

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 933**

Introduced by McGill, 26.

Read first time January 16, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections 28-830  
2 and 28-831, Revised Statutes Supplement, 2013; to change  
3 provisions and redefine terms relating to labor  
4 trafficking and sex trafficking; to harmonize provisions;  
5 and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

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

3                   28-830 For purposes of sections 28-830 and 28-831, the  
4   following definitions apply:

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

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

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

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

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

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

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

20                  ~~(3)~~(4) Financial harm means theft by extortion as  
21 described by section 28-513;

22                  ~~(4)~~(5) Forced labor or services means labor or services  
23 that are performed or provided by another person and are obtained or  
24 maintained through:

25                  (a) Inflicting or threatening to inflict serious personal

1 injury, ~~to the other person~~ as defined by section 28-318, on another  
2 person;

3 (b) Physically restraining or threatening to physically  
4 restrain the other person;

5 (c) Abusing or threatening to abuse the legal process  
6 against another person;

7 (d) Controlling or threatening to control another  
8 person's access to a controlled substance as defined in section  
9 28-401;

10 (e) Using another person's physical or mental impairment  
11 when the impairment has a substantial adverse effect on the other  
12 person's cognitive or volitional function;

13 ~~(e)~~—(f) Knowingly destroying, concealing, removing,  
14 confiscating, or possessing any actual or purported passport or other  
15 immigration document or any other actual or purported government  
16 identification document of the other person; or

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

19 ~~(5)~~—(6) Labor means work of economic or financial value;

20 ~~(6)~~—(7) Labor trafficking means knowingly recruiting,  
21 enticing, harboring, transporting, providing, or obtaining by any  
22 means or attempting to recruit, entice, harbor, transport, provide,  
23 or obtain by any means a person eighteen years of age or older  
24 intending or knowing that the person will be subjected to forced  
25 labor or services;

1           ~~(7)~~(8) Labor trafficking of a minor means knowingly  
2 recruiting, enticing, harboring, transporting, providing, or  
3 obtaining by any means or attempting to recruit, entice, harbor,  
4 transport, provide, or obtain by any means a minor intending or  
5 knowing that the minor will be subjected to forced labor or services;

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

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

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

13           ~~(11)~~(12) Services means an ongoing relationship between  
14 the actor and another person in which the person performs activities  
15 under the supervision of or for the benefit of the actor. Commercial  
16 sexual activity and sexually-explicit performances are forms of  
17 services under this section. Nothing in this subdivision shall be  
18 construed to legalize prostitution;

19           ~~(12)~~(13) Sex trafficking means knowingly recruiting,  
20 enticing, harboring, transporting, providing, or obtaining by any  
21 means or knowingly attempting to recruit, entice, harbor, transport,  
22 provide, or obtain by any means a person eighteen years of age or  
23 older for the purpose of having such person engage in commercial  
24 sexual activity, sexually explicit performance, or the production of  
25 pornography or to cause or attempt to cause a person eighteen years

1 of age or older to engage in commercial sexual activity, sexually  
 2 explicit performance, or the production of pornography;

3 ~~(13)~~ (14) Sex trafficking of a minor means knowingly  
 4 recruiting, enticing, harboring, transporting, providing, or  
 5 obtaining by any means or knowingly attempting to recruit, entice,  
 6 harbor, transport, provide, or obtain by any means a minor for the  
 7 purpose of having such minor engage in commercial sexual activity,  
 8 sexually explicit performance, or the production of pornography or to  
 9 cause or attempt to cause a minor to engage in commercial sexual  
 10 activity, sexually explicit performance, or the production of  
 11 pornography;

12 ~~(14)~~ (15) Sexually-explicit performance means a live or  
 13 public play, dance, show, or other exhibition intended to arouse or  
 14 gratify sexual desire or to appeal to prurient interests; and

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

17 Sec. 2. Section 28-831, Revised Statutes Supplement,  
 18 2013, is amended to read:

19 28-831 (1) No person shall knowingly engage in labor  
 20 trafficking or sex trafficking. If an actor engages in labor  
 21 trafficking or sex trafficking, the actor is guilty of a Class IV  
 22 felony.

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

25 (a) Inflicting or threatening to inflict serious personal

1 ~~injury, to the other person~~ as defined by section 28-318, on another  
2 person, the actor is guilty of a Class III felony;

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

5 (c) Abusing or threatening to abuse the legal process  
6 against another person, the actor is guilty of a Class III felony;

7 (d) Controlling or threatening to control another  
8 person's access to a controlled substance as defined in section  
9 28-401, the actor is guilty of a Class III felony;

10 (e) Using another person's physical or mental impairment  
11 when the impairment has a substantial adverse effect on the other  
12 person's cognitive or volitional function, the actor is guilty of a  
13 Class III felony;

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

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

22 ~~(2)~~ (3) No person shall engage in labor trafficking of a  
23 minor or sex trafficking of a minor. An actor who engages in labor  
24 trafficking of a minor or sex trafficking of a minor shall be  
25 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 II  
6 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 overt  
9 force or threat of force against the trafficking victim, the actor is  
10 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                   Sec. 3. Original sections 28-830 and 28-831, Revised  
16 Statutes Supplement, 2013, are repealed.