

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 967

Introduced by DeKay, 40.

Read first time January 04, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend sections
- 2 28-830 and 81-1429.02, Revised Statutes Cumulative Supplement, 2022;
- 3 to define and redefine terms relating to trafficking; to change
- 4 provisions relating to the Human Trafficking Victim Assistance Fund;
- 5 to harmonize provisions; 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 Cumulative Supplement,
2 2022, is amended to read:

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

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

7 (2) Coercion means compelling or inducing a person to act or not act
8 by:

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

11 (b) Physically restraining or threatening to physically restrain any
12 person;

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

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

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

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

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

27 (3) (2) Commercial sexual activity means any sex act on account of
28 which anything of value is given, promised to, or received by any person;

29 (4) (3) Debt bondage means inducing another person to provide:

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

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

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

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

7 ~~(5) (4) Financial harm means theft by extortion as described by~~
8 ~~section 28-513;~~

9 ~~(6) Forced commercial sexual activity means commercial sexual~~
10 ~~activity which is obtained or maintained through coercion;~~

11 ~~(7) (5) Forced labor or services means labor or services that are~~
12 ~~performed or provided by another person and are obtained or maintained~~
13 ~~through coercion; ÷~~

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

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

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

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

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

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

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

1 (8) ~~(6)~~ Labor or services means work or activity of economic or
2 financial value;

3 (9) ~~(7)~~ Labor trafficking means knowingly recruiting, enticing,
4 harboring, transporting, providing, or obtaining by any means or
5 attempting to recruit, entice, harbor, transport, provide, or obtain by
6 any means a person eighteen years of age or older intending or knowing
7 that the person will be subjected to forced labor or services;

8 (10) ~~(8)~~ Labor trafficking of a minor means knowingly recruiting,
9 enticing, harboring, transporting, providing, or obtaining by any means
10 or attempting to recruit, entice, harbor, transport, provide, or obtain
11 by any means a minor intending or knowing that the minor will be
12 subjected to forced labor or services;

13 (11) ~~(9)~~ Maintain means, in relation to labor or services, to secure
14 continued performance thereof, regardless of any initial agreement by the
15 other person to perform such type of service;

16 (12) ~~(10)~~ Minor means a person younger than eighteen years of age;

17 (13) Sex act means sexual contact or sexual penetration as defined
18 in section 28-318;

19 (14) ~~(11)~~ Sex trafficking means knowingly recruiting, enticing,
20 harboring, transporting, providing, soliciting, or obtaining by any means
21 or knowingly attempting to recruit, entice, harbor, transport, provide,
22 solicit, or obtain by any means a person eighteen years of age or older;

23 (a) For ~~for~~ the purpose of having such person engage, without
24 consent, ~~as defined in section 28-318,~~ in commercial sexual activity,
25 sexually explicit performance, or the production of pornography or to
26 cause or attempt to cause such a person ~~eighteen years of age or older~~ to
27 engage, without consent, ~~as defined in section 28-318,~~ in commercial
28 sexual activity, sexually explicit performance, or the production of
29 pornography; or

30 (b) For the purpose of having such person engage in forced
31 commercial sexual activity or to attempt to cause such person to engage

1 in forced commercial sexual activity;

2 (15) ~~(12)~~ Sex trafficking of a minor means knowingly recruiting,
3 enticing, harboring, transporting, providing, soliciting, or obtaining by
4 any means or knowingly attempting to recruit, entice, harbor, transport,
5 provide, solicit, or obtain by any means a minor;

6 (a) For ~~for~~ the purpose of having such minor engage in commercial
7 sexual activity, sexually explicit performance, or the production of
8 pornography or to cause or attempt to cause such a minor to engage in
9 commercial sexual activity, sexually explicit performance, or the
10 production of pornography; or

11 (b) For the purpose of having such minor engage in forced commercial
12 sexual activity or to attempt to cause such minor to engage in forced
13 commercial sexual activity;

14 (16) ~~(13)~~ Sexually explicit performance means a live or public play,
15 dance, show, or other exhibition intended to arouse or gratify sexual
16 desire or to appeal to prurient interests; ~~and~~

17 (17) ~~(14)~~ Trafficking victim means a person subjected to any act or
18 acts prohibited by section 28-831; and ~~-~~

19 (18) Without consent has the same meaning as in section 28-318.

20 Sec. 2. Section 81-1429.02, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 81-1429.02 (1) The Human Trafficking Victim Assistance Fund is
23 created. The fund shall contain money donated as gifts, bequests, or
24 other contributions from public or private entities. Funds made available
25 by any department or agency of the United States may also be credited to
26 the fund if so directed by such department or agency. The fund shall be
27 administered by the Nebraska Commission on Law Enforcement and Criminal
28 Justice.

29 (2) All money credited to such fund shall be used to:

30 (a) Support ~~support~~ care, treatment, and other services for victims
31 of human trafficking and commercial sexual exploitation of a child; and ~~-~~

1 (b) Provide aid to victims of human trafficking and commercial
2 sexual exploitation of a child enrolled in public postsecondary
3 educational institutions in this state.

4 (3) Any money in the fund available for investment shall be invested
5 by the state investment officer pursuant to the Nebraska Capital
6 Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 3. Original sections 28-830 and 81-1429.02, Revised Statutes
8 Cumulative Supplement, 2022, are repealed.