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**BOSN:** Welcome to the Judiciary Committee. We're going to go ahead and get started. I am Senator Carolyn Bosn from Lincoln. I represent District 25, which is southeast Lincoln, Lancaster County, including Bennet. And I serve as chair of this committee. The committee will take up bills in the order posted. This public hearing is your opportunity to be a part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the back of the table. Print clearly and fill it out completely, bringing it forward and handing it to the testif-- to the committee clerk or the page when it is your turn to testify. If you do not wish to testify but would like to indicate your position, there are yellow sign-in sheets also on the back table that will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, telling us and spelling your first and last name to ensure we get an accurate record. We will begin each hearing today with the introducer's opening statement, followed by proponents, then opponents, and finally anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process, as senators may have bills to introduce in other committees. A few final things. If you have handouts or copies of your testimony, please bring up 12 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room and will be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Also, you may submit a position comment for the record or testify in person, but not both. I will now have the

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committee members with us today introduce themselves, starting to my left.

**HALLSTROM:** Thank you. Bob Hallstrom, representing Legislative District 1, covering the counties of Otoe, Johnson, Nemaha, Pawnee, and Richardson in southeast Nebraska.

**STORM:** Good afternoon. Jared Storm, District 23: Butler, Saunders, Colfax County.

**STORER:** Good afternoon. Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska: Dodge, Sheridan, Cherry, Brown, Rock, Keya Paha, Boyd, Garfield, Loup, Blaine, and Custer.

**DeBOER:** Hello, everyone. Good afternoon. My name is Wendy DeBoer. I represent District 10, which is in beautiful northwest Omaha.

**ROUNTREE:** Good afternoon. My name is Victor Rountree, and I represent District 3, which is Bellevue and Papillion.

**BOSN:** Thank you. Also assisting the committee today: to my left is our legal counsel, Denny Vaggalis; and to my far right is our committee clerk, Laurie Vollertsen. Our pages for today-- if they want to stand and introduce themselves, that would be great.

**AYDEN TOPPING:** Hi. I'm Ayden. I'm a second-year here at the University of Nebraska-Lincoln.

**ALBERTO DONIS:** I'm Alberto Donis. I'm a first-year at UNL.

**BOSN:** Thank you. And with that, we will begin today's hearings with LB641 and Senator Bostar. Welcome.

**BOSTAR:** Thank you. Good afternoon, Chair Bosn, members of the Judiciary Committee. For the record, my name is Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r. Representing Legislative District 29. The legislation before you is designed to protect the financial interests of caregivers who share the residence of a family member in need of care while also considering the interests of the Nebraska Medicaid program. Family caregivers are the backbone of the U.S. care system, helping parents, spouses, and other loved ones remain in their homes while providing approximately \$600 billion annually in unpaid care. According to the American Association of Retired Persons Public Policy Institute, in

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2021, there were over 179,000 unpaid caregivers in Nebraska, providing over 168 million hours of care valued at \$2.8 billion. Our state's elderly population is growing rapidly, increasing by 27% from 2009 to 2019 to over 312,000 persons past the age of 65. Nationally, every day until 2030, 10,000 baby boomers will turn 65. An American Association of Retired Persons survey found that more than 75% of adults 50 and older want to stay in their home and communities as they age. Increasingly, family caregivers are contributing more time, more energy, and more money to support those in their care. The rising cost of health care, the limitations to Medicare and insurance coverage, and the increased number of years that caregivers are providing care due to improved longevity have all put pressure on caregivers to tap into their own personal finances to help pay for various elements of care. According to a report published by the American Association of Retired Persons, 78% of caregivers incur out-of-pocket costs due to caregiving. Caregivers often sacrifice their careers and financial futures by reducing work hours, taking on debt, and tapping into their own savings, ultimately jeopardizing their own retirement security. Caregivers spend on average \$7,242 annually on care-related expenses-- an approximate average of 26% of their income. 47% of family caregivers report having experienced at least one financial setback such as having to access their personal savings, cut back on their own health care spending, or reduce how much they save for retirement. According to the Genworth Cost of Care study-- a comprehensive annual industry study composed of more than 67,000 long-term care providers-- the monthly cost of nursing home, nursing home care in Nebraska for a semi-private room is \$7,483-- \$246 per day, or \$89,796 annually. For those on Medicaid, the reimbursement for nursing home care is generally 70% of the cost that a private resident might pay, or \$172 per day and \$62,853 annually. Genworth reports that the cost of in-home care is approximately \$28,020 less than nursing home care annually. It's clear that delaying entry into the nursing, nursing facility level of care for a Nebraska resident for even one year can result in significant savings for Nebraska Medicaid program. Family caregiving is, across our state, the best mechanism to keep an aging population in their home with the least disruption and most tailored care. Nebraska's family caregivers deserve protection for the sacrifices they make. Caregivers that move in with an elderly, disabled, or chronically ill family member make significant personal, professional, and financial sacrifices, including but not limited to personal time committed to the care of a family member, financial contributions to the household, such

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as paying utility bills, upkeep of the home, rent, or mortgage payments, and lost revenue due to time away from a paid position. The value provided by family caregivers is clear. However, under current law, family members serving as a caregiver in a loved one's home must make significant financial risks in order to do so because the home may be seized as an asset to repay the cost of care if the loved one ultimately needs medical assistance. In other words, a person who moves into a home to take care of a loved one can lose that home if that loved one ultimately needs help from Medicaid due to confusing gaps in the law. Nebraskans can currently transfer their assets to family members as long as they do so five years prior to accessing the Medicaid system. However, if there is no plan for an asset transfer or if a loved one becomes unexpectedly sick or injured, the current law does not sufficiently protect the family members who sacrifice to take care of a loved one. In fact, the current risks and confusing language in the law actually discourage people from caring for a loved one. While exemptions exist in certain circumstances, they are limited and unclear. LB641 protects the interests of family caregivers while also maintaining fair rules to prevent individuals from avoiding payment of medical expenses. I have an amendment. It was drafted by my office alongside the Department of Health and Human Services, and alleviates the department's concerns regarding compliance with federal regulations. I'm going to speak the amendment as I explain the improvements this legislation makes to protect the interests of individuals providing care in the home of a loved one with whom they live full time. First, LB641 adds assisted-living facilities to the applicable list of medical institutions for the purposes of the medical assistance program. Assisted living is another costly form of outside the home care just like nursing facilities, intermediate care facilities for people living with developmental disabilities and inpatient hospitals that can be forestalled by the efforts of Nebraska caretakers. LB641 also allows a physician to make a determination about the need for institutional level of care, leaving the decision in the hands of a medical professional. This gives the caregiver certainty that the care that they are giving will allow them to qualify for asset protection rather than hoping for a positive determination after the fact by someone who is not medically trained. Finally, LB641 establishes that if a caretaker has been documented to have forestalled the need for an institutionalized, higher level of care for a recipient of medical assistance, the estate of that individual under Medicaid does not include life estate interests-- a mechanism by which a

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property does not transfer from one individual to another until the death of the former. LB641 prevents fraud by certifying need through a physician. Currently, an individual can qualify for the caregiver exemption and gain ownership of assets if they can establish to the satisfaction of the department that he or she provided care that delayed the recipient's admission. This is unnecessarily vague, subject to interpretation, and may be lacking in sufficient documentation in situations where little planning is possible. Requiring a physician to certify based on their training and licensure is more concrete. The bill also empowers the Department of Health and Human Services to establish regulations and promulgate rules to, to fairly implement the act as another safeguard against bad actors. It should be noted too that the False Medicaid Claims Act already prohibits knowingly making false claims, providing false records, or unfairly withholding money, and prescribes penalties and requires a payment of damages. Caregiving is a labor of love, but it can come with great personal toll and sometimes risk of family assets. LB641 will help ensure Nebraskans in need of care can stay in their homes when their health is failing, eliminating the need for a much more costly option and the added emotional burden of being cared for in a taxpayer-funded nursing home. LB641 recognizes the hard work and sacrifices made by family caregivers. It helps lessen the financial risks that family caregivers take upon themselves. I thank you for your time and consideration and encourage you to support LB641. Be happy to answer any questions.

**BOSN:** Thank you. Questions from the committee? Senator Hallstrom.

**HALLSTROM:** Yeah. Senator Bostar, thank you for bringing this bill. One question. And I, I understand that some of the changes are driven by the DHHS being concerned about running afoul of federal regulations.

**BOSTAR:** Yes.

**HALLSTROM:** But one of the things that you took out of the bill that I really liked-- and if it doesn't violate the waiver-- is the sentence that said, such care may be reimbursed or unreimbursed. And I, I, I think that's important we have individuals that are spending down before they have to go on Medicaid. And, and it might just be good to clarify that in the law that these caregivers can be reimbursed and it doesn't violate the spend down aspects. If, if that doesn't violate the fed-- federal conformity.

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**BOSTAR:** Yeah. I completely agree on a-- on that provision's value. We will-- we'll continue to work with the department to ensure that we are only amending and removing provisions that are absolutely necessary for compliance with federal regulations.

**HALLSTROM:** Thank you.

**BOSTAR:** But then anything short of that we should maintain.

**HALLSTROM:** Thank you.

**BOSN:** Thank you. Any other questions? Seeing none. Are you staying to close?

**BOSTAR:** I am.

**BOSN:** Can I see a show of hands how many individuals wish to testify in some capacity on LB641? One--

**BOSTAR:** There's at least 40 to 45 people outside waiting to testify.

**BOSN:** That checks out. Four hands I saw. First proponent.

**JINA RAGLAND:** Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Jina Ragland, J-i-n-a R-a-g-l-a-n-d. Here today testifying in support of LB641 as amended on behalf of AARP Nebraska. Most older adults in the U.S.-- 79%, in fact-- own their own homes, and about half have paid off their mortgage. As you previously heard from Senator Bostar, 50%-- or-- excuse me-- are-- there was a study done by AARP that reveals that a strong majority of a-- adults aged 50 and older-- 75%-- wish to remain in their current homes as they age. And 73% of those hope to stay in their communities. When asked here in Nebraska with surveys, over 90% of Nebraskans report they want to age in place. Family caregiving is a key component to making that wish a reality. The 2020 Caregiving in the U.S. report from AARP and the National Alliance for Caregiving found that 43% of family caregivers are looking after people who live in their own home, and 40% share a residence with the care recipient. The goal, of course, is to help loved ones be as independent as possible at home for as long as possible. It is our policy that if a state recovery is utilized in a state, procedures for waiving a state recovery when undue hardship would result should be established. States should be permitted to forego a state recovery of Medicaid liens for families with low

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incomes, and states should use any permitted flexibilities to minimize the impact of state recovery. This would include limiting the benefits for which the state pursues recovery to not only those required by federal law, expanding hardship waivers' policies, and establishing cost-effective-- effectiveness thresholds. LB641 provides an opportunity to accomplish just that. For low-income beneficiaries, a home is likely to be their only asset of value and their only means of passing wealth to subsequent generations. Families who haven't engaged in estate planning are often taken by surprise when they discover there's a claim against the family house filed by a state Medicaid program. Although states are required to inform beneficiaries of the possibility of a state recovery, the information is often buried in a complex application, escaping notice or comprehension. The possibility of an estate claim being assessed is of-- is one or more items-- one or-- which could be one item that's one more piece of paper, so it's not necessarily something that someone might recall. This can also be done in times of great difficulty when applicants are scrambling to provide the necessary information so their family members can get the urgent care needed. For many, for many, their home is the only investment they've ever made and a big, life-long accomplishment. Many will set aside a small amount from every Social Security check, often their only income post-reti-- retirement to cover their own funeral expenses. They fear being a burden to their children, and it's a huge resource-- a source of pride for them to be able to say, I left my kids an inheritance-- no matter how meager and no matter how modest. People are living longer, and many have done their due diligence and saved and put money away to retire on. The longer you live, the longer the money must last. Eventually, that money is going to be spent down and gone and there is no longer a choice but to acquire assistance from Medicaid to assist in caring for loved ones. One medical incident or disabling diagnosis is often all it takes to start that downward spiral in depleting financial gains that once were in place. LB641 is the right things to do for families, for caregivers who have set aside so much of their lives to allow their loved ones to age in place and remain in their home as long as possible. Thank you for the opportunity to comment. I would appreciate your support of the bill. And we do thank Senator Bostar for enhan-- for introducing the legislation. I'm not a Medicaid state recovery expert, but I'd be more than happy to try and answer any of your questions.

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**BOSN:** Thank you. Any questions for this testifier? Thank you for the examples in here. I think that's helpful as well. So thank you very much. Thanks for being here. Next proponent. Welcome.

**ALEX DeGARMO:** Good afternoon, Chairwoman Bosn, members of the Judiciary Committee. My name is Alex DeGarmo, A-l-e-x D-e-G-a-r-m-o. I serve as the Public Policy Director for the Alzheimer's Association Nebraska Chapter. Our organization is dedicated to leading the fight against Alzheimer's and all other dementia through research, risk reduction, early detection, and quality care support. I'm here today to express strong support for LB641. This bill will help protect the homes of Medicaid recipients with Alzheimer's and dementia when qualifying relatives have provided significant caregiving. Currently, there are 35,100 Nebraskans living with Alzheimer's-- a number that continues to grow annually. Many rely on family caregivers who provide an overwhelming amount of unpaid care. In Nebraska alone, 40,000 unpaid caregivers provide 62 million hours of care, valued at \$1.18 billion. Caregiving is emotionally and physically exhausting. 25.4% of caregivers suffer depression, and 57.6% have a chronic health condition. One of the greatest challenges these families face is the fear that placing a loved in a care facility will result in the loss of their home due to Medicare estate recovery. Under current law, Nebraska's Department of Health and Human Services may recover Medicaid expenses from a deceased recipient's estate, including their home, unless specific exceptions apply. LB641 expands these protections by allowing a broader range of relatives such as children, grandchildren, nieces, nephews, and siblings to qualify for the exemption from the estate recovery. If they've lived in the recipient's home for at least one year before they incurred Medicaid debt, have continuously lived in the home since, and can provide their caregiving-- can prove their caregiving delayed the recipient's institutionalization with a physician's written attestation accepted as proof. By removing this barrier, LB641 ensures individuals with Alzheimer's and dementia can access the care they need while reducing the burden on family caregivers. On behalf of the Alzheimer's Association and Nebraskans we serve, I urge your support for LB641. Together, we can protect families and ensure those living with Alzheimer's and dementia receive the dignity and care they deserve. Thank you for your time. And I'd be happy to answer any questions.

**BOSN:** Thank you. Any questions from the committee? Seeing none. Thank you for the work you do and for being here. Next proponent.



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**EDISON McDONALD:** Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here representing the Arc of Nebraska. We are Nebraska's largest membership organization representing people with intellectual and developmental disabilities and their families. I'm writing to express our support for the proposed LB641, which seeks to incorporate life estate interests in real estate under specific circumstances in the statute. The legislation is a positive step towards recognizing and valuing the contributions of family members in providing care. This legislation is of great significance, as it acknowledges the crucial role played by family members, particularly relatives or siblings, in caring for individuals receiving medical assistance, recognizes the practical impact of their care on delaying the need for institutionalization, and consequently seeks to protect the interests of those who've dedicated themselves to supporting their loved ones. For those who are served in segregated, institutional, or semi-institutional placement, the average costs can soar to an average of \$221,920, which is slightly above the national average. In comparison, the average cost of community-based services is \$63,811.56. The cost decreases significantly because of those families, friends, pastors, or community members who help to support them. We need to value those who help to provide this cost relief to the government. We applaud the foresight in addressing the unique circumstances faced by families providing essential care, and this legislation reflects compassion and understanding for the challenges caregivers face and promotes a family-centric approach to health care and support services. A few extra comments. Number one, Senator Hallstrom's comment regarding the spend down is spot on. I think that is an important consideration. Number two, DHHS's plan to eliminate the waitlist moves us away from residential supports and pushes us more-- more of the burden on the families, which will increase the likelihood of the, the need for this bill for our members. Number three, there is an excellent story I actually just happened to read today in Disability Scoop that talked about these sorts of situations in a story from Iowa where Joy Higgins was sent a letter following her daughter's death, requesting \$4,263,148 following her daughter's death when her daughter had \$2,239 in her account. I can't imagine receiving that letter, and I hope nobody else ever has to. I urge the committee to consider the positive impact of this legislation on families by providing care to individuals with medical assistance needs. By recognizing and preserving these interests, we affirm the importance of family care and

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its role in delaying institutionalization. Thank you for your time and consideration.

**BOSN:** Thank you. Any questions for this testifier? Senator Hallstrom.

**HALLSTROM:** Just, just for the committee, what-- while that-- receipt of that letter may be daunting, if you have no assets, you fill out a simple form and that's the end of it. You usually get a letter of acceptance from the department. Is that correct?

