (7) Unlawful debt means a debt of at least one thousand
26 five hundred dollars:

27 (a) Incurred or contracted in gambling activity which was

1 in violation of federal law or the law of the state or which is
2 unenforceable under state or federal law in whole or in part as to
3 principal or interest because of the laws relating to usury; or

4 (b) Which was incurred in connection with the business
5 of gambling in violation of federal law or the law of the state
6 or the business of lending money or a thing of value at a rate
7 usurious under state law if the usurious rate is at least twice the
8 enforceable rate.

9 Sec. 9. Section 43-248, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 43-248 A peace officer may take a juvenile into temporary
12 custody without a warrant or order of the court and proceed as
13 provided in section 43-250 when:

14 (1) A juvenile has violated a state law or municipal
15 ordinance and the officer has reasonable grounds to believe such
16 juvenile committed such violation;

17 (2) A juvenile is seriously endangered in his or her
18 surroundings and immediate removal appears to be necessary for the
19 juvenile's protection;

20 (3) The officer believes the juvenile to be mentally
21 ill and dangerous as defined in section 71-908 and that the harm
22 described in that section is likely to occur before proceedings may
23 be instituted before the juvenile court;

24 (4) The officer has reasonable grounds to believe that
25 the juvenile has run away from his or her parent, guardian, or
26 custodian;

27 (5) A probation officer has reasonable cause to believe

1 that a juvenile is in violation of probation and that the juvenile
2 will attempt to leave the jurisdiction or place lives or property
3 in danger; ~~or~~

4 (6) The officer has reasonable grounds to believe the
5 juvenile is truant from school; or-

6 (7) The officer has reasonable grounds to believe
7 the juvenile is immune from prosecution for prostitution under
8 subsection (5) of section 28-801.

9 Sec. 10. Section 43-250, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 43-250 (1) A peace officer who takes a juvenile into
12 temporary custody under section 29-401 or subdivision (1), (4), or
13 (5) of section 43-248 shall immediately take reasonable measures to
14 notify the juvenile's parent, guardian, custodian, or relative and
15 shall proceed as follows:

16 (a) The peace officer may release a juvenile taken into
17 temporary custody under section 29-401 or subdivision (1) or (4) of
18 section 43-248;

19 (b) The peace officer may require a juvenile taken into
20 temporary custody under section 29-401 or subdivision (1) or (4)
21 of section 43-248 to appear before the court of the county in
22 which such juvenile was taken into custody at a time and place
23 specified in the written notice prepared in triplicate by the
24 peace officer or at the call of the court. The notice shall also
25 contain a concise statement of the reasons such juvenile was taken
26 into custody. The peace officer shall deliver one copy of the
27 notice to such juvenile and require such juvenile or his or her

1 parent, guardian, other custodian, or relative, or both, to sign a
2 written promise that such signer will appear at the time and place
3 designated in the notice. Upon the execution of the promise to
4 appear, the peace officer shall immediately release such juvenile.
5 The peace officer shall, as soon as practicable, file one copy
6 of the notice with the county attorney or city attorney and, when
7 required by the court, also file a copy of the notice with the
8 court or the officer appointed by the court for such purpose; or

9 (c) The peace officer may retain temporary custody of
10 a juvenile taken into temporary custody under section 29-401 or
11 subdivision (1), (4), or (5) of section 43-248 and deliver the
12 juvenile, if necessary, to the probation officer and communicate
13 all relevant available information regarding such juvenile to the
14 probation officer. The probation officer shall determine the need
15 for detention of the juvenile as provided in section 43-260.01.
16 Upon determining that the juvenile should be placed in a secure
17 or nonsecure placement and securing placement in such secure or
18 nonsecure setting by the probation officer, the peace officer shall
19 implement the probation officer's decision to release or to detain
20 and place the juvenile. When secure detention of a juvenile is
21 necessary, such detention shall occur within a juvenile detention
22 facility except:

23 (i) When a juvenile described in subdivision (1) or
24 (2) of section 43-247, except for a status offender, is taken
25 into temporary custody within a metropolitan statistical area and
26 where no juvenile detention facility is reasonably available, the
27 juvenile may be delivered, for temporary custody not to exceed

1 six hours, to a secure area of a jail or other facility intended
2 or used for the detention of adults solely for the purposes of
3 identifying the juvenile and ascertaining his or her health and
4 well-being and for safekeeping while awaiting transport to an
5 appropriate juvenile placement or release to a responsible party;

6 (ii) When a juvenile described in subdivision (1) or (2)
7 of section 43-247, except for a status offender, is taken into
8 temporary custody outside of a metropolitan statistical area and
9 where no juvenile detention facility is reasonably available, the
10 juvenile may be delivered, for temporary custody not to exceed
11 twenty-four hours excluding nonjudicial days and while awaiting an
12 initial court appearance, to a secure area of a jail or other
13 facility intended or used for the detention of adults solely for
14 the purposes of identifying the juvenile and ascertaining his
15 or her health and well-being and for safekeeping while awaiting
16 transport to an appropriate juvenile placement or release to a
17 responsible party;

