

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 255**

Final Reading

(Second)

Introduced by McGill, 26; Christensen, 44.

Read first time January 16, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections 28-801,  
 2 28-801.01, 28-804, 28-830, 28-831, and 43-247, Reissue  
 3 Revised Statutes of Nebraska, and sections 28-707,  
 4 28-802, 28-1354, 43-248, 43-250, and 81-1430, Revised  
 5 Statutes Cumulative Supplement, 2012; to change  
 6 provisions relating to child abuse; to change provisions  
 7 and penalties relating to prostitution, solicitation of  
 8 prostitution, pandering, and keeping a place of  
 9 prostitution; to provide an affirmative defense to  
 10 prosecution for prostitution for certain trafficking  
 11 victims; to provide an affirmative defense to prosecution  
 12 for solicitation of prostitution for certain trafficking  
 13 victims; to provide immunity from prosecution for  
 14 prostitution for persons under eighteen years of age; to  
 15 define and redefine terms and change penalty provisions

1 relating to human trafficking offenses; to provide for  
2 temporary custody and disposition of juveniles committing  
3 prostitution; to provide duties for the human trafficking  
4 task force; to harmonize provisions; to provide an  
5 operative date; to provide severability; and to repeal  
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 28-707, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   28-707 (1) A person commits child abuse if he or she  
4 knowingly, intentionally, or negligently causes or permits a minor  
5 child to be:

6                   (a) Placed in a situation that endangers his or her life  
7 or physical or mental health;

8                   (b) Cruelly confined or cruelly punished;

9                   (c) Deprived of necessary food, clothing, shelter, or  
10 care;

11                   (d) Placed in a situation to be sexually exploited by  
12 allowing, encouraging, or forcing such minor child to solicit for or  
13 engage in prostitution, debauchery, public indecency, or obscene or  
14 pornographic photography, films, or depictions; ~~or~~

15                   (e) Placed in a situation to be sexually abused as  
16 defined in section 28-319, 28-319.01, or 28-320.01; ~~or~~ -

17                   (f) Placed in a situation to be a trafficking victim as  
18 defined in section 28-830.

19                   (2) The statutory privilege between patient and  
20 physician, between client and professional counselor, and between  
21 husband and wife shall not be available for excluding or refusing  
22 testimony in any prosecution for a violation of this section.

23                   (3) Child abuse is a Class I misdemeanor if the offense  
24 is committed negligently and does not result in serious bodily injury  
25 as defined in section 28-109 or death.

1                   (4) Child abuse is a Class IIIA felony if the offense is  
2 committed knowingly and intentionally and does not result in serious  
3 bodily injury as defined in section 28-109 or death.

4                   (5) Child abuse is a Class IIIA felony if the offense is  
5 committed negligently and results in serious bodily injury as defined  
6 in section 28-109.

7                   (6) Child abuse is a Class III felony if the offense is  
8 committed negligently and results in the death of such child.

9                   (7) Child abuse is a Class II felony if the offense is  
10 committed knowingly and intentionally and results in serious bodily  
11 injury as defined in such section.

12                   (8) Child abuse is a Class IB felony if the offense is  
13 committed knowingly and intentionally and results in the death of  
14 such child.

15                   (9) For purposes of this section, negligently refers to  
16 criminal negligence and means that a person knew or should have known  
17 of the danger involved and acted recklessly, as defined in section  
18 28-109, with respect to the safety or health of the minor child.

19                   Sec. 2. Section 28-801, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21                   28-801 (1) ~~Any~~ Except as provided in subsection (5) of  
22 this section, any person who performs, offers, or agrees to perform  
23 any act of sexual contact or sexual penetration, as those terms are  
24 defined in section 28-318, with any person not his or her spouse, in  
25 exchange for money or other thing of value, commits prostitution.