**EDISON McDONALD:** It depends. You know, for some, it, it can be pretty simple and quick and easy. Other cases, though, we see a lot of complications and frustrations. So, you know, I would say-- yeah, just-- it depends on your scenario.

**HALLSTROM:** But it's supposed to be easy if you don't have any assets.

**EDISON McDONALD:** It, it's supposed to be easy, yeah. I know that's-- that's an issue that we've faced in the past.

**HALLSTROM:** Thank you.

**BOSN:** Thank you. Any other questions?

**ROUNTREE:** I do have one for him.

**BOSN:** Sorry. I didn't see your hand. Senator Rountree.

**ROUNTREE:** Thank you, Chairwoman. Thanks so much for your testimony, sir. And just back to that \$4 million letter-- I know that-- you had that-- was that for the totality of care they-- may have provided for the person over their lifetime?

**EDISON McDONALD:** Yes.

**ROUNTREE:** And that's-- oh, OK.

**EDISON McDONALD:** Yep.

**ROUNTREE:** All right. Thank you.

**EDISON McDONALD:** Yeah. And that was in the-- yesterday's Disability Scoop.

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**ROUNTREE:** OK. Got it.

**EDISON McDONALD:** OK.

**BOSN:** Thank you for being here. Next proponent? Now we'll move to opponents. Anyone here in opposition to LB641? Neutral testifiers? All right. While Senator Bostar is making his way up, I will note there were 4 proponents and 1 neutral letters submitted. No opponent letters were submitted. Welcome back.

**BOSTAR:** Thank you, Chair Bosn and the committee. And for the record, that was three testifiers. I would just like that on the record. Thank you. The, the current situation relating to how this asset recovery works leaves a lot of folks with really difficult decisions to make because if you're weighing whether or not you should, for example, sell an asset from an elderly or disabled family member versus move in with them and help them, these decisions have serious consequences and must be made years and years in advance in order to get right according to how this works. That uncertainty leads-- it creates a disincentive to have family members provide care to each other. This bill will, will offer a level of certainty through a physician process to ensure that those decisions can be made and made in the interest of everyone, including the state. Delaying an entry into state-supported, taxpayer-suffor-- supported care saves our Medicaid system a, a tremendous amount of money. And so providing those protections to family members that help us-- help all of us keep costs lower and save taxpayer dollars as well as help and support their family members in the environment that they want to be in really represents why this bill is a win-win for everybody. And with that, I'd be happy to answer any final questions. And I would encourage the committee's support of the bill.

**BOSN:** Questions for Senator Bostar? I just want to clarify. I think I heard you say that your amendment addresses the neutral testimony--

**BOSTAR:** Correct.

**BOSN:** --that was submitted.

**BOSTAR:** Yep. We wrote the amendment with the department.

**BOSN:** Thank you.

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**BOSTAR:** Thank you.

**BOSN:** That will conclude our hearing on LB641. And next up, we have LB453 with Senator DeBoer. You're it. Welcome.

**DeBOER:** Thank you. Hello, Chair Bosn and members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r. And I represent District 10 in beautiful northwest Omaha. I appear today to introduce to you LB453. LB453 came to my attention because of my membership on the Nebraska Supreme Court's Commission on Guardianship and Conservatorship. Nebraska Revised Statute 30-2602.02 indicates when an individual is in-- is nominated for an appointment as a guardian or conservator, a national criminal history check is to occur. Last fall, however, at the commission meeting, I heard about a case of an individual being appointed to be a guardian and that individual had nothing come back on the history check done pursuant to 30-2602.02. But thankfully, the, the Nebraska Office of Public Guardian did their due diligence on this appointee and contacted their colleagues over in Iowa-- as the prospective guardian was an Iowa resident-- and they were informed that the guardian had been denied a guardianship in Iowa because of previous criminal activity. So this highlighted a gap in our system where 36-- 30-2602.02 did not make it clear there was authorization for the State Patrol to utilize the FBI's national criminal history record information check. As such, the background checks performed were limited to Nebraska's statewide criminal history check. And you can see why that would be a problem. LB453 provides clear language to ensure background checks done on guardians and conservators will utilize the FBI's criminal history check system, allowing us to properly vet those being appointed. This has no fiscal impact to the state to implement and will better protect those in need of a guardian or conservatorship. Happle-- happy to answer any questions the committee may have, but State Court Administrator Corey Steel will be here testifying and will probably be better quipped-- equipped to answer some specific questions that you might have.

**BOSN:** Questions for Senator DeBoer? Seeing none. Thank you. Proponents. First, we'll hear from proponents on LB453. I guess I should ask before you get started, please. Can I see a show of hands how many individuals are testifying? OK. Two.

**COREY STEEL:** Thank you, Chair Bosn, members of the Judiciary Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l. And I am the Nebraska

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State Court Administrator. I want to thank Senator Bosn for bringing-- or-- excuse me-- Senator DeBoer for bringing LB453. As she described, this has been something that we've been working on for several years in the State Court Administrator's Office, knowing that there's stat-- there was current statutory authority for a national criminal history record check, as you can see in the bill, that we had to strike because it-- the language wasn't specific enough for the Nebraska State Patrol to do a national background check. I have worked with the FBI CJIS Division on the language and made sure that this language is suitable for them to allow for the background checks to occur and also with the Nebraska State Patrol. So I want to thank them for their work on this language as well. The National Criminal Background Information System only allows certain type of offenses, or certain type of reasons for those searches to take place, and it must be in state statute specifically to instruct the FBI and the State Patrol to allow for those criminal background checks. So this language would clarify that. Senator DeBoer talked about one specific case, but there's probably numerous cases where somebody's charges in other states have not come to the court because they're not running anything outside of a Nebraska criminal background check. One thing to add to that case is this individual was from Council Bluffs. They petitioned the court for a juvenile guardianship, and the judge entered a temporary, allowed the Office of Public Guardian to do some more investigation, and found out this individual from Council Bluffs actually had her children's-- she was terminated. She had TPR, and her kids taken away in the Iowa court system. We would have not known that if it wasn't for our Office of Public Guardian and the judge holding and having a-- placing that in a temporary guardian position. And so this would clarify that so we don't have that issue again, for the safety of those that are coming into court and have to be placed in some sort of guardian or conservatorship. I want to note that it requires, the applicant shall pay the annual cost. The cost is \$45 to the State Patrol. So it's a minimal cost that would be borne to the individual asking for that. And it also does not require when there's temporary guardian or conservatorships put in place that-- the fingerprints in the background check. And there's a difference between a full guardianship and a temporary guardianship. And I'd be happy to go into that if anybody had any questions on that. So I want to thank Senator DeBoer again. And just strongly urge this be brought out to the floor. And no fiscal note is a good thing.

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**BOSN:** Questions for this testifier? Really briefly, tell me why we do the fingerprint-- why we're adding the fingerprinting.

**COREY STEEL:** That's a requirement when you do a federal background check, that the fingerprint of the individual-- so they can match it in their CODIS system at the FBI, to make sure it's the right individual that they're running that background check on.

**BOSN:** So to use NCJIS, you have to be in statute and require a fingerprint?

**COREY STEEL:** Correct.

**BOSN:** Thank you. Senator Hallstrom.

**HALLSTROM:** This may be an issue for another day, but it seems like we've evolved from having more waivers in the past for immediate family members if you make a request within a guardianship or a conservatorship. And now it seems like every case requires it. Was that a change in the, in the rules or the judicial process? If you know.

**COREY STEEL:** I do know, Senator Hallstrom. Yes. The guardian and conservatorship has really-- the pendulum has swung. Over the past couple years-- in order of safety and security and protection of the vulnerable individuals. Unfortunately, several years back, we had vulnerable individuals that were taken advantage of, both monetarily and then also a form of abuse and neglect of the individual. And so the Supreme Court really spent time creating a lot of rules and structure in the sense of protecting the vulnerable individual that has come in front of the court that is needing that guardian or conservatorship.

**HALLSTROM:** But a party's propensity to do one of those two things-- either financially or other abuse-- isn't necessarily tied to a criminal background check that--

**COREY STEEL:** Correct.

**HALLSTROM:** Thank you.

**COREY STEEL:** Correct. And it's a balancing act. How much is too much? Because we start to lose those that want to volunteer to be guardians and/or conservators. And so we're looking at that as well through the commission to balance out the reporting requirements and the hoops that

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they need to jump through as far as the education and those things, and see what we can do to lessen those but still have the right protections in place.

**HALLSTROM:** Thank you.

**BOSN:** Thank you for being here.

**COREY STEEL:** Thank you.

**BOSN:** Next proponent. Welcome.

**MARK COLLINS:** Thank you. Madam Chair, members of the committee. I'm Mark Collins, M-a-r-k C-o-l-l-i-n-s. I am the Director of the Medicaid Fraud and Patient Abuse Unit in the Nebraska Attorney General's Office. I serve on the Supreme Court's Commission of Guardianships and Conservatorships. I'm here on behalf of the Attorney General's Office to testify in support of LB453. Our unit is a federally mandated law enforcement entity. Our primary responsibilities are twofold. The first is the investigation and prosecution of fraud by providers of Medicaid services, but our second mission is the prosecution-- investigation and prosecution of in-- abuse and, and neglect and exploitation of residents in facilities that receive Medicaid money or Medicaid recipients who are living in their own home, and that includes financial exploitation. Our unit was created back in 2004. We've opened up over 2,600 files for investigation, gotten 143 criminal convictions, recovered nearly \$98 million in settlements and judgments, and \$18 million of that has been criminal restitution, including restitution for victims of financial exploitation. We pursue our cases under the Adult Protective Services Act and under general criminal statutes outlawing theft. Financial exploitation is a major problem in our country. AARP has conducted a study in 2023 that said folks over the age of 60 lose more than \$28 billion a year to financial abuse. And it's also believed to be an underreported problem because people who are exploited tend to feel ashamed or embarrassed at having been treated that way. It can affect our state budgets as well because it's-- a study by the National Adult Protective Services Association found that nearly 1 in 10 victims of financial abuse will turn to Medicaid for financial assistance because their money's been stolen from them. The current law that we have in Nebraska requires those who want to be appointed as a guardian or conservator obtain a national criminal history check. And the results of that check have to be filed

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with the court prior to their hearing on appointment. This bill clarifies that the State Patrol can submit the background and fingerprint checks on folks nominated to be guardians and conservators to the FBI. And the FBI maintains an extensive national database of criminal history and, and fingerprints. And it makes sense to use those databases in order to make sure that the proper person to-- is appointed as a guardian or conservator and gives the court the chance to consider whether they have all the needed information about an-- a potential appointee's background and helps to ensure that they're fit to carry out the important responsibility of safeguarding a person or property of one who needs this kind of assistance. We respect-- respectfully ask that you advance this bill on to General File. And I am happy to answer any questions that the committee might have.

**BOSN:** Thank you. Questions from the committee? Seeing none. Thank you very much for being here.

**MARK COLLINS:** Thank you.

**BOSN:** Next proponent. Any opponents? Neutral testifiers? All right. While Senator DeBoer is making her way back up here, I will note there was 1 proponent and 1 opponent comment submitted. No neutral comments were submitted. Welcome back.

**DeBOER:** Thank you very much. I'll just make myself available to answer any questions. But, Senator Hallstrom, we have talked about that balancing act in the commission, so.

**HALLSTROM:** Thank you.

**DeBOER:** Question? I will answer.

**BOSN:** Any questions? Thank you very much. That will conclude our hearing on LB453. Next up-- did you-- OK. We will-- we'll give it a minute before we-- I don't want [INAUDIBLE]. Oh. There we go. Yeah. Do you need a minute?

**M. CAVANAUGH:** I do because Margaret's meeting me.

**BOSN:** Yeah. That's fine. While we're-- while she's waiting for her folder and stuff, can I just see a show of hands how many individuals wish to testify in some capacity on LB53? 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. All righty.



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**M. CAVANAUGH:** OK.

**BOSN:** Thank you.

**M. CAVANAUGH:** Your closing went faster than we were anticipating.

**DeBOER:** Oh. I'm sorry. I will take longer next time.

**M. CAVANAUGH:** Yes. Please do.

**DeBOER:** It was just-- it's a good bill, and I don't know what else to say about it.

**BOSN:** I agree.

**M. CAVANAUGH:** I apologize.

**BOSN:** Don't apologize. You're just fine. We, we moved a lot quicker than any of us imagined, so.

**DeBOER:** Doing great.

**M. CAVANAUGH:** It's only 2:10.

**BOSN:** While we're waiting, I can-- do you mind if I read in the comments?

**M. CAVANAUGH:** Go for it.

**BOSN:** Do that, take care as much as we can. So I will note for the record: on LB53, there were 126 proponent comments submitted, 21 opponent comments submitted, 1 neutral comment submitted. There was one ADA comment on LB53. This testimony will be included in the official hearing transcript and will be included on the committee statement if one is generated. This testimony in support was received from Shannon Coryell, C-o-r-y-e-l-l. From Omaha. And now you have the floor.

**M. CAVANAUGH:** Thank you, Chairwoman Bosn and members of the Judiciary Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. And I have the privilege of representing District 6 in west central Omaha, Douglas County. I'm here this afternoon to introduce LB53. This is a bill that would send a message to women in our state that they do not to-- need to fear prosecution based on the outcomes of their pregnancy. LB53 would do this by providing for

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criminal and civil immunity for any woman whose pregnancy results in out-- any outcome that does not result in a live birth. According to the American College of Obstetreten-- Obstetricians and Gynecologists, early pregnancy loss is common, occurring in 10% of all clinically regnen-- recognized pregnancies. Approximately 50% of all cases of early pregnancy loss are due to fetal chromosomal abnormalities. Absolutely nothing the woman does in-- is the cause. This is assuerty of immunity is consistent with existing law relating to abortion in Nebraska. All current statutes provide that a woman shall not be subject to prosecution or liable for violating laws relating to abortion. This bill is necessary to assure those who are pregnant but need necessary maternal care that they will not be investigated or prosecuted for miscarriages or self-attempted abortions when they seek health care or go to the hospital. Unfortunately, this has not been the case nationwide. We have seen hundreds of cashe-- of cases of women being investigated, in some cases even prosecuted for pregnancy outcomes. In Louisiana, a woman who went to the hospital for unexplained vaginal bleeding was imprisoned for over a year based on charges of second-degree murder before medical re-- records revealed she had suffered a miscarriage at 11 to 15 weeks of pregnancy. In Utah, a woman gave birth to two-- to twins, but one was stillborn. Health care providers believed that the stillbirth was the result of the woman's decision to delay having a C-section. She was arrested on charges of fetal homicide. In Iowa, a pregnant woman fell down a flight of stairs, was reported to the police after seeking help at a hospital. She was arrested for fe-- attempted fetal homicide. Each of these cases is horrifying, and most of these types of charges have been brought under laws meant to punish those for crimes against pregnant women yet instead were turned around and used against pregnant women themselves. No Nebraska woman should have to face this kind of dis-- prosecution. Compounding this is the problem of many not having access to accurate health care information. We already have a precedent in a similar immunity provisions to encourage people to contact authorities in drug or alcohol overdose. So why should a woman or her family fear getting appropriate medical care? This bill is intended to assure people that they will not be in jeopardy if they seek medical care for complications relating to pregnancy. Still, I'm not naive about this subject. I know that reproductive rights are a topic where many people are not going to change their minds because of sincerely held beliefs grounded in personal-- in, in personal principle and conviction. I think we can all agree, however, that a woman shouldn't have to fear

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that her miscarriage will lead to an investigat-- investigator poking around with the questions of circumstances, that we're not going to add layers of legal questions on top of emotion, trauma, and hopelessness of a miscarriage. If there's any other questions, I'm happy to answer them. I know that there are-- in the online comments, there are lots of, of personal stories that have been shared, so I encourage the committee to take a look at those from your constituents and people across the state of Nebraska. Thank you.

**BOSN:** Thank you. Questions from the committee? Senator DeBoer.

**DeBOER:** Thank you. Can you just-- I am not certain I could have heard you right. There was a woman who ha-- was having twins, and one of them was stillborn--

**M. CAVANAUGH:** Yes.

**DeBOER:** --and she was prosecuted?

**M. CAVANAUGH:** Yes. Because she--

**DeBOER:** Prosecuted.

**M. CAVANAUGH:** Prosecuted because she delayed having a C-section.

**DeBOER:** OK. That's--

**M. CAVANAUGH:** You did hear that correctly, yes.

**DeBOER:** That's--

**M. CAVANAUGH:** Yes.

**DeBOER:** --amazing.

**M. CAVANAUGH:** Yes, it is.

**DeBOER:** OK. Thank you.

**BOSN:** Other questions from the committee? Seeing none. Are you staying to close?

**M. CAVANAUGH:** I am, yes.

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**BOSN:** Thank you.

