LB518
2019

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 518

Introduced by Linehan, 39; Pansing Brooks, 28; Slama, 1.

Read first time January 22, 2019

Committee: Health and Human Services

A BILL FOR AN ACT relating to health and human services; to amend section 81-1429.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Support for Trafficking Survivors Act; to create an office, a board, and a fund; to state intent regarding appropriations; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Support for Trafficking Survivors Act.

Sec. 2. (1) The Legislature finds that:

(a) Substantial harm results from the commercial sexual exploitation of individuals, including physical violence, negative physical and mental health consequences, rape, and suicide;

(b) Commercial sexual exploitation is widespread and has profound economic and social impacts on Nebraskans;

(c) There is a lack of supportive services available to minor and adult victims of sex trafficking and commercial sexual exploitation;

(d) The Department of Health and Human Services plays an integral role in serving vulnerable populations and there is a need for the department to provide leadership in coordinating supportive services for victims;

(e) The existing network of domestic violence and sexual assault programs are uniquely equipped to provide supportive services to victims of sex trafficking and commercial sexual exploitation using a trauma-informed and victim-centered approach; and

(f) Law enforcement plays an important role in identifying victims of sex trafficking and commercial sexual exploitation and directing them toward supportive services.

(2) It is the intent of the Support for Trafficking Survivors Act to create a statewide multisystemic response and provide supportive services that promote safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation and to establish the Office of Support for Trafficking Survivors, Support for Trafficking Survivors Advisory Board, and Support for Trafficking Survivors Fund as a means to that end.

Sec. 3. For purposes of the Support for Trafficking Survivors Act:

(1) Board means the Support for Trafficking Survivors Advisory Board created in section 5 of this act;
(2) Commercial sexual exploitation means the exploitation of individuals as a result of their involvement in commercial sexual activity as defined in section 28-830;

(3) Department means the Department of Health and Human Services;

(4) Eligible program recipient means an organization that (a) is a nonprofit organization organized under section 501(c)(3) of the Internal Revenue Code or a federally recognized Indian tribe whose governmental body is within the borders of Nebraska and (b) has an affiliation agreement with the department to provide services to victims of domestic violence and sexual assault under the Protection from Domestic Abuse Act;

(5) Office means the Office of Support for Trafficking Survivors created in section 4 of this act;

(6) Sex trafficking or sex trafficking of a minor has the same meaning as in section 28-830; and

(7) Supportive services include, but is not limited to, housing, economic stability, education, mental health, substance abuse, legal, transportation, case management, and victim advocacy services.

Sec. 4. (1) The Office of Support for Trafficking Survivors is established within the department. The office shall consist of a program coordinator, appointed by the chief executive officer of the department, and other support staff deemed necessary by the department.

(2) The office shall:

(a) Provide administrative support to the board;

(b) Oversee and coordinate the implementation of the state plan created by the board under section 6 of this act;

(c) Administer and oversee the grant program established under section 7 of this act;

(d) Coordinate the department's efforts to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation, including identifying and
addressing challenges associated with individual cases of commercial sexual exploitation and sex trafficking;

(e) Collaborate with other state agencies to ensure a statewide multisystemic response that promotes safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation;

(f) Coordinate trauma-informed and victim-centered training and resources on sex trafficking and commercial sexual exploitation for relevant department staff, as well as other state agencies and service providers who work with victims of sex trafficking and commercial sexual exploitation;

(g) Monitor and apply for available federal or other funding opportunities that would support efforts to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and efforts to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation; and

(h) As part of the state plan created under section 6 of this act, submit an annual report of all receipts to and disbursements from the Support for Trafficking Survivors Fund, including a description and amount of administrative costs expended, the name of grant recipients under the competitive grant program, a brief description of each supportive service program funded, the number of persons served by the grant program, and the dollar amount awarded.

(3) The costs of administering the Office of Support for Trafficking Survivors shall be paid from the Support for Trafficking Survivors Fund, not to exceed twenty percent of the total amount available in such fund. Expenses incurred under subsection (7) of section 5 of this act shall be included as administrative costs subject to such limit.

Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is created within the Office of Support for Trafficking Survivors. The purpose of the board is to award grants and create a state plan for
supportive services for victims of sex trafficking and commercial sexual exploitation. The board shall have fifteen members, including nine voting and six nonvoting members. The voting members shall be appointed by the Governor.