18 (iii) Whenever a juvenile is held in a secure area of
19 any jail or other facility intended or used for the detention
20 of adults, there shall be no verbal, visual, or physical contact
21 between the juvenile and any incarcerated adult and there shall be
22 adequate staff to supervise and monitor the juvenile's activities
23 at all times. This subdivision shall not apply to a juvenile
24 charged with a felony as an adult in county or district court if he
25 or she is sixteen years of age or older;

26 (iv) If a juvenile is under sixteen years of age or is a
27 juvenile as described in subdivision (3) of section 43-247, he or

1 she shall not be placed within a secure area of a jail or other
2 facility intended or used for the detention of adults;

3 (v) If, within the time limits specified in subdivision
4 (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed
5 against the juvenile as an adult in county or district court, he or
6 she may be securely held in a jail or other facility intended or
7 used for the detention of adults beyond the specified time limits;

8 (vi) A status offender or nonoffender taken into
9 temporary custody shall not be held in a secure area of a jail
10 or other facility intended or used for the detention of adults.
11 Until January 1, 2013, a status offender accused of violating a
12 valid court order may be securely detained in a juvenile detention
13 facility longer than twenty-four hours if he or she is afforded
14 a detention hearing before a court within twenty-four hours,
15 excluding nonjudicial days, and if, prior to a dispositional
16 commitment to secure placement, a public agency, other than a court
17 or law enforcement agency, is afforded an opportunity to review the
18 juvenile's behavior and possible alternatives to secure placement
19 and has submitted a written report to the court; and

20 (vii) A juvenile described in subdivision (1) or (2) of
21 section 43-247, except for a status offender, may be held in a
22 secure area of a jail or other facility intended or used for the
23 detention of adults for up to six hours before and six hours after
24 any court appearance.

25 (2) When a juvenile is taken into temporary custody
26 pursuant to subdivision (2) or (7) of section 43-248, the
27 peace officer shall deliver the custody of such juvenile to

1 the Department of Health and Human Services which shall make
2 a temporary placement of the juvenile in the least restrictive
3 environment consistent with the best interests of the juvenile as
4 determined by the department. The department shall supervise such
5 placement and, if necessary, consent to any necessary emergency
6 medical, psychological, or psychiatric treatment for such juvenile.
7 The department shall have no other authority with regard to such
8 temporary custody until or unless there is an order by the court
9 placing the juvenile in the custody of the department. If the
10 peace officer delivers temporary custody of the juvenile pursuant
11 to this subsection, the peace officer shall make a full written
12 report to the county attorney within twenty-four hours of taking
13 such juvenile into temporary custody. If a court order of temporary
14 custody is not issued within forty-eight hours of taking the
15 juvenile into custody, the temporary custody by the department
16 shall terminate and the juvenile shall be returned to the custody
17 of his or her parent, guardian, custodian, or relative.

18 (3) If the peace officer takes the juvenile into
19 temporary custody pursuant to subdivision (3) of section 43-248,
20 the peace officer may place the juvenile at a mental health
21 facility for evaluation and emergency treatment or may deliver
22 the juvenile to the Department of Health and Human Services as
23 provided in subsection (2) of this section. At the time of the
24 admission or turning the juvenile over to the department, the
25 peace officer responsible for taking the juvenile into custody
26 shall execute a written certificate as prescribed by the Department
27 of Health and Human Services which will indicate that the peace

1 officer believes the juvenile to be mentally ill and dangerous,
2 a summary of the subject's behavior supporting such allegations,
3 and that the harm described in section 71-908 is likely to occur
4 before proceedings before a juvenile court may be invoked to
5 obtain custody of the juvenile. A copy of the certificate shall be
6 forwarded to the county attorney. The peace officer shall notify
7 the juvenile's parents, guardian, custodian, or relative of the
8 juvenile's placement.

9 (4) When a juvenile is taken into temporary custody
10 pursuant to subdivision (6) of section 43-248, the peace officer
11 shall deliver the juvenile to the enrolled school of such juvenile.

12 (5) A juvenile taken into custody pursuant to a legal
13 warrant of arrest shall be delivered to a probation officer who
14 shall determine the need for detention of the juvenile as provided
15 in section 43-260.01. If detention is not required, the juvenile
16 may be released without bond if such release is in the best
17 interests of the juvenile, the safety of the community is not at
18 risk, and the court that issued the warrant is notified that the
19 juvenile had been taken into custody and was released.

20 (6) In determining the appropriate temporary placement of
21 a juvenile under this section, the peace officer shall select the
22 placement which is least restrictive of the juvenile's freedom so
23 long as such placement is compatible with the best interests of the
24 juvenile and the safety of the community.

25 Sec. 11. Section 81-1430, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 81-1430 (1) A task force is hereby established within

1 the Nebraska Commission on Law Enforcement and Criminal Justice
2 for the purposes of investigating and studying human trafficking,
3 the methods for advertising human trafficking services, and the
4 victimization of individuals coerced to participate in human
5 trafficking.