**M. CAVANAUGH:** Thank you.

**BOSN:** We'll start with proponents. Anyone here in support of LB53?

**ERIN FEICHTINGER:** Hope I gave him the right one.

**BOSN:** We'll fix it.

**ERIN FEICHTINGER:** Yeah. It's fine.

**BOSN:** Welcome.

**ERIN FEICHTINGER:** Chair Bosn, members of the Judiciary Committee. My name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. And I'm the Policy Director for the Women's Fund of Omaha. The Women's Fund of Omaha offers its support for LB53 because it will provide, as Senator Cavanaugh mentioned, a critical layer of protection for women un-- in Nebraska under our current abortion restrictions. Other states with abortion restrictions like ours are now pushing for even more punishment for accessing abortion care or for increased surveillance of pregnant women and what happens to their pregnancies. In the first year after the Dobbs decision, 210 pregnant people across the country faced criminal charges for conduct associated with pregnancy, pregnancy loss, or birth. The surety provided by LB53 will cut through any confusion and fear that pregnant women in Nebraska may have about seeking abortion care or for what happens in their pregnancies. It is a simple and natural step to ensure that pregnant women in Nebraska feel safe no matter what choice they make under the existing laws or whatever happens in their pregnancy or, importantly, what others may feel happen to their pregnancy. Nationally, the National Advocates for Pregnant Women has found about 1,300 pregnant women arrested or charged in relation to their pregnancy outcomes in the U.S. from 2006 to 2020, which is three times the amount during the 33 years prior. Since the Dobbs decision, we have been told time and again that the intention of abortion restrictions is absolutely not to crimin-- criminalize or penalize pregnant women, and this has been included in our statutes. LB53 is a wonderful demonstration of the state's commitment to that promise. And we would urge this committee to support LB53. And I'm happy to answer any questions to the best of my ability.

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**BOSN:** Questions for this testifier? Seeing none. Thank you for being here. Next proponent. Welcome.

**JOY KATHURIMA:** Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Joy Kathurima, spelled J-o-y K-a-t-h-u-r-i-m-a. And I am policy counsel at the ACLU of Nebraska. And I'm testifying on behalf of the ACLU of Nebraska in support of LB53. Nebraskans must have the ability to make the decisions that are best for their own bodies, lives, and futures. Even when Roe v. Wade was in place and now in the wake of the Dobbs decision, people across the country are subjected to the criminalization of their pregnancy outcomes. Across the country, all kinds of laws that were never meant to punish people for their pregnancy outcomes have been used to charge and prosecute people. These include abortion bans, unauthorized practice of medicine laws, fetal harm laws, and improper dismo-- disposal of human rai-- remains, just to name a few. Pregnancy Justice-- a reproductive justice organization-- has studied and reported on the criminalization of pregnancy outcomes extensively. The report published in 2023 found that there are over 1,396 criminal arrests in the 16.5 years between June 1-- or-- excuse me-- January 1, 2006 and June 23, 2022, which was the day before the Dobbs ruling came out. This was a significant increase from the 2013 study, which reported only 413 cases during a 33-year period. The report further found that the majority of instances of criminalization of pregnancy has involved people living in poverty. Nearly 80-- 85% of those cases involved a case against a pregnant person who was deemed legally indigent and that people of color are disproportionately represented in charges and prosecutions. Another important point to highlight from this report and for criminalization of pregnancy outcomes in general are the consequences of prosecution, which can include losing custody of children, being turned over to immigration for possible deportation, loss of jobs, having to move, having to change their name. These matters can also impact-- can also cause impacts for people involved in the child welfare or criminal justice system. Because not only can criminalization of pregnancy outcomes bring you into these systems if a person is already involved in a criminal or child welfare case, they're more likely to be criminalized for their pregnancy outcomes, as they can be surveilled by caseworkers, probation officers, ankle monitors, and et cetera. Given the discrimination that is rampant in these types of cases, the discretion of prosecutors and police and those who make these reports, and the growing threat to pregnant people in the wake of the Dobbs

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decision, LB53 is vital to protect Nebraskans and prevent prosecution for pregnancy outcomes. We thank Senator Machaela Cavanaugh and cosponsors for bringing this legislation and thank the committee for its time today. And we urge the committee to advance it to General File. Thank you. And I'd be happy to answer any questions.

**BOSN:** Any questions for this testifier? Seeing none. Thank you for being here.

**JOY KATHURIMA:** Thank you.

**BOSN:** Next proponent. Welcome.

**ADELLE BURK:** Hi, Chair Bosn and members of the Judiciary Committee. My name is Adelle Burk, A-d-e-l-l-e B-u-r-k. And I'm Senior Manager of Public Affairs at Planned Parenthood North Central States in Nebraska. Central to our mission at Planned Parenthood is the conviction that all people deserve to live in communities where sexual and reproductive rights are recognized as basic human rights. With that in mind, we're proud to support LB53 and thank Senator Cavanaugh for bringing this important bill. Pregnancy is deeply personal, and Nebraskans should be able to make decisions about when, whether, and how to start a family without fear of criminal or civil action. However, since Roe v. Wade was overturned, we have seen a wave of cases and laws that criminalize pregnancy outcomes across the country. One of these women impacted is Brittany Watts. In 2023, Brittany went to the hospital with pregnancy complications and was denied care. Even though she was at risk of hemorrhage, sepsis, and death, her doctor refused to treat her because of Ohio's six-week abortion ban at the time. Instead, Brittany went home and had a miscarriage in her bathroom. After returning to the hospital for care, staff called the police, and she was falsely charged with abuse of a corpse. Brittany was charged with a crime even though Ohio's abortion ban only claimed to punish abortion providers and not pregnant women. Nebraska's 12-week ban claims to do the same. Let's be clear: abortion bans-- all abortion bans harm women. Even prior to the Dobbs decision that overturned Roe, women of color and poor women have been harmed by laws that criminalize pregnancy outcomes. According to the American Bar Association, over 1,200 women across the U.S. have been arrested and their pregnancy outcomes-- because of their pregnancy outcomes since Roe was decided in 1973. Black women in particular are facing an extreme maternal mortality crisis, along with a history of state-sponsored reproductive coercion. We know that the criminal

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justice system has been used to incarcerate and harm communities of color in our state. Ensuring Nebraskans are protected from laws that seek to harm them for making decisions about their own pregnancy is one way Nebraska could become a safer state for all pregnant people. People in all different circumstances need access to abortion. Personal decisions about pregnancy should be respected and valued, not punished and shamed. Time after time, we see that legislation to restrict abortion access is used to punish and control. The judicial system should not be co-opted to enforce anyone's personal beliefs about abortion. Unfortunately, that is exactly what anti-choice activists have done across the country. LB53 addresses the consequences of extreme abortion bans. Each person's circumstance is different and every pregnancy is unique. That's why this bill is so important. It protects Nebraskans who are just trying to live their lives from being prosecuted for their decisions about their pregnancies. We must protect future generations of Nebraskans from having to face the threat of criminal charges because of their personal medical decisions. We thank Senator Cavanaugh for introducing LB53 and respectfully urge the committee to advance the bill to General File. And I'd be happy to answer any questions.

**BOSN:** Questions for this testifier? Seeing none. Thank you.

**ADELLE BURK:** Thank you.

**BOSN:** Next proponent.

**\*SHANNON CORYELL:** I support protecting women who have lost a pregnancy. I have been through the trauma myself and cannot even imagine what it would be like in today's world.

**BOSN:** Next, we'll move to opponents. Anyone here in opposition to LB53? Oh-- no. It's your turn now. You don't have to raise your hand anymore. Sorry. That was just the beginning so that the next bill introducer knows kind of an idea of how long they have. But I appreciate your cooperation. Welcome.

**PATRICK CASTLE:** Thank you. I'm Dr. Patrick Castle, P-a-t-r-i-c-k-- Castle, like the building, C-a-s-t-l-e. I'm a retired Air Force scientist and chemistry professor. I'm speaking as the founder and President of LIFE Runners. Our mission is to provide encouragement for mothers in unexpected pregnancies to choose life in order to prevent

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negative consequences to their life and the ultimate consequence-- abortion-- to their unborn child. LB53 removes consequence from mothers who choose to murder their unborn child, an unjust killing. Consequence changes behavior. If there weren't speeding tickets, imagine how many more traffic deaths would occur each year. Having some level of consequence will decrease irresponsible pregnancy decisions and save unborn children from abortion. Furthermore, no legal consequence for abortion gives the impression that unborn children have less value than a born child. Simply from a logic standpoint, since an unborn child is the same person when born, the consequences of murdering an unborn child should be handled with the same laws that provide consequences of murdering born children-- the same laws that provide consequences if someone was to murder any of us as we the people of Nebraska. How can we welcome people to Nebraska as the good life if we can't even guarantee that you will make it out of your mother's womb if born in Nebraska? Abortion isn't the good life. It is no life. We can and must have consequences for abortion for the good life of our children and our children's children.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

**PATRICK CASTLE:** You're welcome. Thank you.

**BOSN:** Next opponent.

**DAVID ZEBOLSKY:** Good afternoon.

**BOSN:** Good afternoon. Welcome.

**DAVID ZEBOLSKY:** David Zebolsky, D-a-v-i-d Z-e-b-o-l-s-k-y. I serve as chairman of the board of directors at Nebraskans Embracing Life in Omaha. Do you need an address?

**BOSN:** No, sir.

**DAVID ZEBOLSKY:** OK. We are opposed to LB53 because of the abortifa-- abortion component. No one is suggesting criminal or civic penalties for miscarriage or natural pregnancy loss, of course, but intentional abortion is a grave crime. In fact, it's the worst of crimes. Life is sacred from conception. If you're Christian-- and most Nebraskans are-- most representatives here, I believe, are-- John the Baptist recognized Jesus in the womb of Mary by leaping for joy in the womb of Elizabeth.



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This was only days after conception when Jesus may not have even implanted in the womb, yet this is the exact point when most abortions are committed by chemical abortifacient drugs in Nebraska. The worst crimes must have the worst of penalties. To suggest immunity for crimes of murder against innocent children in the womb is contrary to criminal justice basics and norms. Every crime must carry a penalty. Intentional abortions must be prevented at any age from conception. It doesn't make sense to provide immunity for killing conceived human life in the womb while an existing law holds abortion to be illegal and a crime. A crime without a penalty is not a crime at all. We have a duty to recognize sacred life in the womb from conception. It's a felony to disturb endangered species' nesting grounds. It should be a felony and a worst crime to disturb the nesting grounds of sacred human life. A deterrent-- a deterrent is a basic and necessary component of any law. With no penalty, there is no crime. I hope we all remember the horrible case two years ago in Madison, Nebraska, where a mother obtained an illegal abortion with illegal abortion drugs and murdered her 26-year-old baby in utero against Nebraska law. Should she have been immune from a criminal or civil penalty? They burned this poor baby, who was likely born alive and possibly buried alive. As it was, she received only a light sentence-- two years in prison-- probably cut in half. The future of abortion is here, and it's self-administered abortions from legally or illegally obtained chemical abortion drugs. They're lethal to the baby in the womb and proven dangerous for mothers who ingest them. They're poisons that should be outlawed. The powerful abortion lobby reaps immense profits from these emergency contraceptives, from various abortifacient contraceptives and from these common mifepristone, misoprostol [SIC] abortion drugs, all imposed on innocent children and all imposed on women. There is an enormous market for the side effects from all these drugs. They're all immoral. They're all evil. And again, imposed exclusively on abortion. Please do not support LB53. Thank you.

**BOSN:** Questions for this testifier? Seeing none. Thank you for being here.

**DAVID ZEBOLSKY:** Thank you. Thank you to all your representatives.

**BOSN:** Thank you. Next opponent. Anyone else in opposition? Welcome.

**JOHN MAYES:** Thank you. My name is John Mayes, J-o-h-n M-a-y-e-s. And I'm opposed to this bill, as the last testifier mentioned, because of

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the abortion component. To use the language of the bill, intentional termination of a pregnancy is murdering a baby. And murdering babies is wrong. The law of God calls murder a capital crime. The law of God is supreme over the law of Nebraska. The laws of Nebraska should-- should-- should submit to the law of God and treat murder as a capital crime. The word of God also says that the law is a tutor. The law teaches the-- it teaches the conscience what is right and what is wrong. And when our laws are out of-- are discongruent with the law of God, it is teaching Nebraskan mothers the wrong thing, that it's OK to murder their children, and it is not.

**BOSN:** Thank you. Any questions for this testifier? Thank you for being here.

**JOHN MAYES:** Thank you.

**BOSN:** Next opponent. Good afternoon.

**TERESA FONDREN:** Good afternoon, Chair Bosn and members of the committee. My name is Teresa Fondren, T-e-r-e-s-a F-o-n-d-r-e-n. I'm speaking on behalf of myself, Abolish Abortion Nebraska, and thousands of innocent preborn children who have no voice. I would like to begin by speaking plainly from the word of God. The Lord God who reigns above, and to whom one day we will all give account, has commanded you shall not be partial in judgment. The bill before us, LB53, is one more in a long line of legislation in our state which shows partiality. They are partial in favor of mothers who kill their preborn children and prejudiced against the human beings in their wombs. Seven examples from pro-life laws are before you in my written testimony. I'll read one of them. Section 30-809(2) says, concerning wrongful death, no action for damages for the death of a person who is an unborn child shall be brought under this section against the mother of the unborn child. This bill would solidify even more that there is one class of human beings-- mothers-- who have the exclusive right to take the life of other human beings-- their preborn children. It would allow women to continue to commit murder via abortion with total impunity. How does God instruct us in this matter? He says in James 2:9, if you show partiality, you are committing sin. This bill explicitly shows partiality, and thus to support it is to commit sin both against God and against fellow human beings. Again, God declares in Proverbs 17:15, acquitting the guilty and condemning the innocent, the Lord detests them both. This bill acquits every mother who kills her preborn child, and it condemns to

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death the innocent children murdered via abortion without mercy and without trial, therefore without justice. This bill acquits the guilty and condemns the innocent, and the Lord detests it. God thunders in his word. Woe to those who deprive the innocent of his right. This bill, rather than supporting equality before the law-- which is our state motto-- continues to deprive innocent preborn children of their right to life. Woe to those who do this. The Lord says in Romans 14:4 that the role of the governing authority is as the servant of God, an avenger who carries out God's wrath on the wrongdoer. But this bill allows the murder of innocents to take place without penalty for those committing the act. To support this bill as a civil magistrate would be to abdicate one's God-given duty to punish wrongdoers. The holy word of God shows very clearly that this bill is something that God hates. I urge you not to pass it out of committee. It is this bill that should die, not the preborn children whom it condemns. Instead, I implore you to heed the biblical counsel given to you by over 130 pastors in Nebraska on January 23, both to draft a law which immediately abolishes abortion as murder without exception or compromise and to proclaim a day of humiliation, fasting, and prayer for Nebraska because much innocent blood has been spilled in our land.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here. Next opponent. Welcome.

**JEFF SPAHR:** I apologize. I only got ten copies. I didn't have time.

**BOSN:** Oh. That's OK.

**JEFF SPAHR:** Thank you, Judicial Committee and Chairperson for allowing me to come before you. My name is Jeff Spahr, J-e-f-f S-p-a-h-r. And I'm representing myself and Abolish Abortion Nebraska in opposition to LB53. It is disrespectful to equate a mother whose un-- in unfortunate cir-- circumstances miscarries their child to a mother who intentionally terminates the life of a child. Let me expand on that. Case one: an elderly mother, A, while caring for her six-year-old invalid daughter. The daughter dies of natural causes. Would not face murder charges. On the other hand, if elderly mother, B, poisons her six-year-old invalid daughter so the daughter dies, she would face murder charges. Why? The U.S. Constitution says we cannot deprive any person of life, such as a six-year-old. Case two: mother of a six-year-old loses her child in a tragic accident. Would not face murder charges. If mother B of six-year-old suffocates her child, she

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would face murder charges. Why? Nebraska Constitution Article I, Section 3 would give six-year-olds equal protection of the laws. Case three: mother A of a 60-day-old disabled child loses a child to SIDS. Would not face murder charges. If mother B of a 60-day-old disabled child starves her child, she would face murder charges. Why? Because equality before the law protects the 60-day-old invalid daughter. LB53 and State Statute 28-390 have similar language in that they grant impunity and immunity to the mother for the intentional termination or death of the unborn. Let me quote Representative Lori VanWinkle during a February 12 floor debate of North Dakota's HB 1373. In what other case in our law do we grant blanket immunity to a class of people to murder another class of people without penalty? Unfortunately, there has been a situation where immunity and impunity were granted for one class of people to murder several classes of people. Back in 1930s. Gen-- the Berlin Central Authority created the T4 program, and it started with the starvation of and giving lethal doses to children with disabilities. The program was expanded to include elderly people who are dee-- deemed unworthy of life, and so were sent to the gas chambers. This was followed by the Final Solution, where millions of Jews and Roma were murdered. This is a case the lack of equal protection for the young, leading to widespread des-- widespread destruction of many. It's time that murdering anyone should be illegal for everyone. Our state motto-- equality before the law-- needs to be applied from fertilization to final breath.

