

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB519

Hearing Date: Wednesday March 13, 2019

Committee On: Judiciary

Introducer: Slama

One Liner: Change statutes of limitations for certain sexual and trafficking offenses and authorize interception of communications relating to such offenses

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 5 Senators Brandt, DeBoer, Lathrop, Pansing Brooks, Slama

Nay:

Absent:

Present Not Voting: 3 Senators Chambers, Morfeld, Wayne

Oral Testimony:

Proponents:

Senator Julie Slama
Anna Brewer
Corey O'Brien
Meghan Malik
Nate Grasz

Representing:

Introducer
Nebraska Attorney General's Office
Nebraska Attorney General's Office
Women's Fund of Omaha
Nebraska Family Alliance

Opponents:

Spike Eickholt

Representing:

Nebraska Criminal Defense Attorneys Association

Neutral:

Representing:

Summary of purpose and/or changes:

Section 1 would amend Sec. 29-110 to make several changes to criminal statutes of limitations. The statutes of limitations for labor trafficking, sex trafficking, and possession of child pornography would be changed to seven years from the offense or seven years from the victim's eighteenth birthday. This section would remove the statute of limitations for sex trafficking of a minor, labor trafficking of a minor, and possession of child pornography with the intent to distribute.

Section 2 would amend Sec. 86-291 to authorize court orders to intercept wire, electronic, or oral communication related to investigation of labor trafficking or sex trafficking.

Explanation of amendments:

AM1460 replaces the original bill. The amendment retains the provisions of the original bill and adds portions of LB458, LB516, and LB517.

Section 1 contains the provisions originally included in LB517 that amend Sec. 25-21,299. This section provides

additional detail on collection of damages in a civil action filed by a trafficking victim. The language was been revised to more closely align with existing case law and jury instructions on the recovery of damages in civil actions.

Portions of LB458 are also contained in sections 4 and 7 of the amendment. Section 4 amends Sec. 28-710 to include a definition of child advocacy centers previously contained in Sec. 28-728. The major change to Sec. 28-728 in section 7 is to require child abuse and neglect investigation and treatment teams to develop protocols for cases involving sexual exploitation and trafficking. This section also replaces the term "alleged" with "reported or suspected."

The original provisions of LB519 are included in the amendment in sections 8 and 10.

Sections 3, 4, 5, 6, 8 and 9 contain provisions originally contained in LB516. Sections 3 and 4 harmonize the definitions of child abuse or neglect, clarify the definition of out-of-home child abuse or neglect and subject of the report. Section 5 provides additional responsibilities for the Department of Health and Human Services when receiving a report that a child is a reported or suspected trafficking victim. Section 6 would require the department to publish a list of services for child trafficking victims. Section 9 would add additional reporting requirements for the department regarding child trafficking victims.

Steve Lathrop, Chairperson