6 (2) The task force shall examine the extent to which
7 human trafficking is prevalent in this state, the scope of efforts
8 being taken to prevent human trafficking from occurring, and the
9 services available to victims of human trafficking in this state.
10 The task force shall utilize information and research available
11 from the Innocence Lost National Initiative. The task force shall
12 research and recommend a model of rehabilitative services for
13 victims of human trafficking that includes input from the areas
14 of law enforcement, social services, the legal profession, the
15 judiciary, mental health, and immigration. The task force shall
16 also investigate the limitations upon victims who wish to come
17 forward and seek medical attention; investigate the potential to
18 stop human trafficking; and investigate the potential to promote
19 recovery, to protect families and children who may be profoundly
20 impacted by such abuse, and to save lives.

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

1 (b) Posters shall be placed in rest stops and strip
2 clubs. The task force shall work with local businesses and
3 nonprofit entities associated with the prevention of human
4 trafficking to voluntarily place additional signs in high schools,
5 postsecondary educational institutions, gas stations, hotels,
6 hospitals, health care clinics, urgent care centers, airports,
7 train stations, bus stations, and other locations around the state
8 deemed appropriate by the task force.

9 (4) The task force shall consist of the following
10 members:

11 (a) The Attorney General or his or her designee;

12 (b) The executive director of the Nebraska Commission on
13 Law Enforcement and Criminal Justice;

14 (c) The Superintendent of Law Enforcement and Public
15 Safety or his or her designee;

16 (d) The Director of Correctional Services or his or her
17 designee;

18 (e) The chief of police or director of public safety of a
19 city of two hundred thousand inhabitants or more;

20 (f) The chief of police or director of public safety of a
21 city of less than two hundred thousand inhabitants;

22 (g) A county sheriff;

23 (h) A county attorney;

24 (i) A county commissioner;

25 (j) A mayor or city manager;

26 (k) A person involved with the control or prevention of
27 juvenile delinquency;

1 (1) A person involved with the control or prevention of
2 child abuse;

3 (m) The Commissioner of Education or his or her designee;

4 (n) The director of the Commission on Latino-Americans or
5 his or her designee; and

6 (o) Six members, at least three of whom shall be women,
7 from the public at large.

8 (5) The Governor shall appoint the members of the task
9 force listed in subdivisions (4)(e) through (1) and (o) of this
10 section for terms as provided in subsection (6) of this section.
11 The membership of the task force shall represent varying geographic
12 areas and large and small political subdivisions. One member from
13 the public at large shall be a professional representing child
14 welfare, and one member of the public at large shall represent
15 juvenile pretrial diversion programs.

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

26 (7) No member shall serve beyond the time when he or she
27 holds the office, employment, or status by reason of which he or

1 she was initially eligible for appointment. Any member of the task
2 force appointed by the Governor may be removed from the task force
3 for cause upon notice and an opportunity to be heard at a public
4 hearing. One of the causes for removal shall be absence from three
5 regularly scheduled meetings of the task force during any six-month
6 period when the member has failed to advise the task force in
7 advance of such meeting that he or she will be absent and stating a
8 reason therefor.

9 (8) The chairperson of the task force shall be designated
10 by the Governor to serve at the pleasure of the Governor. The
11 chairperson shall be the chief executive officer of the task force
12 but may delegate such of his or her duties to other members of the
13 task force as may be authorized by the task force.

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

18 (10) The members of the task force shall serve on the
19 task force without compensation, but they shall be entitled to
20 receive reimbursement for any actual expenses incurred as necessary
21 incident to such service as provided in sections 81-1174 to
22 81-1177.

23 (11) Eleven members of the task force shall constitute a
24 quorum for the transaction of any business or the exercise of any
25 power of the task force. The task force shall have the power to
26 act by a majority of the members present at any meeting at which a
27 quorum is in attendance.

1 (12) All appointments shall be made not later than thirty
2 days after July 19, 2012. The chairperson shall meet with the task
3 force not later than sixty days after July 19, 2012.

4 (13) Not later than one year after July 19, 2012, and
5 every July 1 and December 1 thereafter, the task force shall report
6 to the Clerk of the Legislature the results of its investigation
7 and study and its recommendations, if any, together with drafts of
8 legislation necessary to carry its recommendations into effect by
9 filing the report with the clerk.

10 Sec. 12. This act becomes operative on October 1, 2013.

11 Sec. 13. If any section in this act or any part of any
12 section is declared invalid or unconstitutional, the declaration
13 shall not affect the validity or constitutionality of the remaining
14 portions.

15 Sec. 14. Original sections 28-801, 28-801.01, 28-804,
16 28-830, and 28-831, Reissue Revised Statutes of Nebraska, and
17 sections 28-707, 28-802, 28-1354, 43-248, 43-250, and 81-1430,
18 Revised Statutes Cumulative Supplement, 2012, are repealed.

19 Sec. 15. The following section is outright repealed:
20 Section 28-832, Reissue Revised Statutes of Nebraska.