**BOSN:** Thank you. Any questions for this testifier? Seeing no-- oh. Senator Rountree.

**ROUNTREE:** I just have one comment to make. Thank you, Chairman Bosn. Sir, I really appreciate you for your testimony. Just looking at this particular portion out of your testimony. Back in 1930s, the Berlin Central Authority created this program that they were given immunity and impunity to, to murder certain classes of people. We've experienced that in our own country as well, so. There was a time in our own history that whites were given pure authority to execute blacks and there was no penalties whatsoever, so. Just want to be sure that we are aware of that as well.

**JEFF SPAHR:** Yes.

**ROUNTREE:** All right. Thank you so much. But I appreciate your testimony.

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**BOSN:** Any other questions? Thank you for being here. Next opponent.  
Good afternoon.

**JARROD RIDGE:** Good afternoon, Chairman Bosn and committee members. My name is Jarrod Ridge, J-a-r-r-o-d R-i-d-g-e. And I am representing End Abortion Nebraska and 130-plus Nebraska pastors who have supported our position of equal protection for the preborn. We stand firmly against LB53, which seeks to provide criminal and civil immunities for pregnancy outcomes, including the intentional termination of preborn life, which is in fact an act of premeditated murder. The bill fundamentally contradicts God's law and the sacredness of human life from fertilization. God's word explicitly affirms the value of human life from fertilization. Psalm 139:13 says, for you formed me and my inward parts; you covered me in my mother's womb. God declares that each of us were formed as individuals in the womb. Well, Jeremiah 1:5 states that God knows us before we were born. These passages establish the personhood and divine recognition of the unborn, and we should protect them just as we protect our born children. We are speaking up for those who cannot speak for themselves today. This bill, by shielding women from legal consequences for intentionally terminating their babies, directly contravenes the commandment you shall not murder-- found in Exodus 20:13. It erroneously elevates human autonomy above God's authority over life and death. It also violates Nebraska Revised Statute 28-391, titled Murder of an Unborn Child in the First Degree. The statute states it is a Class IA felony to intentionally kill an unborn child of the mother of a unborn child who-- with knowledge of the pregnancy, with deliberate and meditated malice. By removing all legal accountability for the intentional termination of preborn life, LB53 fails to uphold justice for the most vulnerable in our state. We must seek equal protection for all peoples born and unborn, as life begins at fertilization. Proverbs 24:11 commands us to rescue those who are being led away to death. This bill does the opposite: facilitating the destruction of innocent life without consequence. As an abortion abolitionist, we reject any legislation that compromises on the fundamental right to life. Instead of LB53, Nebraska must pursue the complete abolition of abortion, recognizing it as murder under the law. Deuteronomy 30:19 instructs us to choose life that you and your offspring may live. LB53 represents a grievous departure from biblical principles and the duty of government to protect innocent life. God pronounces woes on magistrates such as yourselves in Isaiah 10:1 and 10:2, where writing iniquitous decrees

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make the fatherless prey. This bill is iniquitous and makes the preborn prey. Committee members, you are held to a higher standard by God, as you have delegated authority from our creator God-- who created each one of us in the womb-- who calls the act of abortion murder and says, thou shalt not do it. I urge this committee to reject this bill and instead put forward equal protection legislation that upholds the God-given right to life for all human beings born and unborn. Thank you.

**BOSN:** Thank you. Questions for this testifier? Seeing none. Thank you for being here.

**JARROD RIDGE:** Thank you.

**BOSN:** Next opponent. Good afternoon.

**ROSE KOHL:** Good afternoon. My name is Rose Kohl. And I represent myself and Nebraska Choose Life Now. At Choose Life Now, we believe that all people deserve the right to live. Would we pass a law that makes drivers immune from the outcome of their driving whether they follow the laws or drive drunk and kill 20 people? Would do we make school bus drivers immune from their behavior? Would we make cooks and chefs immune from the outcome of their cooking? Whether they just-- whether they serve up healthy food or poison bunches of people? As members of the Judiciary Committee, I hope you appreciate that granting immunity to any kind of occupation or behavior or crime is crazy. There's nowhere else where we say you could do it right or you can kill and both are fine. That's wrong. And in God's word, he tells us that we reap what we sow. And this is something that we have seen often in history. And abortion is killing. If we sow death, we will reap death. An example I would bring to you from Nebraska history is back in the 1860s and '70s, the government had a program of slaughtering bison in order to starve the Native Americans. Sanctioned by the government. And if you look at the map of where the bison were killed, it's almost the same map where in 1874 a locust plague devastated the crops of the whites who had participated in it. White people started starving to death in the very place where they had starved the Native Americans to death. But what's interesting is a church that had written a letter to the government opposed to that crime said the grasshoppers flew over them and let them be while the others met their consequences. And with abortion, it was legalized in the United States in 1973 nationally but 1970 in New York. The votes to legalize abortion were April 9 and 10 of

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1970. 50 years afterwards-- to the day-- was the record highest deaths of COVID in New York. 1 in 4 cases of COVID in the United States was in New York. Bodies were dropping fast. And the headline first COVID case in America happened to be January 22-- same day as Roe v. Wade. But other notable people who have reaped death after participating in it recently. Ruth Bader Ginsburg was very famous for all of her votes on the Supreme Court. The 18 of September, 2020, sundown Rosh Hashanah, the Jewish New Year-- which would be significant for her-- she died of pancreatic cancer. It's a painful way to go. 28 of April 2023, the day after the Nebraska Senate-- Legislature failed to ban abortion after six weeks. The next day, LeRoy Carhart died. Died of liver cancer. Painful way to go. It was also the feast day of St. Gianna Molla, who gave her life for an unborn child. On that day, he's done. Cecile Richards, president of Planned Parenthood-- 20 January this year was Martin Luther King Day. On the day, on that day, she who denied the dream of life to so many died of liver cancer-- I mean brain cancer. Glioblastoma. And so a warning to all you: if you vote to make immunity to killing of children, you share the guilt, and there might be a consequence for you in the future. God is not mocked. And we reap what we sow.

**BOSN:** Ma'am, I'm going to have you wrap up your final thought since the red light's on.

**ROSE KOHL:** OK. God forgive us for tolerating murder in our land. May he help us to put an end to the evil. God forgive us for tolerating witchcraft in our state and our government. May God rescue us from it. And God forgive us for allowing complacency and wrong-teaching in our churches. That says, when my people repent--

**BOSN:** I'm going to have you wrap it up there.

**ROSE KOHL:** OK.

**BOSN:** Any questions for this testifier? Seeing none. Thank you for being here. Next opponent. Anyone else wishing to testify in opposition? We'll move to neutral testifiers.

**ROY METTER:** I'm in opposition.

**BOSN:** OK. Come on up. Welcome.

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**ROY METTER:** Hi. My name is Roy Metter. I'm a financial advisor, a published author, and a father of seven children. I am here to encourage you not to move forward with this bill. There are many reasons why, but I will list just a few. First, this whole thing seems deceptive. Ms. Cavanaugh stated in her formal intention for this bill: quote, it is necessary to assure those who are pregnant and in need of necessary maternal care that they will not be investigated or prosecuted for miscarriages, unquote. So according to the stated intention, this bill is necessary to protect a woman's right to maternal care-- that is, helping her with her maternity, her motherhood-- and to protect her from being investigated or prosecuted for a miscarriage. Now, my wife is has, has had eight pregnancies, and one of those did end in a miscarriage. And she had no issues getting the help she needed. I have many family and friends that have had many miscarriages. No law enforcement ever called us. No one investigated us. The idea that we would be prosecuted for the miscarriage never even crossed our minds. I have never heard of anyone ever advocating to punish a woman for a miscarriage. That would be asinine. Obviously, the purpose for this bill is not to protect innocent women from being punished for their miscarriages. The real purpose is to virtually legalize abortion. Nebraskans have made it clear they do not want unchecked abortion. This bill would undermine all those laws in place that protect most children after the first trimester. If I made a rule in my house but never punish the children who break that rule, it would not be a rule. It'd be a joke. No one would take it seriously. Because a law without a punishment is no law at all. And because there will be no punishment for the woman who breaks the, the law after the first trimester when she can no longer legally hire an assassin-- I mean, procure an abortion, this bill will encourage her to take matters into her own hands. I repeat, this bill will encourage a woman to kill her preborn child with her own hands when she can no longer legally pay for an abortionist to do it. And women will be doing this all the way up until birth. This is an ugly scene, and I'm sure dangerous for the woman too. But if the bill passes, the abortion laws may still deter abortionists from kill-- excuse me-- from killing the baby, but it will not stop the abortion. The laws will not protect the baby. Lastly, you should oppose this bill because it undermines women. It treats women as though they are not subject to the law, like they're little children too unreasonable to be held accountable. Either that or it puts them above the law. Either way, it's offensive. In summary, this bill is deceptive, unjust, and demeaning. It will pro-- not protect pregnant



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women who have miscarriages, because they don't need protection. This bill will only protect criminals who are pregnant. And it will not-- and it will do nothing to protect the victims. In fact, it will remove what little protection they have in Nebraska. Thank you.

**BOSN:** Just a second. If I can-- let's see if there's any questions. But I have the first one. Can you spell your first and last name for the record?

**ROY METTER:** Yeah. My first name is Roy, R-o-y. Last name is Metter, M-e-t-t-e-r.

**BOSN:** And then let's see if there's any questions from the committee. All right. Now seeing none. Thank you for being here. Last call for opponents. Anyone else in opposition? Now we'll move to neutral testifiers. Any neutral testifiers on LB53? All right. While Senator Cavanaugh makes her way back up-- I already noted for the record, didn't I? OK. Yep. Welcome back.

**M. CAVANAUGH:** Thank you. Thank you, committee members. And thank you to everyone who came to testify today. So some clarifying points. And I'll start with I'm not a medical doctor. I, however, am somebody who has been pregnant. Miscarriage is not a medical term. When you lose a pregnancy and you have to have any type of procedure or medication to help with that, the only box checked on your medical record is abortion. And so I, I think it's important to, to note that, that while miscarriage is, is maybe viewed as a softer term, any woman who has a pregnancy beyond a certain amount of weeks, if that pregnancy is no longer viable, they have to have either medication or they have to have dia-- be dilated and have the baby taken out. So there is no real way to determine that that was a choice or not. And I, I personally-- when I was pregnant with my last child, I was running for office. And he was born between the primary election and the general election. And because of what the Legislature had put forward into statute before I was here, in the delivery room, with a live birth, I had to fill out paperwork for what I wanted done with the remains of my twin that I had lost early in the pregnancy. Early enough that I didn't need an abortion. But I had-- my husband and I had already gone through it. We had already grieved. We had already moved forward. And we were working on a live birth and having complications in the delivery room. So it was pretty unsettling to have to deal with that. This is a very complicated issue, and it's a very personal issue. And I know that people want to

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make it about exclusively elective abortions, and it's not that simple. Ever. And even when it is a, quote, elected abortion, it's not actually the choice that the people involved want to be making. It's a choice that they have to make because perhaps it's going to be stillborn or there's some-- brain stem didn't develop-- whatever their reasons are, they're personal. They're deeply personal. And to, to jeopardize that, that those individuals are going to have to be penalized for something that they had no control over is just what I'm seeking to do here. This does not change anything about what the voters did at the ballot. This simply creates immunity for pregnancy outcomes for the individual who is pregnant. And it doesn't change anything else about the law. It just ensures-- and I appreciate those that came in opposition saying that this, this would never happen. But with-- there's clear cases in other states where this has happened. And I'm also fortunate that, that my unfortunate situation happened before the federal courts reversed Roe v. Wade. And so I didn't have that as a concern even though I did have my own trauma in the delivery room. So with that, I will answer any questions.

**BOSN:** Thank you. Questions for Senator Cavanaugh? Thank you for being here and for sharing your story.

**M. CAVANAUGH:** Thank you.

**BOSN:** Sorry. That will conclude our hearing on LB53. And next up, we will take up LB669 with Senator Storer.

**STORER:** Good afternoon.

**BOSN:** Good afternoon. Welcome.

**STORER:** My name is Tanya Storer, T-a-n-y-a S-t-o-r-e-r. And I am proud to represent Nebraska Legislative District 43. Fellow members of the Judiciary Committee, Chairman Bosn, I am here today to introduce LB669. This is a bill that updates our state's informed consent statutory framework for abortion to better protect women and strengthen Nebraska's efforts to combat domestic violence and human trafficking. The bill accomplishes this by doing two things: one, cleaning up and removing language from sections of statute that were deemed unconstitutional back in 2010, I believe, and permanently enjoined; and, two, adding new language requiring abortion providers to screen for, for coercion, abuse, and trafficking in a manner that protects the

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pregnant woman's privacy and safety. If the pregnant woman discloses that she is the victim of domestic violence or trafficking, this bill ensures that she is provided with the Domestic Violence and Human Trafficking hotline numbers and the opportunity to make a confidential phone call. I would like to start by addressing the first point. In 2010, the Nebraska Legislature passed and Governor Heineman signed into law LB594. But prior to the law taking effect, Planned Parenthood and Dr. Jill Meadows of Planned Parenthood filed a lawsuit challenging the law's constitutionality. The case, *Planned Parenthood v. Heineman*, was heard by Judge Laurie Smith Camp with the United States District Court, who was a United States District Court judge for the District of Nebraska. The court granted the plaintiffs injunctive and declaratory relief, ruling the plaintiffs were likely to prevail on due process and First Amendment grounds and that the state could not enforce LB594 except for a limited number of specific sections being 2, 12, 17, and 18. Then in a final judgment, the Eighth Circuit Court of Appeals declared LB594 unconstitutional except for the same few specific sections-- 2, 12, 17, and 18-- and permanently enjoined the state from enforcing the remainder of that statute. The court ruled that 5-- LB594 was unconstitutionally vague and required providers to give untruthful, misleading, and irrelevant information to patients. This is not about whether or not we agree with that decision. LB669 simply removes the portions of those enjoined sections that were problematic so that the remainder of those sections can be back in effect. Doing so would allow women to recover damages when an abortion is performed-- when an abortion is performed on her without informed consent by abortionists who fail to comply with what should be entirely uncontroversial requirements of informed consent. Again, the language in LB669 removes-- the, the language that LB-- LB669 removes is language that the courts have ruled is unconstitutional and have never allowed to be enforced, which, which was the result of the lawsuit again brought by Planned Parenthood. So if you hear opponents today with talking points claiming that this bill would remove language requiring doctors to provide patients with evidence-based information, please keep those facts in mind. Further, nothing in LB669 prevents this information or any information from being shared with patients. It simply removes the language that was ruled unconstitutional and that has prevented the remainder of the sections from being enforceable. While making these changes, we have-- we also have the opportunity to add to the framework in a meaningful way, which brings me to my second point. LB669 would require abortion providers to screen for coercion, domestic violence,

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and sex trafficking in a safe and confidential manner and provide women with the resources and help available to them when requested. Research shows that abortion is used as a tool by abusers and sex traffickers to control their victims, hide their abuse, and continue their exploitation. I passed out a, a-- one page of information from a 2014 study from the University of Loyola Chicago Law School, which surveyed over 100 domestic sex trafficking survivors and concluded that, quote, the prevalence of forced abortions is an especially disturbing trend in sex trafficking. One of the survivors reported that, quote, during that time-- and these are her words-- during that time, I saw 10 to 20 men a day. Over the years, I had pimps and customers who hit me, punched me, kicked me, beat me, slashed me with a razor. I had forced, unprotected sex and got pregnant three times and had two abortions at a clinic. Afterward, I was back out on the street again. I have so many scars all over my body and so many injuries and so many illnesses. I have ep-- hepatitis C and stomach and back pain and a lot of psychological issues. I tried to commit suicide several times, end quote. The study found that more than half-- 55.2%-- of the 67 respondents who had answered reported at least one abortion, with 20 respondents-- almost 30%-- reporting multiple abortions. One woman reported having 17 abortions, some of which were forced upon her by her trafficker. Another said, in most of my-- in most of my six abortions, I was under serious pressure from my pimps to abort the babies. The study found that survivors had significant contact with clinical treatment facilities-- most commonly Planned Parenthood clinics-- which more than a quarter of survivors visited. The study further notes that since pimps and traffickers generally exercise nearly complete control of their victims, these points of contact with health care represent rare opportunities for victim identification and interventions and that these opportunities have largely been missed. In another 2023 study from Charlotte Lozier Institute exploring the experiences of 1,000 women, 226 reported having had at least one abortion. And of those 226, 43% said that the abortion was, quote, accepted but inconsistent with their values and preferences, and 24% documented them as unwanted or coerced. Bottom line is these statistics are alarming and point to a serious problem. Today, we can take practical and tangible steps to protect young women in Nebraska who are victims of exploitation and abuse. LB669 removes language that is no longer relevant-- again, too broad and vague to be enforceable-- and adds language to strengthen informed consent, privacy, and safety protections. These simple changes could have lifesaving impacts and be the difference between someone's

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freedom or continued abuse. Whether you're pro-life or pro-choice, we can all agree that no woman in Nebraska should be pressured or forced into an abortion against her will. I'm just adding a few more of my own comments. And, and obviously, this can be a very emotional issue with very strong feelings, but I, I reinforce to you that for those that may come behind me and have concerns about the language being removed-- again, that is cleaning up language that was already deemed unconstitutional. You may hear some testimony that this is hyperbole and we're, we're talking about a problem that doesn't exist. And I would just challenge you that how-- at the moment, we have no way to be able to reach out and help those women. And women who are in trafficked situations might only have one chance to get help. They might only have one chance. We made a very specific provision in the bill that they be asked these questions in a private place, because it was very important to me that they have the opportunity to be somewhere away from their abuser if indeed they were in an abusive situation. If we save one life, one young woman, and help get her out of an abusive or trafficked situation, then we have done remarkable things here. With that, I am happy to answer any questions. There will be several coming behind me that have some, have some expert testimony. You're going to hear for some-- from some folks that have worked in the area of human trafficking to help free people and care for people that have, that have been in that situation. And I will be here to close, but I am happy to answer any questions now.