1           (2) Any person convicted of violating subsection (1) of  
2 this section shall be punished as follows:

3           (a) If such person has had no prior convictions or has  
4 had one prior conviction, such person shall be guilty of a Class II  
5 misdemeanor. If the court places such person on probation, such order  
6 of probation shall include, as one of its conditions, that such  
7 person shall satisfactorily attend and complete an appropriate mental  
8 health and substance abuse assessment conducted by a licensed mental  
9 health professional or substance abuse professional authorized to  
10 complete such assessment; and

11           (b) If such person has had two or more prior convictions,  
12 such person shall be guilty of a Class I misdemeanor. If the court  
13 places such person on probation, such order of probation shall  
14 include, as one of its conditions, that such person shall  
15 satisfactorily attend and complete an appropriate mental health and  
16 substance abuse assessment conducted by a licensed mental health  
17 professional or substance abuse professional authorized to complete  
18 such assessment.

19           (3) It is an affirmative defense to prosecution under  
20 this section that such person was a trafficking victim as defined in  
21 section 28-830.

22           (4) For purposes of this subsection, section, prior  
23 conviction means any conviction on or after July 14, 2006, for  
24 violation of subsection (1) of this section or any conviction on or  
25 after July 14, 2006, for violation of a city or village ordinance

1 relating to prostitution.

2           (5) If the law enforcement officer determines, after a  
3 reasonable detention for investigative purposes, that a person  
4 suspected of or charged with a violation of subsection (1) of this  
5 section is a person under eighteen years of age, such person shall be  
6 immune from prosecution for a prostitution offense under this section  
7 and shall be subject to temporary custody under section 43-248 and  
8 further disposition under the Nebraska Juvenile Code. A law  
9 enforcement officer who takes a person under eighteen years of age  
10 into custody under this section shall immediately report an  
11 allegation of a violation of section 28-831 to the Department of  
12 Health and Human Services which shall commence an investigation  
13 within twenty-four hours under the Child Protection Act.

14           Sec. 3. Section 28-801.01, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           28-801.01 (1) Any person who solicits another person not  
17 his or her spouse to perform any act of sexual contact or sexual  
18 penetration, as those terms are defined in section 28-318, in  
19 exchange for money or other thing of value, commits solicitation of  
20 prostitution.

21           (2) Any person convicted of violating subsection (1) of  
22 this section shall be punished as follows:

23           (a) If such person has had no prior convictions, such  
24 person shall be guilty of a Class I misdemeanor and pay a fine of not  
25 less than two hundred fifty dollars, unless the person solicited is

1 under the age of eighteen years, in which case such person violating  
2 this section shall be guilty of a Class IV felony. If the court  
3 places such person on probation, such order of probation shall  
4 include, as one of its conditions, the payment of a fine of not less  
5 than two hundred fifty dollars and such person shall satisfactorily  
6 attend and complete an appropriate mental health and substance abuse  
7 assessment conducted by a licensed mental health professional or  
8 substance abuse professional authorized to complete such assessment;  
9 and

10 (b) If such person has had one or more prior convictions,  
11 such person shall be guilty of a Class IV felony and pay a fine of  
12 not less than five hundred dollars. If the court places such person  
13 on probation, such order of probation shall include, as one of its  
14 conditions, the payment of a fine of not less than five hundred  
15 dollars and such person shall satisfactorily attend and complete an  
16 appropriate mental health and substance abuse assessment conducted by  
17 a licensed mental health professional or substance abuse professional  
18 authorized to complete such assessment.

19 (3) It is an affirmative defense to prosecution under  
20 this section that such person was a trafficking victim as defined in  
21 section 28-830.

22 Sec. 4. Section 28-802, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 28-802 (1) A person commits pandering if such person:

25 (a) Entices another person to become a prostitute; or

1                   (b) Procures or harbors therein an inmate for a house of  
2 prostitution or for any place where prostitution is practiced or  
3 allowed; or

4                   (c) Inveigles, entices, persuades, encourages, or  
5 procures any person to come into or leave this state for the purpose  
6 of prostitution or debauchery; or

7                   (d) Receives or gives or agrees to receive or give any  
8 money or other thing of value for procuring or attempting to procure  
9 any person to become a prostitute or commit an act of prostitution or  
10 come into this state or leave this state for the purpose of  
11 prostitution or debauchery.