(2) The voting members shall, to the extent practical, be representative of the geographic diversity and demographic composition of Nebraska. The board shall include the following voting members:

(a) At least two survivors of sex trafficking or commercial sexual exploitation;

(b) A representative of a service provider that serves victims of domestic or sexual assault or sex trafficking and is not a grant program recipient under section 7 of this act;

(c) One representative of a statewide association of child advocacy centers;

(d) Three representatives of law enforcement, with one from each congressional district;

(e) One county attorney who has experience working with victims of sex trafficking and commercial sexual exploitation; and

(f) One expert in behavioral health with experience working with victims of sex trafficking and commercial sexual exploitation.

(3) The nonvoting members of the board shall include:

(a) One representative of a statewide coalition representing nonprofit organizations that have an affiliation agreement with the department to provide services to victims of domestic violence and sexual assault under the Protection from Domestic Abuse Act, as designated by the department;

(b) One representative of the Nebraska State Patrol, as designated by the Superintendent of Law Enforcement and Public Safety;

(c) One representative of the Nebraska Commission on Law Enforcement and Criminal Justice, as designated by the executive director of the commission;
(d) One representative of the Attorney General’s office, as designated by the Attorney General;

(e) One representative of the Office of Probation Administration, as designated by the probation administrator; and

(f) The program coordinator of the office.

Members of the board shall serve four-year terms. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed at the expiration of his or her term. An appointed board member shall not serve more than two consecutive terms, whether partial or full.

Initial board members shall be appointed no later than October 1, 2019.

The program coordinator of the office shall serve as chairperson of the board. The board may elect the other officers and establish committees as it deems appropriate.

The members of the board shall not receive any compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. The reimbursement shall be paid from the Support for Trafficking Survivors Fund. In any one fiscal year, no more than five percent of the funds available in the Support for Trafficking Survivors Fund shall be used for the purpose of reimbursement of board members subject to the limitation in subsection (3) of section 4 of this act.

Any board member may be removed by the Governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

Sec. 6. The board shall have the following powers and duties:

(1) To meet not less than quarterly at the call of the chairperson to conduct its official business;

(2) To create and annually review a state plan to prevent, identify,
and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. The state plan shall be revised at least once every three years. The state plan shall be submitted to the Governor and electronically to the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature within one year after the appointment of the original board and annually thereafter by December 1. Such state plan shall:

(a) Include strategies to develop and support the provision of supportive services for victims of sex trafficking and commercial sexual exploitation across the state;

(b) Include steps to develop and implement a screening and reporting plan for the department and other state agencies and make recommendations regarding the use of specific screening tools and reporting mechanisms;

(c) Evaluate the availability of services accessed through the child welfare system and the criminal justice system, as well as supportive services funded through the competitive grant program established in section 7 of this act;

(d) Include an accounting of all receipts to and disbursements from the Support for Trafficking Survivors Fund, including a description and amount of administrative costs expended, the name of grant recipients under the competitive grant program, a brief description of the programs funded, the number of persons served by the grant program, and the dollar amount awarded;

(e) Include an accounting of all receipts to and disbursements from the Human Trafficking Investigation Assistance Fund, including a description of reimbursements made, the name of state or local law enforcement agencies that received reimbursement, and the type of expense reimbursed; and

(f) Include the number of victims of sex trafficking and commercial sexual exploitation identified or served by the department and other
state agencies and services;

(3) To develop criteria, review applications, and approve the awarding of grants to eligible program recipients in the manner described in section 7 of this act;

(4) To consult with all relevant state agencies, task forces, commissions, and boards to help determine availability, probable effectiveness, fiscal soundness, and need for proposed programs; and

(5) To identify barriers to the provision of supportive services for victims of sex trafficking and commercial sexual exploitation and make recommendations to eliminate such barriers in the state plan.

Sec. 7. (1) The board shall establish a competitive grant program in support of the state plan developed under section 6 of this act to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. The awarding of any such grant shall be approved by a majority of the voting members of the board.

(2) After administrative costs, the funds available in the Support for Trafficking Survivors Fund shall be awarded to provide supportive services to eligible program recipients to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. Programs providing supportive services that are funded through such grant program shall:

(a) Utilize a trauma-informed approach, which involves understanding and responding to the symptoms of trauma and traumatic stress across the lifespan, recognizing the signs and symptoms of trauma, implementing that knowledge about trauma into policies, procedures, and practices, and seeking to actively resist re-traumatization;

(b) Use a victim-centered approach, which focuses on the needs and concerns of the victim, provides supportive services in a
nondiscriminatory, nonjudgmental manner, and seeks to minimize re-
traumatization by supporting victims’ rights, dignity, autonomy, and
self-determination;

(c) Provide services that are linguistically and developmentally
appropriate. Applicants must have in place policies and procedures
promoting linguistically relevant services, including the accessibility
of services for program participants with limited English proficiency and
individuals with disabilities;