**BOSN:** Questions for Senator Storer? Seeing none. Thank you. Before we get started, can I see a show of hands how many individuals wish to testify in some capacity on LB669? 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. All right. Thank you. First proponents.

**DeBOER:** Welcome.

**MARION MINER:** Thank you, Vice Chair DeBoer and members of the Judiciary Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. And I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interest of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I just want to say thank you to the pages quick. This is a ton of information that I ha-- I'm having them pass out. Some of it is, is information that Senator Storer has already referenced-- for example, the, the Loyola University of Chicago study. I just went ahead and printed that off in its entirety so that

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you can read it. And that's, that's one of the stories. Ano-- another one of the exhibits that is included here is actually a story that was just published in the last couple of weeks by The New York Times, which details a lot of the quite horrifying revelations about specifically Planned Parenthood's business model in the United States, and specifically calls out the Omaha location as performing some truly egregious abuses to the detriment not only of the women who come to them but also to the staff who work there. That's relevant in a way that I hope I can tie up before I'm at the end of my three minutes at the end. Also included is another study, one that Senator Storer did not reference-- Storer did not reference, which is a study done by David Reardon and Tessa Longbons that also explores this dynamic of-- and, and tie between sex trafficking, coercion, abuse, and the abortion industry. So with all that being said as prelude, the conference supports LB669, which consists of two main parts. The first part of the bill, as Senator Storer very ably describes, strikes provisions of Nebraska's informed consent statutory framework that were found unconstitutional and permanently enjoined in 2010 after a successful lawsuit filed by Planned Parenthood. Since these provisions are permanently unenforceable, they ought to be removed. This portion of the bill is truly cleanup. The second part of the bill adds to this framework requiring that an abortion facility must screen a woman for pressure or coercion to abort as well as for domestic abuse and human trafficking, including sex trafficking, in a place and manner that ensures her privacy. This is a commonsense requirement, in our view, that has the potential to relieve much human suffering. I'm going to skip the portion of my testimony that deals with the Loyola study. Senator Storer spent a good amount of time on that. Importantly. I wanted to add a couple of points. It should be noted that nothing in LB669 says an abortion may not take place after the required screening is done. It simply gives the woman an opportunity to back out of abortion she does not want, or regardless of whether she freely chooses abortion, an opportunity to escape confinement, control, and abuse. Further, nothing in this bill requires that any phone call to any enforcement agency or hotline be made. This decision's for the woman alone should she take the opportunity afforded by the bill. And in closing, if I can get there, I just wanted to say that regardless of any person or institution's opinion on abortion, its-- or its legality-- to wrap up, there are legitimate and important goals we can all pursue together for the benefit of pregnant women. The conference has supported many, many of those, many of them very bi-- bipartisan in

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nature, and we see this as being in the same vein. With that, I'll close. And thank you for your attention.

**DeBOER:** OK. Are there questions for this testifier? Thank you for being here.

**MARION MINER:** Thank you.

**DeBOER:** We'll take our next proponent.

**ELIZABETH NUNNALLY:** Good afternoon, Chairwoman DeBoer and members of the committee. My name is Elizabeth Nunnally, E-l-i-z-a-b-e-t-h N-u-n-n-a-l-l-y. And I am here testifying on behalf of Nebraska Family Alliance. LB669 addresses a very real and urgent problem. A study by the Charlotte Lozier Institute surveyed 1,000 women, and of the 226 women who reported having an abortion, only 33% said that it was wanted. The other 67% said their abortions were either coerced, inconsistent with their values and preferences, or unwanted. LB669 ensures that, at the very least, women who are in abusive situations are offered a way to safely seek help by requiring screening for coercion, abuse, and trafficking and ensuring that the pregnant woman is given the numbers for the domestic violence and human trafficking hotlines and the opportunity to make a confidential phone call. These are simple, commonsense protections that research has shown are seriously lacking. When these safeguards aren't in place, it isn't women that are being helped. It's the traffickers, abusers, and organizations that profit from abortion that benefit. A study by the University of Loyola Chicago Law School found that 55% of sex trafficking victims were forced into abortions, with 30% having undergone more than one. One victim from the study explained why her pimp chose to take her to Planned Parenthood to get an abortion. Quote, Planned Parenthood didn't ask any questions, unquote. Abortion providers and advocates say that we should trust them, that legislation protecting women isn't necessary. But time and time again, they have catastrophically failed the women who enter their clinics. Undercover journalists have exposed abortion clinic employees for assisting traffickers and abusers in obtaining abortions for their victims without authorities being notified. A former Planned Parenthood employee reported that when she asked for training in how to identify potential victims and help them out of these tragic situations, she was denied. Just last month, a New York Times article exposed the botched care that had been happening at Planned Parenthoods across the country

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and in our very own state. These are the people asking us to trust them, to put their profits over the safety and freedom of women and girls in our state. Women in Nebraska deserve better, and LB669 is a simple and practical solution to a grievous problem. LB669 does not create a barrier between a woman and her doctor. Instead, it places a safeguard between a woman and her abuser. This bill can be a bipartisan solution to provide women in crisis with a safe way out and an opportunity to find freedom and healing. We urge the committee to advance LB669 and take another step forward in making Nebraska a leader in combating trafficking and abuse. Thank you.

**BOSN:** Thank you. Any questions from the committee? Seeing none. Thank you for being here.

**ELIZABETH NUNNALLY:** Thank you.

**BOSN:** Next proponent. Welcome.

**ADAM SCHWEND:** Thank you, Chair Bosn, members of the Committee. For the record, my name is Adam Schwend, A-d-a-m S-c-h-w-e-n-d. And I am the Regional-- Western Regional Director of Susan B. Anthony Pro-Life America. Although I represent a national organization, I also am a Nebraskan and a resident of the city of Lincoln. Today, I am here to encourage support of LB669. In a peer reviewed study from two-- 2023, research had found that about 70% of women who had abortions stated that the abortions were either unwanted, coerced, or inconsistent with their values. Of that 70%, 1 in 4 of them were either coerced or unwanted. Now, in round numbers, there are historically 2,000 abortions per year that have taken place in Nebraska. Applying those peer reviewed statistics to Nebraska, that means 1,400 abortions were either unwanted, coerced, or inconsistent with their values. Of those, 350 abortions were either unwanted or coerced. 350. 350 women per year whose choice was not really a choice. 350 women who had an abortion they didn't want. How many of those 350 unwanted abortions were more than just unwanted and coerced but also a result of sex trafficking? We don't know the exact number for Nebraska, but if we take a look at the aforementioned study of Dr. Laura Lederer, it is not a negligible number. Dr. Lederer's study shows that repeated abortion as a result of sex trafficking is not a nonissue. Even if one woman is taken out of sex trafficking rings because of LB669, it is a bill well worth passing. It is unconscionable to me that the abortion industry would be here opposing this bill. Frankly, it says far more about who they are



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and who they really serve than it does about this bill. Madam Chair, this bill is a simple statutory cleanup bill that also adds additional language aimed at getting women out of the sex trafficking industry. No matter what you think about abortion, I hope this is a cause we can all get behind. I urge you to advance LB669 as soon as possible. Thank you very much. Happy to answer any questions.

**BOSN:** Thank you. Questions from the committee? Seeing none. Thank you for being here. Next proponent. Welcome.

**BUD SYNHORST:** Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Bud Synhorst, B-u-d S-y-n-h-o-r-s-t. I'm here-- appearing here today as the registered lobbyist for Nebraska Right to Life, a statewide grassroots organization. I am representing thousands of Nebraska pro-life households in support of LB669. Since 2006, Nebraska has been enacting laws to combat human trafficking, according to a recent document titled Human Trafficking Myths to Dispel, posted on the Nebraska Attorney General's website. 51 different cities and towns in our state have had at least a preliminary investigation of human trafficking, covering every corner of our state. Sex trafficking and, and domestic abuse create health consequences that encompass physical, mental, and emotionally devastating outcomes with lasting effects and impairments that can span a lifetime. In 20-- a 2014 study from the University of Loyola Chicago Law School surveying over a hundred domestic sex trafficking survivors, more than 88% of victims suffered depression, 76% anxiety, 73% nightmares, 68% flashbacks, and 82% shame or guilt. The personal interviews conducted were more-- were of complete mental devastation, revealing about 41% having attempted suicide and more than 54% suffering post-traumatic stress disorder. The prevalence of forced abortion was noted as a disturbing trend. We also have been made piti-- painfully aware over the past few decades of how prevalent domestic violence is as more programs have allowed women to find safe havens and tell their stories. However, we also know how trapped a woman can feel in these situations. Often, pregnancy causes those who control the victims, whether traffickers or abusive partners, to have an even greater hold over children and women. The controllers can easily use threats to force the victims into abortions. LB669 would at least provide an avenue for the victims-- sorry-- of coerced abortions to change their paths should they choose to do so. It would strengthen Nebraska's informed consent laws to protect women and offer assistance and resources by requiring abortion providers to screen for coercion, abuse, and human trafficking before performing an abortion.

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With our-- while our opposition would say efforts are already underway to screen for these terrible circumstances, we would say the evidence is clear by the continued increase in human trafficking and domestic violence more needs to be done. LB669 would provide the vehicle necessary by giving contact information for domestic violence and human trafficking hotlines and provide an opportunity to make a confidential phone call. We ask the committee to advance LB669 for further debate. And I would also just point to you some online testimony that was submitted by former Nebraska State Patrol Colonel Tom Nesbitt, who's been involved both as a state patrol officer and-- I got to look at the name of the group again. He's helped start a organization here in Nebraska called Disrupting Traffick. I think he had some very good points to make. Thank you very much.

**BOSN:** Thank you. Questions for this testifier? Senator Rountree.

**ROUNTREE:** Thanks so much, Chairwoman Bosn. And thank you, Mr. Synhorst, for your testimony today. And this might have already been covered as I was doing another bill across the hall. But just to ask [INAUDIBLE]. Looking at this 2014 study, when you were talking about 100 domestic sex trafficking survivors, of these-- we looked at the results, but were any of these forced into an abortion?

**BUD SYNHORST:** I believe so, Senator. And I believe Mr. Miner from the Catholic Conference in his handouts gave a copy of that study, Senator.

**ROUNTREE:** OK. All right. So I thought I might have missed that. OK. And I think then that would be all that I would ask on this one.

**BUD SYNHORST:** Very good. Thank you. And if you don't find what you're looking for, please let us know. We'd be happy to provide that for you.

**ROUNTREE:** I certainly will.

**BUD SYNHORST:** Thank you.

**BOSN:** Thank you. Next proponent. Anyone else here to testify in support of LB669. Last call. Welcome.

**JULIE SHRADER:** Thank you. My name is Julie Shrader, and I'm here with the Innocence Freed. I'm here to speak on and in support of LB669. Chairperson and members of the Judiciary Committee, thank you for the opportunity to testify today. My name is Julie Shrader. I'm the founder

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of Restored Wings and the founder of-- and Executive Director of Innocence Freed. For over 13 years, I've worked alongside survivors of human trafficking, exploitation, and abuse. Today, I'm here before you not only as a survivor or an advocate but as someone who's walked alongside these survivors, women and girls who have been silenced or manipulated and stripped of these real choices. I am honored to be here and to be their voice. One of the pers-- one of a person's most fundamental rights is the right to make an informed decision about their future. But for many women, especially those trapped in trafficking, abus-- abusive relationships, or coercive situations, informed consent does not exist. I have sat with survivors that have told me that they were forced or pressured into an abortion by traffickers, abusers, or even their family members who were trafficking them. Many were never given full information about the procedures or the risks. They were not given any other options, nor were they asked if they could be-- or, if they were safe or they were given a voice. No one asked them if they were being trafficked or exploited or anything even remotely close. This is why LB669 is so critical. This bill ensures that women are truly able to make an informed and voluntary decision free from coercion, fear, manipulation. It requires that women be screened for signs of trafficking and coercion and allows them to disclose the abuses of trafficking and to seek help. It provides them with the information they need to make a decision that is theirs alone and without manipulation or the coercion. No girl or woman should have to undergo a procedure she does not desire because no one took time to ensure her safety. No survivors should have to carry the trauma of an abortion she felt per-- pressured into, believing she had no other option. I was one of those women. By passing LB669, Nebraska can advocate for true choice, true consent, and the protection of those the mo-- very most vulnerable, which is these little babies and children. I assure you-- I urge you to support this bill, to stand with survivors, and to ensure that every girl and woman has the dignity of a fully informed and truly free decision. Thank you.

**BOSN:** Thank you for sharing your testimony.

**JULIE SHRADER:** Do you have any questions?

**BOSN:** Any questions from the committee? Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairwoman Bosn. Did you spell your name?

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**JULIE SHRADER:** Yeah. Julie, J-u-l-i-e; Shrader, S-h-r-a-d-e-r.

**HOLDCROFT:** Thank you.

**JULIE SHRADER:** There's no C in it.

**BOSN:** Any other questions? Seeing none. Thank you for being here.

**JULIE SHRADER:** Thank you.

**BOSN:** Yes.

**JULIE SHRADER:** Thanks.

**BOSN:** Next proponent.

**GINA TOMES:** Good afternoon, Madam Chairperson and committee. And thank you for allowing me to be here this afternoon. I am in support of this very important bill. Having worked-- my name is Gina Tomes, G-i-n-a T-o-m-e-s. And I'm the Executive Director of a life-affirming pregnancy help organization called Guiding Grace Motherhood Support Network. In having worked in the pregnancy help life-affirming world over the past 20 years, I have worked and walked alongside hundreds of women who have been experiencing an unexpected pregnancy and facing many, many different barriers and circumstances. Almost all of them have reported that they felt forced or coerced to choose abortion. If we wrapped services around like we can and do and allow these women to access support services and not have to feel forced, they are overwhelmingly reporting that they are [INAUDIBLE] facing the decision to work on themselves and to eliminate the ver-- [INAUDIBLE] barriers that are forcing them to choose an abortion. Many of the women that we work with report that it is a lifesaving, one-on-one usually conversation or intervention that changes the course of their life. Trafficking, domestic violence are on the rise. We as Nebraskans have an opportunity to do something and allow these women to be saved. Nobody deserves to be coerced and forced into an abortion. And it is happening daily. We have the opportunity to do an assessment and get these women help that they deserve that changes the trajectory of their life. We are witnessing Nebraska explode with amazing services, with nonprofits, with lifesaving safety nets that are transforming the very lives of these women and allowing them to be the mothers that they deserve to be and desire to be. We ask that you take this very, very seriously and allow this intervention to take place and save the lives of not only

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the women that we are seeing but the beautiful babies that they're carrying. Thank you.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here. Next proponent. Last call for proponents. Now we'll move to opponents. Anyone in opposition to LB669?