12                   (2) Pandering is a Class IV felony for a first offense,  
13 unless the person being enticed, procured, harbored, or otherwise  
14 persuaded to become a prostitute ~~in violation of this section is~~  
15 under the age of eighteen years, in which case pandering is a Class  
16 III felony for a first offense. Pandering is a Class III felony for a  
17 second or subsequent offense.

18                   Sec. 5. Section 28-804, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20                   28-804 (1) Any person who has or exercises control over  
21 the use of any place which offers seclusion or shelter for the  
22 practice of prostitution and who knowingly grants or permits the use  
23 of such place for the purpose of prostitution commits the offense of  
24 keeping a place of prostitution.

25                   (2) Keeping a place of prostitution is a Class I

1 misdemeanor, unless any person using such place for the practice of  
2 prostitution is under the age of eighteen years, in which case any  
3 person convicted of keeping a place of prostitution shall be guilty  
4 of a Class IV felony.

5           Sec. 6. Section 28-830, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           28-830 For purposes of sections 28-830 to 28-832, the  
8 following definitions apply:

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

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

14           (3) Financial harm means theft by extortion as described  
15 by section 28-513;

16           (4) Forced labor or services means labor or services that  
17 are performed or provided by another person and are obtained or  
18 maintained through:

19           (a) Inflicting or threatening to inflict serious personal  
20 injury to the other person as defined by section 28-318;

21           (b) Physically restraining or threatening to physically  
22 restrain ~~another~~ the other person;

23           (c) Knowingly destroying, concealing, removing,  
24 confiscating, or possessing any actual or purported passport or other  
25 immigration document or any other actual or purported government

1 identification document of ~~another~~ the other person; or

2 (d) Causing or threatening to cause financial harm to  
3 ~~another~~ the other person;

4 (5) Labor means work of economic or financial value;

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

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

16 ~~(6)-(8)~~ Maintain means, in relation to labor or services,  
17 to secure continued performance thereof, regardless of any initial  
18 agreement by the ~~victim~~ other person to perform such type of service;

19 ~~(7)-(9)~~ Minor means a person younger than eighteen years  
20 of age;

21 ~~(8)-(10)~~ Obtain means, in relation to labor or services,  
22 to secure performance thereof;

23 ~~(9)-(11)~~ Services means an ongoing relationship between a  
24 ~~person and the actor~~ and another person in which the person performs  
25 activities under the supervision of or for the benefit of the actor.

1 Commercial sexual activity and sexually-explicit performances are  
2 forms of services under this section. Nothing in this subdivision  
3 shall be construed to legalize prostitution;

4 (12) Sex trafficking means knowingly recruiting,  
5 enticing, harboring, transporting, providing, or obtaining by any  
6 means or knowingly attempting to recruit, entice, harbor, transport,  
7 provide, or obtain by any means a person eighteen years of age or  
8 older for the purpose of having such person engage in commercial  
9 sexual activity, sexually explicit performance, or the production of  
10 pornography or to cause or attempt to cause a person eighteen years  
11 of age or older to engage in commercial sexual activity, sexually  
12 explicit performance, or the production of pornography;

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

22 ~~(10)-(14)~~ Sexually-explicit performance means a live or  
23 public play, dance, show, or other exhibition intended to arouse or  
24 gratify sexual desire or to appeal to prurient interests; and

25 ~~(11)-(15)~~ Trafficking victim means a person subjected to

1 any act or acts prohibited by section 28-831.