(d) Ensure that case management is provided for all victims of sex
trafficking and commercial sexual exploitation receiving services under
the grant. Case management shall include, but not be limited to, an
assessment of victim needs, development of individualized service plans,
assessment of eligibility for other public or community-based programs,
assistance in accessing publicly funded programs, assistance with safety
planning, assistance with crime victim compensation claims when possible,
information and referral, documentation of services provided, and routine
followup to ensure that the needs of the victim are being addressed. Case
management shall be delivered in a manner that is trauma-informed and
victim-centered;

(e) Inform each victim about the option to work within the criminal
justice system in the prosecution of the trafficker and others involved
in his or her sex trafficking or commercial sexual exploitation;

(f) Provide access to services regardless of age, gender, race,
ethnicity, national origin, religion, sexual orientation, gender
identity, disability, language, or socioeconomic status; and

(g) Have written policies and procedures to ensure the safety,
confidentiality, and privacy of the information regarding each victim.

(3) Programs providing supportive services shall be ineligible to
participate in the grant program described in subsection (2) of this
section if:

(a) Services are provided in a way that is coercive or not
voluntary;

(b) Services provided (i) do not allow the free practice of the religion of choice, (ii) promote one religious practice over another, or (iii) require or incentivize the practice of religion as a program component; or

(c) Services are conditioned upon participation with the criminal justice system in the prosecution of traffickers or others involved in sex trafficking or commercial sexual exploitation.

(4) In awarding grants under this section, consideration shall be given to factors such as need, geographic location, diversity of population served, and coordination with or improvement of existing services.

(5) The first grants shall be awarded during calendar year 2020.

(6) Funding for the competitive grant program shall be paid from the Support for Trafficking Survivors Fund.

Sec. 8. The board shall contract for an independent evaluation of the state plan created under section 6 of this act and the competitive grant program created under section 7 of this act if public or private funding is made available in the Support for Trafficking Survivors Fund for this specific purpose. The evaluation shall assess the effectiveness of the state plan in promoting the safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation and the effectiveness of the grant program in achieving the purposes described in section 7 of this act. The evaluation shall begin after the completion of the second year of the competitive grant program and shall be completed in the third year of the program. The department shall electronically transmit the completed evaluation to the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature.

Sec. 9. (1) The Support for Trafficking Survivors Fund is created. The State Treasurer shall credit to the fund such money as is
appropriated or transferred to the fund by the Legislature, donated as
gifts, bequests, or other contributions to such fund from public or
private entities, and made available by any department or agency of the
United States if so directed by such department or agency. The fund shall
be administered by the Department of Health and Human Services.

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

(3) The fund shall only be used for purposes authorized under the
Support for Trafficking Survivors Act and shall not be used to supplant
any existing governmental program or service. Unless granted under
section 7 of this act, no grants may be made to any state department or
agency.

Sec. 10. (1) It is the intent of the Legislature to appropriate
four hundred fifty thousand dollars from the General Fund to the Support
for Trafficking Survivors Fund each year for fiscal years 2019-20 and
2020-21 in order to implement the Support for Trafficking Survivors Act.

(2) It is the intent of the Legislature to appropriate fifty
thousand dollars from the General Fund to the Human Trafficking
Investigation Assistance Fund each year for fiscal years 2019-20 and
2020-21 to implement the Support for Trafficking Survivors Act.

Sec. 11. Section 81-1429.02, Revised Statutes Cumulative Supplement,
2018, is amended to read:

81-1429.02 The Human Trafficking Investigation Victim Assistance
Fund is created. The fund shall consist of any funds appropriated by the
Legislature or contain money donated as gifts, bequests, or other
contributions from public or private entities. Funds made available by
any department or agency of the United States may also be credited to the
fund if so directed by such department or agency. The fund shall be
administered by the Nebraska Commission on Law Enforcement and Criminal
Justice. The Department of Justice shall approve and coordinate payments
to state and local law enforcement. All money credited to such fund shall
be used to reimburse state or local law enforcement for expenses
associated with victim-centered, trauma-informed investigations,
operations, or prosecution of sex trafficking. The fund shall not be used
to reimburse state or local law enforcement costs associated with
investigations, operations, or prosecution of prostitution arrests
support care, treatment, and other services for victims of human
trafficking and commercial sexual exploitation of a child. Any money in
the fund available for investment shall be invested by the state
investment officer pursuant to the Nebraska Capital Expansion Act and the
Nebraska State Funds Investment Act. The State Treasurer shall transfer
the balance remaining in the Human Trafficking Victim Assistance Fund on
the effective date of this act to the Human Trafficking Investigation
Assistance Fund.

Sec. 12. Original section 81-1429.02, Revised Statutes Cumulative
Supplement, 2018, is repealed.