**ERIN FEICHTINGER:** I did give them the right one last time.

**BOSN:** Perfect.

**ERIN FEICHTINGER:** Great.

**BOSN:** Welcome back.

**ERIN FEICHTINGER:** Thanks for having me. Chair Bosn, members of the Judiciary Committee. My name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. And once again, I'm the Policy Director for the Women's Fund of Omaha. We would offer our opposition to LB669. To be clear, we do not oppose the portions of this bill which provide easy access to the domestic violence and trafficking hotlines and privacy in the event that a person discloses they are experiencing domestic violence or trafficking. And we do appreciate Sanders Storer's attention to that. We do have issues with basing statute on the legislative finding added in Section 1(8), which sets a foundation in statute that is based on some misleading research and conflates abortion care with trafficking and coercion, which is primarily our issue with LB669. Abundant research also demonstrates that the majority of women do not regret their abortions and in fact say their reasons for seeking abortion care are for financial considerations or simply because it was not the right time. There is nuance to consider here, and I know that this committee deals with questions of nuance every day that you're sitting here. Singling out abortions as particularly deserving of the state's scrutiny when it comes to combating the reproductive coercion that is often a part of domestic violence and trafficking can lead us also to forget two other important facts: one, that reproductive coercion also includes explicit attempts to force pregnancy against a person's will, either through pressure or birth control sabotage; and, two, that a person experiencing reproductive coercion might actually be seeking an abortion to restore their own agency and choice in a situation of re-- reproductive coercion. If we are going to enact legislation based on the assumption that many abo--

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abortions are coerced, we must also agree-- acknowledge and recognize in the statute that many pregnancies are coerced as well. Survivors know the same things that we do, that the chances of an unintended pregnancy doubles when intimate partner violence is present. That, with an unintended pregnancy, they are two to four times more likely to experience physical violence and that homicide is the leading cause of death for pregnant women in the United States. An unintended pregnancy may be the result of reproductive coercion, but seeking an abortion for that pregnancy may very well be the survivor taking full control of their situation, understanding what they need and what option is safest for them. I know the Lozier study has been mentioned a few times, and the data that's been presented up here is not particularly accurate to what the study actually says. For instance, in that study, only 10% of people surveyed said that it was specifically coerced. Obviously, that's still a problem. But I just want to make sure that we're dealing with accurate information. The study also notes that there are significant subgroups that are not represented in this study, including those that are less educated, less affluent, and black. So just want to make sure that we're dealing with what the study actually says when we're considering this. And I'd be happy to answer any questions that anybody may have to the best of my ability.

**BOSN:** Questions for this testifier? Seeing none. Thank you for being here.

**ERIN FEICHTINGER:** Thanks.

**BOSN:** Next opponent. Anyone else wishing to testify in opposition? Welcome back.

**ADELLE BURK:** Hi. Chair Bosn and members of the committee. My name's Adelle Burk, A-d-e-l-l-e B-u-r-k. And I'm again Senior Manager of Public Affairs at Planned Parenthood North Central States in Nebraska. And I'm here to testify against LB669. Make no mistake: Planned Parenthood categorically opposes all forms of reproductive coercion. Every individual should be able to make their own reproductive health care decisions free from unnecessary burdens, free from shame and stigma, and free from coercion. Physicians and staff at Planned Parenthood already screen patients for coercion as part of the informed consent process. This is in line with the standard of care and recommendations from major medical organizations, including the American College of Obstetricians and Gynecologists. That screening

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includes asking about and assessing the patient for any physical, sexual, or verbal abuse, as well as forms of reproductive coercion such as birth control tampering. As a health care provider that prioritizes the well-being of our patients, we ensure every patient has the freedom to make their own decisions about their reproductive future. Coercion related to abortion is a very small piece of the entire puzzle of the larger problem of violence against women and intimate partner violence. Focusing solely on coercive abortion takes away from the very broad problem of domestic violence and reproductive coercion. A published review of 27 research studies regarding reproductive coercion found a low prevalence of abortion coercion, ranging from 0.1% to 4% of pregnant women. In comparison, the same studies found that 8% of pregnant women had been pressured by a male partner to not seek abortion services. If anti-choice activists were genuinely interested in improving people's safety and health, the bill would include safeguards against all forms of reproductive coercion, including coerced pregnancy. That's why I want to be incredibly clear. LB669 is not about protecting people from coercion, but about trying to score political points by falsely implying that people seeking abortion care aren't making their own decisions. You have also heard folks before me cite research from the Charlotte Lozier Institute to justify their claims of high rates of abortion coercion. The organization was founded in 2011 by the prominent anti-- anti-choice organization Susan B. Anthony Pro-Life America to produce articles that its activists, like the individual who came before me, can cite in litigation and legislation. In fact, several research articles published by the Lozier Institute have since been retracted by journals due to inaccurate presentation of data and conflicts of interest. This body should not use slanted research to justify inserting inaccurate and stigmatizing anti-choice language into state statute. In summary, LB669 is not about addressing coercion. Screening for coercion is already part of standard medical practice. This bill is about restricting access to abortion and stigmatizing patients and providers. Planned Parenthood is committed to preventing coercion and abuse so that patients can make fully informed decisions about their futures. We opposed LB669 because it uses the guise of preventing coercion to insert the state into provider-patient relationship and push misinformation about abortion. For these reasons, we respectfully urge the committee not to advance LB669 to General File. And I'm happy to take any questions.

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**BOSN:** Questions from the committee? Seeing none. Thank you for being here.

**ADELLE BURK:** OK. Thanks.

**BOSN:** Next opponent. Welcome.

**JOY KATHURIMA:** Thank you. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Joy Kathurima, J-o-y K-a-t-h-u-r-i-m-a. And I'm testifying on behalf of the ACLU of Nebraska in opposition of LB669. The ACLU has worked diligently for decades to secure gender equality so that all women and girls can lead lives of dignity free from violence and discrimination. The ACLU also has a clear commitment to ensuring a Nebraska where all people, including low-income working families, are fully empowered to make personal medical decisions that are the best for them and their families free from undue political influence or discrimination. The ACLU of Nebraska strongly supports the constitutional rights to comprehensive family planning options and the strong liberty interest for all persons to control their reproductive health. Nebraska Revised Statute 28-327(4) (a) already requires a provider to evaluate for pressure or coercion when a person is seeking or consenting to an abortion. Health care providers have processes set up to screen patients for coercion, along with intimate partner violence, which is directly connected to reproductive coercion. To help curb intimate partner violence, we need to invest in a stronger safety net that includes access to health care, education, and housing, which allows for someone to leave an unsafe relationship sooner. Having legislation that forces abortion providers to spread misinformation about the side effects of abortion does not protect anyone. Every pregnant Nebraskan deserves the opportunity to make the best decision for their circumstances. This legislation is about politics and just another opportunity for anti-choice politicians and interest groups to shame and harass Nebraska women and their health care providers when they seek to exercise their right to safe, legal, and regulated abortions in Nebraska. The ACLU of Nebraska works to preserve and strengthen the constitutional liberties, including the right to reproductive freedom, for all people. For these reasons, we ask the committee not to advance LB669 to General File. Thank you. And I'm happy to answer any questions.

**BOSN:** Thank you. Questions for this testifier? Seeing none. Thank you for being here. Next opponent.



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**TAYLOR GIVENS-DUNN:** Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Taylor Givens-Dunn, T-a-y-l-o-r G-i-v-e-n-s-D-u-n-n. I'm the Policy and Power Building Manager at I Be Black Girl, the first and only reproductive justice organization in Nebraska that centers black women, femmes, and girls. And we're here today to express our opposition to LB669. While we understand that the intent behind LB669 may be to address serious issues like coercion, domestic violence, and human trafficking through enhanced screening measures-- which we are OK with-- we have concerns about the overall approach taken by this bill. We're concerned that LB669 does not safeguard all Nebraskans. It introduces intrusive and unnecessary questioning that will exacerbate existing inequities in our health care system. Instead of protecting patients, we're concerned that it undermines their autonomy and dignity, disproportionately harming those who are already face systemic barriers to care. At the core of LB669 is an assumption that abortion seekers are often coerced into their decisions. This bill mandates that health care providers ask invasive questions based on this assumption, such as inquiries about a patient's relationship with their partner, family, or the reasons for their decision. The problem with this approach is-- approach is that it presumes that all patients are vulnerable and unable to make informed, autonomous decisions about their reproductive health. It true guards the reality that most patients seeking abortion care do so because they are facing personal, financial, or health-related challenges that require them to make difficult choices. By forcing providers to ask invasive questions that imply coercion, LB669 perpetuates harmful stereotypes about those seeking abortions, suggesting that they are incapable of making those decisions for themselves. The bill's premise that abortion seekers need to be protected also fails to reflect the actual experiences of most people seeking abortion care. The Turnaway study-- a longitudinal study out of the University of California, San Francisco-- which followed women who sought abortions for nearly a decade-- found that less than 1% of abortion patients reported being coerced into that-- their decision. Most patients are making decisions based on their personal circumstances, such as financial instability, the desire to focus on their existing children, or concerns about the health or the health of their fetus. This is not coercion. It is thoughtful, deeply personal decision-making. By framing these decisions as somehow inherently suspect or needing external intervention, LB669 strips away the dignity and autonomy of individuals who seek abortion care. It perpetuates a harmful narrative that undermines trust in

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patients' ability to make decisions that are right for them, forcing them into a position where they must justify their actions to a health care provider. This kind of scrutiny has real, real consequences for patients who already feel marginalized or unheard in the health care system, particularly for black and brown Nebraskans. This added layer of judgment and mistrust may discourage them from seeking the care they need and deserve. We also want to be clear that hospitals across the state have established robust and evidence-based screening practices to identify and address instances of domestic violence and human trafficking. I Be Black Girl opposes LB669 because it perpetuates harmful stereotypes and undermines the dignity and autonomy of Nebraskans seeking care. Instead of focusing on further restricting access to care, we must trust individuals to make these decisions about their bodies and their futures free from coercion and judgment. The people of Nebraska deserve better. And we urge this committee to not advance LB669 to General File. Happy to answer any questions.

**BOSN:** Thank you. Questions for this testifier? Senator Rountree.

**TAYLOR GIVENS-DUNN:** Sure.

**ROUNTREE:** Thank you so much, Chairwoman Bosn. And thank you so much for your testimony today.

**TAYLOR GIVENS-DUNN:** Sure.

**ROUNTREE:** If you were able to work with Senator Storer on a bill that we could still protect women, what type would you offer?

**TAYLOR GIVENS-DUNN:** Sure. I think, I think I want to be clear that I Be Black Girl-- no version of this existing bill is one that we would support. But I do think there, there are conversations that can be had about what we do to make sure that domestic violence-- and domestic violence survivors and sex trafficking survivor-- survivors are supported. I just don't think this particular bill is that solution.

**ROUNTREE:** OK.

**TAYLOR GIVENS-DUNN:** Yeah.

**ROUNTREE:** All right. Thank you.

**TAYLOR GIVENS-DUNN:** Sure.

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**BOSN:** Thank you for being here.

**TAYLOR GIVENS-DUNN:** Thank you so much.

**BOSN:** Next opponent. Welcome back.

**ROSE KOHL:** Thank you. Yes, this is Rose Kohl of Nebraska Choose Life.

**BOSN:** Can I have you spell your first and last name?

**ROSE KOHL:** Yeah.

**BOSN:** I forgot to have you do that last time.

**ROSE KOHL:** R-o-s-e K-o-h-l. So with this LB669, I'm opposed to it in part because abortion is murder and it's wicked no matter who is choosing it or not choosing it, but also because all the changes that seem-- that are in this bill seem to loosen the existing regulations and facilitate more murder. Current screening laws require them to take action if the woman has a perception of feeling coerced. This is going to be replaced with the words "is being." By requiring them to prove-- you know, know without a doubt there's coercion as opposed to a feeling of coercion, that's a narrower definition. But the response to a known convers-- coercion case is deplorable. Rather than calling the police and getting her out of there, you're handing her a phone number. No protection to say it's a crime to commit an abortion on a woman who doesn't want one. No protection to say it's a crime to hand the woman back to the pimp who's in the car waiting for her. All you do is give her a hotline. And I'm guessing most people in the room have never called the hotline if they think that's some kind of good solution. I have called the hotline, and I am convinced that the National Trafficking Hotline works to cover up some of the trafficking, especially in my Omaha neighborhood. It's a great scheme. You know, call-- funnel all the reports to one location, pass some of the reports on and not others for a price. And-- it's not good. And the-- when I called-- I think the girl was in Florida that I talked to. If you've got someone in your office who's coerced with a pimp waiting for her, why not call the local police to get her out of there? And then to the parts where there's-- you know, you're taking out language, and they say it's because it's unenforceable. The language that is getting removed is requiring that, that there be a warning to the woman that there might be consequences for her, like death or disability or

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suicidal risk, that she might die from what's being done for her if that's part of the informed consent requirements. They say it's unenforceable, so they're just deleting it. Why not rewrite that so it's enforceable? If you care about women, wouldn't you want them to know that they might die from what they're going to do? Finally, I would say abortion is murder. It's a grievous evil that brings guilt in judgment on the land. We reap what we sow. Currently, 90% of Nebraska is in drought, and our state depends on rain for the agriculture for a lot of our economy. The grievous sin brings consequences to all of us, and we need to repent and save all lives. Save the women. Save the unborn children. That is what we need. Thank you.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here. Next opponent. Welcome back.

**JOHN MAYES:** Howdy. My name is John Mayes, J-o-h-n M-a-y-e-s. And first I'd like to say that I believe coercing someone to murder is wrong. I believe that sex trafficking is wrong. And I believe it because it says so out of the word of God. And God says in his word that he hates those who prey on the innocent. I'm in full support of helping those who-- the innocent that are being preyed on. However, that said, I still find myself in opposition to LB669 because of the seriousness with which God views the shedding of innocent blood. I'm opposed to LB669 for the following three reasons. First, I'm opposed to the bill because it treats abortion as something that can be regulated. Abortion is murder, and it should be treated as such in our laws. I would respectfully remind the ladies and gentlemen of this committee that Jesus is king. And the scriptures indicate that justice is the foundation of his throne. It is an affront to the justice to the Lord Jesus Christ to have in our laws stipulations for how and when murder may take place. This is the first reason I'm opposed to LB669. It offends the justice of the holy God. Secondly, I'm opposed to the bill because it is a perversion of justice owed to the unborn. The scriptures say do not withhold good from those to whom it is due. The good that is due your unborn constituents, ladies and gentlemen, is equal protection under the law. LB669 continues to withhold that good from them and treats the unborn as an unprotected class of citizen. This is the second reason why I'm opposed to the bill. It perverts the justice owed unborn babies. Third, I'm opposed to the bill because it perverts the justice owed to murderers. Murder is a capital crime in the law of God. And it-- as God's ministers, it is your responsibility as civil magistrates to apply the law of God in our society. LB669 does nothing to hold the

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abortionist, the mother, or even the coercer or the abuser, if there is one, criminally responsible for murder. The word of God says, he who justifies the wicked and he, he who condemns the righteous are both alike an abomination to the Lord. I would submit that the most practicable-- practical and tangible step you could take to protect them and-- babies is to author a bill of equal protection. And I would like to conclude my statements with a word out of the Book of Ecclesiastes. The preacher says in Ecclesiastes 12, let us hear the conclusion of the whole matter. Fear God and keep his commandments. For this is the whole duty of man. For God shall bring every work into judgment with every secret thing, whether it be good or whether it be evil. Thank you for your time.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

**JOHN MAYES:** Thank you.

**BOSN:** Next opponent. Anyone here to testify in the neutral capacity? Welcome back.

**DAVID ZEBOLSKY:** Thank you. It's David Zebolsky, D-a-v-i-d Z-e-b-o-l-s-k-y. Nebraskans Embracing Life is the organization that I am the chairman of. I'd like to commend Senator Rountree for earlier making that connection to the discrimination, the shameful discrimination history that we have in our country against minorities, against African Americans. And it-- this, this whole issue of abortion is a shameful discrimination against the child in the womb. And I would like to appeal to everyone-- everyone on this committee, but everyone watching in the state of Nebraska-- to please consider the child's position. Consider it on all of these issues. Consider the child's development in the womb where you can watch-- at ehd.org, you can watch a child developing in the womb. And if you're brave, you can watch an abortion at abortionno.org. This is the reality-- the murderous reality of the dismemberment of an innocent child in the womb or the poisoning of the wo-- of a child in the womb, which we're increasingly moving towards in this modern culture of administering a, an evil drug to a child in exchange for massive profits to the drug industry. Please consider the child as you maneuver with these bills. We're talking about regulating killing a child, imposing restrictions, regulations surrounding the killing of a child. It's, it's-- you know, it's, it's a wicked thought to just consider such a thing. I, I search for words to

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describe the horrible crime of child killing. So I just appeal to you as you-- with, with all of these issues, let's present moral high ground for the solution to these problems. You know, if we, if we talk about retaining sex in marriage, if we talk about abstinence, if we talk about protecting women from these abortion drugs, you know, we're going to help our culture to come to a better place. We're, we're going to see less abortions. We're going to see less harm to women's bodies. We're going to see less of these, these immoral problems with sex trafficking and, and on and on in this pervasive culture of death, which we're, we're so, we're so immersed that we're actually trying to regulate it. We need to stop abortion. We need to protect women. We need to protect the child in the womb. We need to preserve the family. Jesus Christ said, whatsoever you do to the least of these you do to me. We're going to all hear that at the end of time when we stand in judgment before him. Most Nebraskans are Christians. Please, please, please let me beg you again to consider the child in the womb. Thank you. God bless.