2 Sec. 7. Section 28-831, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 28-831 (1) No person shall knowingly ~~subject or attempt~~  
5 ~~to subject another person to forced labor or services. engage in~~  
6 labor trafficking or sex trafficking. If an actor knowingly ~~subjects~~  
7 ~~another person to forced labor or services by:~~ engages in labor  
8 trafficking or sex trafficking by:

9 (a) Inflicting or threatening to inflict serious personal  
10 injury to the other person as defined by section 28-318, the actor is  
11 guilty of a Class III felony;

12 (b) Physically restraining or threatening to physically  
13 restrain ~~another~~ the other person, the actor is guilty of a Class III  
14 felony;

15 (c) Knowingly destroying, concealing, removing,  
16 confiscating, or possessing any actual or purported passport or other  
17 immigration document, or any other actual or purported government  
18 identification document, of ~~such~~ the other person, the actor is  
19 guilty of a Class IV felony; or

20 (d) Causing or threatening to cause financial harm to  
21 ~~another~~ the other person, the actor is guilty of a Class I  
22 misdemeanor.

23 (2) No person shall ~~knowingly recruit, entice, harbor,~~  
24 ~~transport, provide, or obtain by any means or attempt to recruit,~~  
25 ~~entice, harbor, provide, or obtain by any means a minor for the~~

1 ~~purpose of having such minor engage in commercial sexual activity,~~  
2 ~~sexually explicit performance, or the production of pornography, or~~  
3 ~~to cause or attempt to cause a minor to engage in commercial sexual~~  
4 ~~activity, sexually explicit performance, or the production of~~  
5 ~~pornography. A person engage in labor trafficking of a minor or sex~~  
6 ~~trafficking of a minor. An actor who violates this subsection engages~~  
7 ~~in labor trafficking of a minor or sex trafficking of a minor shall~~  
8 be punished as follows:

9           (a) In cases in which the actor uses overt force or the  
10 threat of force against the trafficking victim, the actor is guilty  
11 of a Class II felony;

12           (b) In cases in which the trafficking victim has not  
13 attained the age of fifteen years, ~~and the actor does not use overt~~  
14 ~~force or the threat of force,~~ the actor is guilty of a Class II  
15 felony; or

16           (c) In cases involving a trafficking victim between the  
17 ages of fifteen and eighteen years, and the actor does not use overt  
18 force or threat of force against the trafficking victim, the actor is  
19 guilty of a Class III felony.

20           (3) Any person who knowingly ~~(a) recruits, entices,~~  
21 ~~harbors, transports, provides, or obtains by any means, or attempts~~  
22 ~~to recruit, entice, harbor, transport, provide, or obtain by any~~  
23 ~~means, a person eighteen years of age or older, intending or knowing~~  
24 ~~that the person will be subjected to forced labor or services or (b)~~  
25 benefits, financially or by receiving anything of value, from

1 participation in a venture which has, as part of the venture, an act  
2 that is in violation of ~~subsection (1) of this section~~, is guilty of  
3 a Class IV felony.

4           Sec. 8. Section 28-1354, Revised Statutes Cumulative  
5 Supplement, 2012, is amended to read:

6           28-1354 For purposes of the Public Protection Act:

7           (1) Enterprise means any individual, sole proprietorship,  
8 partnership, corporation, trust, association, or any legal entity,  
9 union, or group of individuals associated in fact although not a  
10 legal entity, and shall include illicit as well as licit enterprises  
11 as well as other entities;

12           (2) Pattern of racketeering activity means a cumulative  
13 loss for one or more victims or gains for the enterprise of not less  
14 than one thousand five hundred dollars resulting from at least two  
15 acts of racketeering activity, one of which occurred after August 30,  
16 2009, and the last of which occurred within ten years, excluding any  
17 period of imprisonment, after the commission of a prior act of  
18 racketeering activity;

19           (3) Person means any individual or entity, as defined in  
20 section 21-2014, holding or capable of holding a legal, equitable, or  
21 beneficial interest in property;

22           (4) Prosecutor includes the Attorney General of the State  
23 of Nebraska, the deputy attorney general, assistant attorneys  
24 general, a county attorney, a deputy county attorney, or any person  
25 so designated by the Attorney General, a county attorney, or a court

1 of the state to carry out the powers conferred by the act;

