AMENDMENTS TO LB289

(Amendments to E & R amendments, ER39)

Introduced by Pansing Brooks, 28.

1. Strike sections 8 and 9 and insert the following new sections:

Sec. 8. Section 28-830, Reissue Revised Statutes of Nebraska, is amended to read:

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

1. Actor means a person who solicits, procures, or supervises the services or labor of another person;

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

3. Debt bondage means inducing another person to provide:

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

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

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

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

4. Financial harm means theft by extortion as described by section 28-513;

5. Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

   (a) Inflicting or threatening to inflict serious personal injury, as defined by section 28-318, on another person;

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

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

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

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

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

(g) Causing or threatening to cause financial harm to another
person, including debt bondage;

(6) Labor or services means work or activity of economic or
financial value;

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

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

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

(10) Minor means a person younger than eighteen years of age;
(11) Obtain means, in relation to labor or services, to secure performance thereof;

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

(11) (13) Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage without consent, as defined in section 28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person eighteen years of age or older to engage without consent, as defined in section 28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography;

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

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

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

Sec. 9. Section 28-831, Reissue Revised Statutes of Nebraska, is amended to read:

28-831 (1) Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IB II felony if the actor uses overt force or the threat of force or the trafficking victim has not yet attained the age of sixteen years. Any person who otherwise engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IIA felony.

(2) Any person who engages in labor trafficking or sex trafficking by inflicting or threatening to inflict serious personal injury, as defined in section 28-318, on another person or physically restrains or threatens to physically restrain another person is guilty of a Class IIA felony. Any person who otherwise engages in labor trafficking or sex trafficking is guilty of a Class II III felony.

(3) Any person, other than a trafficking victim, who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIA IIIA felony.

(4) It is not a defense in a prosecution under this section (a) that consent was given by the minor victim, (b) that the defendant believed that the minor victim gave consent, or (c) that the defendant believed that the minor victim was an adult.