**BOSN:** Questions for this testifier? Senator Rountree.

**ROUNTREE:** Thank you so much, Chairwoman Bosn. And thank you for your words and your testimony. We just want to ensure that when we talk about the least of these-- not just the unborn, but from conception to the grave-- and that's something that we haven't done a good job of. So as you protect these, make sure we look at those when they come out of the womb. Make sure that we have good families, we can take care of them. Make sure when you see the one on the side of the road that is homeless, doesn't have anything to eat, they are still the least of these. I've heard today so much scripture. So much, so much. And I've held my tongue because I could go back with you, but this is not the place to do that. But we need to look at, as he said, the conclusion of the whole matter. So everything from conception to the time you put them in the grave. So if we're going to stand on one, we shall eat the whole roll. Every bit of it. So don't just look at this one and then forget about them when they come in. So let's take it all the way, and we can walk together.

**DAVID ZEBOLSKY:** Thank you, Senator. Appreciate that-- those words. In our mission at Nebraskans Embracing Life, we do recognize the problems with suicide, with assisted suicide, with discrimination also against the disabled and with these problems with euthanasia, euthanasia and the these false definitions of brain death, which are also

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discriminating against, against humanity. Yes. So thank you. We'll-- we need to work together to protect sacred human life from conception to natural death. Thank you.

**BOSN:** Any other questions? Thank you for being here.

**DAVID ZEBOLSKY:** Thank you. God bless.

**BOSN:** Next neutral testifier. I appreciate we're matching.

**CHRISTON MacTAGGART:** I got the memo. I'm so glad. Good afternoon, Chair Bosn, members of Judic-- Judiciary Committee. My name is Christon MacTaggart, C-h-r-i-s-t-o-n; last name, M-a-c-T-a-g-g-a-r-t. I'm the Executive Director of the Nebraska Coalition to End Sexual and Domestic Violence. Our network of 20 programs collectively serve all 93 counties in Nebraska and are primary service providers for domestic, sexual violence, and trafficking survivors. We are here testifying in a neutral capacity on LB669. To be clear, we believe that screening for domestic and sexual violence and connecting those services to support-- connecting those victims-- excuse me-- to support services is always important. And we know that when medical staff do this, it can be a crucial intervention that saves lives. We actually believe that amongst abortion fighters in Nebraska that this is already happening and that they're among those that already do a good job at this. You've-- I-- you've heard both proponents and opponents already talk about reproductive coercion. And I would also tell you that this is something that the majority-- this is something that our programs see every single day and that they see in the majority of survivors that they're working with. It can present as coercion, as identified in this bill. So coercion to obtain an abortion. It also, and-- at least in our experience-- more commonly shows up as pregnancy coercion, where victims are often forced to become pregnant through birth control, sabotage, or other means in order to give birth-- sometimes to multiple children as a way to trap victims in a relationship or financially prevent them from leaving. In fact, when intimate partner violence is present, we know the chance of an unintended pregnancy doubles. Because of this, we would hope that every pregnant person in Nebraska is actually being screened by medical providers for domestic and sexual violence and trafficking. And I think it's important to, to note that over 50,000 Nebraskans have had an unintended pregnancy resulting from rape, and many of those were-- many of that was because of their traffickers or their partners who are also abusing them. As advocates,

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we trust survivors to determine what the best decisions are for them always. We support [INAUDIBLE] for barriers of choices that keep them safe. We will identify domestic and trafficking survivors through screening, and we have to know that those decisions may include stepping away from an abortion due to coercion. It may include identifying pregnancy coercion and forced pregnancy and that those individuals may be making a thoughtful and intentional decision that abortion is their best option. So I think that it's, it's a broad lens. And I'm happy to answer any questions if you have them.

**BOSN:** Senator DeBoer.

**DeBOER:** So do they current-- do-- is it currently the practice for folks to screen about trafficking, coercion, et cetera at the first OBGYN appointment for a pregnant person? Do you know?

**CHRISTON MacTAGGART:** I would say that-- in our experience, it depends on the provider.

**DeBOER:** OK. So if we provided some sort of-- what-- some of what is in this bill with-- provide information about the hotline and whatever like that to all folks at their first OBGYN appointment, would that help to find some of these cases, do you think?

**CHRISTON MacTAGGART:** Potentially. I mean, I do think medical screening is an important part. Ultimately, when a survivor decides to disclose is always subject to when they decide to disclose. It can be because they were screened for it. Some screening is better than others. I'll also say that. And sometimes it, it may be down the road and a, and a different moment that they decide that is the time where it's safe for them to disclose and, and access support.

**DeBOER:** Would the-- so one of the things Senator Storer has made sure happens in this bill is that there's, like, a private screening, like, a private room conversation. Would something like that be useful in other contexts of a pregnancy?

**CHRISTON MacTAGGART:** I mean, I think private screening is-- again, by medical providers is always important. I-- survivors are more likely to disclose typically when they're in a private setting with somebody who they've built trust with.

**DeBOER:** Mm-hmm. OK. All right. Thank you.



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**BOSN:** Yeah. I guess I-- I'll foll-- sort of piggyback off of that. Because I thought that was the law, that at your first-- you know, at your eight- or six-week appointment, when you go in, you ha-- had that screening. And maybe you're right. Maybe it is just by my pract-- my OBGYN did that. But there was a series of questions that led me to believe it was sort of a standard procedure. Do you have enough food? Are there firearms in your home that are unsecured? Do you feel safe in your relationship? Do you feel threatened or coerced-- you know, just in general. So I guess to the extent that maybe some of the opponents are feeling that maybe this is directed solely towards those who are seeking, you know, end-of-pregnancy care, really we could maybe catch more cases of human trafficking if we just said this needed to be provided at all pregnancy first appointments.

**CHRISTON MacTAGGART:** Yeah. And again, I do think some providers are doing that and are doing a good job. And-- but I think, I think screening is probably-- I would say so-- some screening is better than others. I'll just say that.

**BOSN:** Fair.

**CHRISTON MacTAGGART:** Yeah.

**BOSN:** Any other questions in light of that? Thank you for being here.

**CHRISTON MacTAGGART:** Mm-hmm.

**BOSN:** Any other neutral testifiers? Welcome back.

**JARROD RIDGE:** Thank you. Thank you, Chair Bosn and committee members. My name is Jarrod Ridge, J-a-r-r-o-d R-i-d-g-e. Representing End Abortion Nebraska and 130 Nebraska pastors calling for the immediate and uncompromising end to abortion here in Nebraska. While I do appreciate as many here what the author is attempting to do, I cannot support the simple modification to the current statute as presented. The statute starts with, no abortion shall be performed except. That start indicates that we are treating a act of homicide as health care. Again, while I do appreciate the need to protect women who are coerced, we are completely ignoring the child in the womb who has no say in the decision to end its little life. The Bible explicitly affirms the value of human life as being created in the image of God from fertilization. Scripture declares that God knits individuals in the womb together,

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that they are unborn children. Exodus 21:22-25 condemns harm to the pregnant woman and her unborn child. These principles reject the notion that abortion can be ever justified, as it directly violates the commandment of you shall not murder. To restate, LB669 seeks to protect women from coercion. It fundamentally accepts abortion as a permissible act under the law so long as certain conditions are met. This undermines the biblical truth that abortion is an act of violence against an innocent child. By regulating abortion rather than abolishing it, the bill legitimizes the practice and fails to address its inherent immorality of termere-- terminating the preborn. These revisions attempt to protect women through coercion screening and resource provision, yet still leaves the unborn unprotected. With the statement of, again, no abortion shall be performed except-- it further strengthens the grip of death abortion has on our state by further legitimizing the act of homicide under the protection of law. I would ask, is not every baby in the womb being compelled to do something against its will-- which is the definition of coercion-- when they are brutally murdered? As 2 Kings 21:16 condemns shedding of innocent blood, so too must Nebraska reject all abortion. The only just solution is to criminalize abortion entirely and providing equal protection under the law for these precious little ones that God calls a reward, a crown, a gift. Should we not agree with God and protect them all? In closing, LB669 fails to uphold the biblical standard of justice for the unborn. It prioritizes political compromise over moral clarity. Nebraska must reject all compromised incremental efforts and instead revise this bill so that the preborn are equally protected, thus also protecting the women from coercion as well. We must affirm that every human life, born and unborn, is precious and should be protected as they are: a gift, a crown, and a reward. Thank you.

**BOSN:** Thank you. Questions for this testifier? Seeing none. Thank you for being here.

**JARROD RIDGE:** Thank you.

**BOSN:** Any other neutral testifiers? Welcome back.

**JEFF SPAHR:** Thank you. I am quoting from a rather lengthy document, and I'm concising that. I am providing that-- documents for you. I did not prevent-- print, print off enough because the, the document is quite lengthy.

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**BOSN:** I can scan it and share it with the committee. So thank you for letting me know that.

**JEFF SPAHR:** Chairperson, thank you for the opportunity to come before this committee. My name is Jeff Spahr, J-e-f-f S-p-a-h-r. I'm representing Abolish Abortion Nebraska and myself. I'm testifying in the neutral to LB669. Current State Statute 28-390 leaves the preborn legally unprotected from the mo-- from the mother, and this bill does nothing to change that. I want to quote portions of the amicus brief presented to the Supreme Court by Attorney Bradley Pierce in the Dobbs case that I feel addresses the issue to LB669. Please note when you hear court, think magistrates, which you are. Quote one: call upon the court to fill it's God-given and oath-bound constitution duty to administer justice. Quote two: urge the quote to-- court to recognize that a preborn person is entitled to equal protection of the laws under the Fourteenth Amendment. State laws protecting born persons should equally protect those yet born. Quote three: we must first recognize that all human authority is derivative of God's authority. Quote four: that declaration goes on to acknowledge the divine creator as the endowing source of unalienable human rights, such as life. Quote five: the ultimate source of all legitimate earthly authority is divine. As Christ said, all authority in heaven and on earth has been given to me. Quote six: civil officials and institutions have been given authority and associated responsibility by God to act as his ministers of justice. Quote seven: courts should recognize the Equal Protection Clause of the Fourteenth Amendment requires that state laws protecting born persons against homicide may not deny equal protection to persons not, not yet born. A preborn human being, no matter how small, is a person under Fourteenth Amendment. Several legal scholars have demonstrated the term person in the Eq-- Equal Protection Clause of the Fourteenth Amendment should be interpreted include pre-- preborn human beings from the moment of fertilization. Almost every-- quote nine: almost every pro-life policy that has reached this court, including the one under consideration, has been afflicted with at least one of these two denials of equal protection of the laws that the court pointed out in Roe. One, mothers granted or allowed a blanket license to kill with impunity; and, two, lower available penalties ranges for abortion of a fetus versus comparative homicide, homicide of a born person. Quote 10: every state already has laws on the books protecting human beings from unjustifiable homicide. That is, it's already illegal in every state to murder human beings. But exceptions exist to allow for abortion. The

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state simply needs to repeal those exceptions. The, the existing homicide law applies to all human beings. As the Constitution requires, we need to provide equal protection of the laws to all persons both before and after birth.

**BOSN:** Thank you very much for your testimony. Any questions for this witness? Seeing none. Thank you for being here. Any other neutral testifiers? Welcome back.

**TERESA FONDREN:** Thank you. Good afternoon, Chair Bosn, members of the committee. My name is Teresa Fondren, T-e-r-e-s-a F-o-n-d-r-e-n. I'm speaking on behalf of myself, Abolish Abortion Nebraska, and thousands of innocent preborn children who have no voice. Proponents of LB669 want more regulation of abortion. Those speaking in opposition want less regulation, but this is a grave category error. Abortion is not like health care to be regulated. It is murder, which must be abolished. The lord of heaven and earth speaks plainly when he declares in his word, if you show partiality, you are committing sin. This bill is partial in favor of mothers who kill their preborn children and prejudiced against the be-- human beings in their wombs. It allows women to commit murder via abortion with total impunity. The only question this bill asks of the mother is, are you doing this of your own volition? If so, then it's OK. Abortion's the mother's choice. Murder is OK for you if you're a mother and the victim is your preborn child. Should killing her innocent preborn child only be considered problematic if the mother is coerced into it? Would we say the same about a mother killing her born baby? Surely whether someone was coerced into murdering an innocent human being is not relevant to the question of whether the homicide itself should be a criminal act. I ask, isn't it normal for any kind of crime to be committed under some kind of pressure, be it financial, psychological, social, and so on? Further, how much can it really be considered coercion when a pregnant mother schedules an appointment, drives to the abortion mill, does not call 911 for help to stop those supposedly forcing her, avoids interaction with any sidewalk advocates trying to offer aid, and walks into the building of her own free will? Yet, even with true coercion, this bill also shows partiality in that it continues to apply an unequal standard of law in the case of preborn children who are murdered. We already have a law to punish coercers. Nebraska Revised Statutes Section 28-206 says that a person who causes another to commit any offense may be prosecuted and punished as if he were the principal offender. But this law is not being applied to abortions. Do you know

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why? Because of pro-life laws and things like LB53 that are trying to be passed. Because however much a mother may have been threatened with physical harm if she ultimately gives the go-ahead to have her preborn child killed, she is said to have committed no crime. It is obvious that no coercer will be prosecuted or punished as a principal offender for causing another to commit what is considered to be a nonoffense. If we are really against coercion, we should stop showing partiality, uphold our state motto-- equality before the law-- treat abortion as what it really is-- murder-- and let all coercers know that any homicide of preborn children will result in "crimiminal" inquiry and that they can be held accountable under the law as if they had themselves carried out the act. So please do not pass this bill out of committee, but work on passing legislation that would provide equal justice for the preborn.

**BOSN:** Thank you. Questions for this testifier? Seeing none. Thank you for being here. Neutral testifiers. Any other neutral testifiers? All right. While Senator Storer is making her way back up, I will note for the record there were 134 proponent comments submitted, 116 opponent comments submitted, and 3 neutral comments submitted for the record. Welcome back.

**STORER:** Thank you. Thank you for attention-- your attention to all of the testimony today, and I appreciate all of those that came out to provide their, their comments both-- on, on all, I guess, three sides. We had a-- we had a pretty, pretty strong balance on that. There's a few things I guess I do want to address. First and foremost, I'm going to bring us back to full circle what the intent of this bill is. There was some testimony, which I anticipated, that was critical of the language that was being removed. And again, that is being removed due to *Heineman v. Planned--* or, *Planned Parenthood v. Heineman*, 2010, where the-- removing the language that the Nebraska Supreme Court found to be unconstitutional and unenforceable. By removing that, we then allow the remaining language to be-- go back into-- go back into enforceability. This bill, we can, we can agree or disagree or have a, a discussion about pro-choice, pro-life. For the record, I'm very much pro-life, but this bill is about specifically protecting women. This happens to be targeted at protecting women by putting into place the screening at the-- at, at specifically when a woman is seeking an abortion to require their doctor to ask them if they are being trafficked or if they are in an abusive or coerced situation. While I appreciate a lot of the testimony that, that desires for a complete

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abolition of abortion-- and, and I'm not going to take time to have that at a-- in more in-depth conversation here, but I appreciate the passion of that. But while we wait for perfection, women are dying. This is not heaven. We're not there. I will not step over one innocent life because our processes are not perfect. We are not going to achieve perfection. What we can do is take measures within the realm of the law to do our best to protect Nebraskans. And in this case, we're targeting women. There was a, a comment made, I believe, by the representative of I Be Black Girl, that what they did support was, you know, programs-- if I understood correctly-- programs that supported survivors. Well, the reality there is, that-- today, there are some women never make it to the status of survivor. They don't ever get to call themselves a survivor because no one at any stage reached out and offered them an exit to their abuse. And there are tragic stories too numerous to talk about where they are not-- they never, they never become a survivor. So to wait for them to hopefully come out on the other side of an abusive situation-- just hope for that-- is inhumane. There was a couple of concerns also brought up about, you know, that somehow this was shaming and harassing women in some way. And I want to reiterate how important it was that these screening questions are asked of a woman in a private location. There is no shame. There's no harassment. There's no pressure to answer the question at all. There is no consequence for how the question is answered other than a positive that they're offered a number and the opportunity to go make a phone call, if they so choose, to get some help. It's easy to just throw around the word about trafficked. We hear it a lot. Trafficking. In fact, sometimes I worry we talk about it so much that we're becoming desensitized to it. But when you are talking about th-- there was a-- there was another comment about, you know, claiming that this bill was just looking to score political points. I do not consider one woman a political point. They are human beings. These are daughters and sisters and granddaughters. They are not political points. So I'm happy to answer any additional questions. I think we have-- we've, we-- I went back and I-- and addressed some of the comments, some of the concerns-- and I knew there would be some-- again, about the, the language that would be-- that is being removed. I think it's clear why that's being done. But at the very least, we have an opportunity to, to help even just one woman. And in situations, if you have never known someone or sat with someone or worked with someone that has been in an abusive or coerced or trafficked situation, it is sometimes hard to imagine that they may not

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have any opportunity for help. And this is simply providing them an opportunity. So with that, I would take any questions.

**BOSN:** Thank you, Senator Storer. Senator DeBoer.

**DeBOER:** Thank you. You heard some of the discussion we were having about maybe expanding this to be the first appointment that you have with your OB when you are pregnant so that that would sort of offer other folks an opportunity. Is that something you're interested in, amenable to, something like that?

**STORER:** I mean, I would have to see what the-- what that proposed language is. I not-- I'm not willing to just commit to something without something very specific. But I am always open to discussions.

**DeBOER:** OK.

**BOSN:** Senator Rountree.

**ROUNTREE:** Thank you, Chairwoman Bosn. And thank you, Senator Storer. I appreciate you bringing the bill. And just to piggyback on their question there, as we were listening to the testifiers, my question was to them, what input would they have to work with you so they could get a bill that protects? So I'd just say thank you for your openness, and I hope that a lot of the testifiers who had information would be able to reach out to you and work with you on getting the bill.

**STORER:** Thank you, Senator Rountree.

**BOSN:** Thank you. Any other questions for Senator Storer? All right. That will conclude our hearing on LB669. Don't go far. You're up next. Next up, we will have LB385. Can I see a show of hands how many individuals are here to testify on LB385? One. Thank you.

**STORER:** All right. Ready?

**BOSN:** Yes.

**STORER:** We got the room [INAUDIBLE]. Good afternoon again. It is still afternoon. That's pretty exciting. Tanya Storer, T-a-n-y-a S-t-o-r-e-r. I represent District-- Legislative District 43, consisting of Blaine, Boyd, Brown, Cherry, Custer, Dawes, Garfield, Keya Paha, Loup, Rock, and Sheridan Counties. I feel like I could come up with a rhyme or

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something to-- with all of those counties. Last year-- really, this-- LB385 is really a cleanup bill. Last year, portions of LB1096 were amended into LB934 by AM3050-- now, if you can keep up with me there-- which amended the Uniform Deceptive Trade Practices Act to add a new deceptive trade practice. Under the new provisions, a person engages in a deceptive trade practice if they make publicly available certain visual depictions of sexually explicit conduct, obscene material, or any material that is harmful to minors. The statement of intent for the bill was clear that the legislation was introduced to hold internet content providers accountable and take power away from traffickers to help empower victims. The bill was not intended to target internet service providers who have no control over what their customers use their internet service for. For this reason, the bill was drafted so that it, that it explicitly did not apply to any telecommunications services. However, not all internet service providers are telecommunication companies. Telecommunications service providers are communications providers that have traditionally provided telephone service. This category can include incumbent local exchange carriers, competitive local exchange carriers, and mobile wireless communication companies. It does not include cable video service providers, broadband-only providers, or those providers not registered as an eligible telecommunications carrier or-- otherwise known as an ETC-- but who, but who do provide internet access service. So LB385 simply closes that loophole by extending that exemption that was passed last year already under the original language from telecommunications service providers, extending that to telecommunications service providers and broadband internet access service providers. Say that three times really fast. Again, it cleans up the statute and ensures that the letter of the law matches the intent of the law. So happy to answer any questions. We do have one testifier coming behind me that I think can answer more technical questions.

**BOSN:** Questions for Senator DeBoer? Questions for Senator Storer?  
Senator DeBoer.

**DeBOER:** I just wanted to say it sounds like TNT in here, but this just looks like the kind of cri-- cleanup we've made on several bills this year where we had to expand that definition because we inadvertently excluded some folks.

**STORER:** Yes.



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**DeBOER:** Is that your understanding as well?

**STORER:** Yes.

**BOSN:** Seeing none. Thank you. First proponent.

**DAYTON MURTY:** Good afternoon, Chairwoman, members of the Judiciary Committee. My name is Dayton Murty, spelled D-a-y-t-o-n M-u-r-t-y. And I'm here testifying on behalf of Charter Communications. We do business in the state of Nebraska under the brand name Spectrum, and we serve approximately 156,000 Nebraskans. We also employ over 270 people in the state. And last year, we invested \$38 million in private capital to enhance and expand our network to an additional 2,000 homes and small businesses. We support LB385 because we are an internet service provider who is not all-- a telecommunications company. It extends the same protections of telecommunication companies to us, thus closing that loophole. We understand the original language was not intended to target us in any way. And we're very happy that the Attorney General sent a letter of support for LB385. I'm hap-- happy to answer any questions. Thank you.

**BOSN:** Questions for Mr. Murty? Thank you for being here.

**DAYTON MURTY:** Thank you.

**BOSN:** Any other proponents? Opponents. Neutral testifiers. Senator Storer waives her closing. But before she does, I will note for the record there was 1 proponent comment submitted. That concludes our hearing on LB385. Last but definitely not least is LB499 with Senator DeBoer. Just out of curiosity, can I see a show of hands how many individuals are testifying on this bill? Two. Got it.

**HOLDCROFT:** [INAUDIBLE] be out by 4:30.

**BOSN:** Rick.

**STORER:** Don't jinx it.

**DeBOER:** Now I'm going to have to speak as quickly as I can, Senator Holdcroft. Good afternoon, Chair Bosn and fellow members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r. And I represent District 10 in beautiful northwest Omaha. I appear today to introduce LB499, which makes changes to the members of the

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Crime Victim's Reparations Committee. The committee oversees the Crime Victim's Reparations program and, importantly, is responsible for approving or denying applications for funds through the Crime Victim's Reparations Fund. For-- some background for those who may be unfamiliar with the Crime Victim's Reparations-- commonly abbreviated CVR-- program, it was created in 1979 to provide financial support to innocent victims for certain expenses related to a reported crime. Eligible applicants include innocent victims, members of an innocent victim, or anyone who is injured as a result of helping an innocent victim. Applicants may be granted compensation for a variety of expenses as a result of the crime. Funding for the program comes from various sources, including the State General Fund-- including State General Fund appropriations consisting of 5% of offenders wages who are employed in the Federal Prison Industries program, a \$1 court fee for each misdemeanor or felony conviction with up to 5% of the net wages of inmates assigned to the Department of Correctional Services' work release program. Federal funds also account for a portion of the program's funding. The federal funds available vary from year to year, with the federal award estimated to be about 60% of the state's funds expended during the previous fiscal year. The CVR project has become somewhat of a passion project of mine over the time in-- over my time in the body. In 2021, I worked on changes to how medical bills may be reported to the CVR program, allowing bills to be sent directly from the hospital to treat a victim. That work was followed up with multiple interim studies, including LR412 in 2022, which identified quite a few deficiencies in the program. For those interested, I'm happy to provide the report created as result of LR412. But to briefly summarize, the program needed some tender love and care. It was not working, and we identified that they needed some assistance from the Legislature to make it more effective. One of those steps was LB757, which I introduced in '23. LB757 changed application deadlines for minor victims of crimes, and the CVR Committee may now consider exemptions to the deadline for all applicants if there was a good cause for missing the deadline. The bill passed as part of LB157, and you've heard me discuss it with the CVR Committee appointees who have been before us. And I was very pleased to hear that many of them mentioned it and reported that it has gone well and that things are really going well in the CVR now as compared to before. LB499 before us today is another step towards making the CVR program more responsive to the needs of victims. In LB499, we expand the membership of the committee by adding two additional public members and changing the

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qualifications for the public members. Used to be eight member-- I'm skipping a bit now for your help. It used to be eight members. Now it's ten members. We've added one who has been a victim of a crime. So we've added someone who's been a victim of a crime to get that perspective. There were three public members in addition to five members of the Crime Commission, and we added two. One is a member of a crime them-- a, a victim of crime themselves. So you've heard me asking folks about whether they think that would be helpful or hurtful. Some have said it would be helpful. Others said they wanted to think about it. So I have an amendment that has been passed out: AM438. It's add-- it adds a-- one section, 28-319.01, to the list of sexual assaults outlined in the bill for purposes of who may be on this-- the board. So the offense of assault of a child and was errantly left off the introduced copy. The second is a brief information page about the CVR program, including the changes in membership outlined by this bill. So I-- there's no fiscal costs. I think this will help to make this board more receptive to the needs of the victims that it helps. You've heard the, the folks that we have confirmed for this-- or, attempt to confirm, sent out the committee report on. And I think this will help them in this-- in their work. This is actually really an important program because you hear people say from time to time we don't talk enough about the victims of crime. And this is one place where we can really do something for victims of crime.

**BOSN:** Thank you. Questions for Senator DeBoer? I have just one.

**DeBOER:** OK.

**BOSN:** So it looks like on page 2, line 27 is where you have the one public member who is a victim. But there isn't a lot of-- how is that determined? Is it-- you know what I mean? How-- is this a self-identifying victim? And is there certain qualifications that this victim has to meet? Or is the goal really here to expand it and encourage individuals who have been maybe past recipients or something like that? Or-- is that something you're willing to maybe tighten up a little bit?

**DeBOER:** I mean, if you, if you want me to tighten it up, I can. But I can also say in the legislative history right now that obviously we want to do our best to get someone who fits one of these categories and that we should make all efforts to do so. That would probably be self-identified. But of course, if there's a-- someone who's become an

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activist or something because of their victim status, that they would be someone experienced. Thank you. So-- and I'm sure that the folks behind me can also probably answer that question a little bit better too.

**BOSN:** Thank you. All right. Thank you very much. First proponent. Welcome back.

**CHRISTON MacTAGGART:** Thank you. Good afternoon-- or, actually almost evening. My name is Christon MacTaggart, C-h-r-i-s-t-o-n M-a-c-T-a-g-g-a-r-t. I am the Executive Director of the Nebraska Coalition to End Sexual and Domestic Violence. I'm testifying in support of LB499. We have worked closely with the Crime Commission over a number of years, particularly as they have been assigned and absorbed more responsibility related to victims of crime. We'll continue that partnership and also hope to support changes that enhance the support and skills needed to carry out all of those responsibilities they have. We do feel as though this change to the Crime Victim's Reparation Board is an im-- is one important step towards that in addition to a number of others that have been taken, as Senator DeBoer mentioned. Currently, there's only one person on the CVR Board who represents victims of crime. However, the entire board has the same responsibilities for reviewing and approving claims submitted by victims as well as-- and appeals of denied claims. So we really believe there should be a strong foundation-- a stronger foundation around the understanding of trauma for those that are on the board. This is needed for, again, reviewing claims and understanding things like why a domestic violence victim maybe didn't report the assault against them by their spouse immediately or why a sexual assault victim is still a victim even if they were under the influence of drugs. It's also needed when interacting personally with victims during appeals hearings of denied claims. So during this process, committee members openly ask questions of the victims or, in the case of a homicide, their families about those claims and the information they deem necessary. In the past, this has looked, you know-- like, past examples of appeals might inc-- would include, like, an assault victim whose claim was denied because she didn't report within 72 hours, the family of a teenage homicide victim whose claim for a funeral expenses support was denied because of a suspicion the victim had sold drugs. All that said, there are sometimes technical and other reasons, sometimes good ones, why a claim is denied. And there are both state statute and internal rules and regs to help guide those decisions. However, these individuals are often still

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trauma victims. And understanding trauma behavior and knowing how to engage, question, and deliver bad news while causing minimal harm are basic skills that individuals with expertise in this area typically have. This bill will just help ensure the board makeup has a balance of those individuals who carry this expertise. Individuals use this fund because they have been victimized and quite often do not have the funds to pay these expenses themselves. That is the goal of the fund. That is the focus we are asking the committee to prioritize for this board and, again, to ensure that there is a balance and appropriate expertise amongst those involved in the decisions. I'm happy to answer any questions if you have any.

**BOSN:** Thank you. Questions from the committee? Senator Rountree.

**ROUNTREE:** Thank you so much, Chairwoman Bosn. And so for the board and for the CVR, how does, how does a member get the information that they need to? They can apply to the board, number one. But then once they apply and-- like, this [INAUDIBLE] they didn't report the crime in three days-- 72 hours, is that what it was?

**CHRISTON MacTAGGART:** Right. Yes. So there are both state statute and then internal rules and regulations the Crime Commission has developed that govern how they handle claims. And the rules and regs are, I think, five chapters long. They're probably ten pages of information. State statute is similar. So there's actually quite a bit of information that's been developed as to how they handle claims. So for folks on the board, they would-- they receive information about the claims, and then they meet on a pretty reg-- on a regular basis to review those and make decisions about them. The Crime Commission has a person within their organization that, that helps coordinate that. Does that answer your question?

**ROUNTREE:** So, so if I'm a victim, then it could be that my lawyer might let me know that there is--

**CHRISTON MacTAGGART:** Sure.

**ROUNTREE:** --my first notice of-- OK.

**CHRISTON MacTAGGART:** Yeah. A lawyer-- oftentimes, it's an advocate. So typically, there are advocates that work with individuals through a criminal process--

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**ROUNTREE:** OK.

**CHRISTON MacTAGGART:** --as well as, for example, our network of programs who work with individuals in the community every day. And they would notify them of the process and often help them with the paperwork.

**ROUNTREE:** All right. I'm good. Thank you.

**BOSN:** Other questions? Seeing none. Thank you for being here. Next proponent. Welcome.

**IVY SVOBODA:** Hello. Good afternoon, Chairperson Bosn and members of the Judiciary Committee. My name is Ivy Svoboda, I-v-y S-v-o-b-o-d-a. And I'm the Executive Director of the Nebraska Alliance of Child Advocacy Centers. I would like to thank-- to begin by thanking Senator DeBoer for our invaluable partnership and for securing an important amendment to LB499. As a reminder, the Nebraska Alliance of CACs aims to improve Nebraska's response to child abuse by coordinating with our members, the seven child advocacy centers, who served over 9,200 children and their families across the 93 counties and-- who experienced a report around abuse or neglect in 2023. It is crucial to have experienced representatives on boards and committees like the Crime Victim's Reparations Committee. Representation of professionals who work with child victims of sexual assault from the child advocacy centers is not only beneficial, but it's also essential. We can effectively communicate the needs and concerns to ensure the voice of children and caregivers we serve is heard. This understanding of trauma-informed care allows committee members to address complex emotional and psychological needs more efficiently. By educating committee members on best practices and victim supports and rights, we help create a more informed and empathetic system. The committee can then rely on our knowledge of evidence-based practices grounded in the latest scientific findings for providing effective support. Representing children and families, the CACs serves helps committee members ensure that these individuals will feel understood and supported. Our essential expertise in victim compensation programs aids the committee in what it is like to guide caregivers through an application process and accessing limited resources. Representation from our field that is grounded in the multidisciplinary response holistically addresses recovery, offering a comprehensive approach that benefits committee members by covering all aspects of needs of those seeking CVR. Our advocacy shapes policies to better support those seeking CVR, thus empowering committee

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members to drive systematic improvements and positively impact the system. Overall, including additional preve-- professionals in the CVR Committee will enrich it with specialized knowledge and comprehensive care approaches. This will ensure more effective support for children and their caregivers navigating the system. I urge you to support LB499 and AM438. Thank you for your attention to this important matter.

**BOSN:** Thank you. Any questions for Ms. Vo-- Svoboda? Thank you for being here.

**IVY SVOBODA:** Thanks.

**BOSN:** Yup. And the work that you do. Thank you for both. Anyone else to testify in support of LB499? Opponents. Any opponents? Neutral testifiers. All right. While Senator DeBoer is making her way back up, I will note there were 5 proponent submitted-- comments submitted, 0 opponent, and 0 neutral comments submitted. Welcome back.

**DeBOER:** Thank you very much. So I may have in my attempt to go so quickly before-- which wasn't that quick after all-- have omitted to say that one of the other new people added is an additional person who has experience working with trauma victims. So that explains the testimony you've heard. And the reason we don't have victim further defined within the bill is because it's already defined within the crime victims statute.

**BOSN:** Thank you. That-- I wondered that. Thank you.

**DeBOER:** Yup.

**BOSN:** Any other questions? Seeing none. Thanks for closing us so early, everyone. That will conclude LB499 and our hearings for today.