2 (5) Racketeering activity includes the commission of,  
3 criminal attempt to commit, conspiracy to commit, aiding and abetting  
4 in the commission of, aiding in the consummation of, acting as an  
5 accessory to the commission of, or the solicitation, coercion, or  
6 intimidation of another to commit or aid in the commission of any of  
7 the following:

8 (a) Offenses against the person which include: Murder in  
9 the first degree under section 28-303; murder in the second degree  
10 under section 28-304; manslaughter under section 28-305; assault in  
11 the first degree under section 28-308; assault in the second degree  
12 under section 28-309; assault in the third degree under section  
13 28-310; terroristic threats under section 28-311.01; kidnapping under  
14 section 28-313; false imprisonment in the first degree under section  
15 28-314; false imprisonment in the second degree under section 28-315;  
16 sexual assault in the first degree under section 28-319; and robbery  
17 under section 28-324;

18 (b) Offenses relating to controlled substances which  
19 include: To unlawfully manufacture, distribute, deliver, dispense, or  
20 possess with intent to manufacture, distribute, deliver, or dispense  
21 a controlled substance under subsection (1) of section 28-416;  
22 possession of marijuana weighing more than one pound under subsection  
23 (12) of section 28-416; possession of money used or intended to be  
24 used to facilitate a violation of subsection (1) of section 28-416  
25 prohibited under subsection (17) of section 28-416; any violation of

1 section 28-418; to unlawfully manufacture, distribute, deliver, or  
2 possess with intent to distribute or deliver an imitation controlled  
3 substance under section 28-445; possession of anhydrous ammonia with  
4 the intent to manufacture methamphetamine under section 28-451; and  
5 possession of ephedrine, pseudoephedrine, or phenylpropanolamine with  
6 the intent to manufacture methamphetamine under section 28-452;

7 (c) Offenses against property which include: Arson in the  
8 first degree under section 28-502; arson in the second degree under  
9 section 28-503; arson in the third degree under section 28-504;  
10 burglary under section 28-507; theft by unlawful taking or  
11 disposition under section 28-511; theft by shoplifting under section  
12 28-511.01; theft by deception under section 28-512; theft by  
13 extortion under section 28-513; theft of services under section  
14 28-515; theft by receiving stolen property under section 28-517;  
15 criminal mischief under section 28-519; and unlawfully depriving or  
16 obtaining property or services using a computer under section  
17 28-1344;

18 (d) Offenses involving fraud which include: Burning to  
19 defraud an insurer under section 28-505; forgery in the first degree  
20 under section 28-602; forgery in the second degree under section  
21 28-603; criminal possession of a forged instrument under section  
22 28-604; criminal possession of forgery devices under section 28-605;  
23 criminal impersonation under section 28-638; identity theft under  
24 section 28-639; identity fraud under section 28-640; false statement  
25 or book entry under section 28-612; tampering with a publicly

1 exhibited contest under section 28-614; issuing a false financial  
2 statement for purposes of obtaining a financial transaction device  
3 under section 28-619; unauthorized use of a financial transaction  
4 device under section 28-620; criminal possession of a financial  
5 transaction device under section 28-621; unlawful circulation of a  
6 financial transaction device in the first degree under section  
7 28-622; unlawful circulation of a financial transaction device in the  
8 second degree under section 28-623; criminal possession of a blank  
9 financial transaction device under section 28-624; criminal sale of a  
10 blank financial transaction device under section 28-625; criminal  
11 possession of a forgery device under section 28-626; unlawful  
12 manufacture of a financial transaction device under section 28-627;  
13 laundering of sales forms under section 28-628; unlawful acquisition  
14 of sales form processing services under section 28-629; unlawful  
15 factoring of a financial transaction device under section 28-630; and  
16 fraudulent insurance acts under section 28-631;

17 (e) Offenses involving governmental operations which  
18 include: Abuse of public records under section 28-911; perjury or  
19 subornation of perjury under section 28-915; bribery under section  
20 28-917; bribery of a witness under section 28-918; tampering with a  
21 witness or informant or jury tampering under section 28-919; bribery  
22 of a juror under section 28-920; assault on an officer in the first  
23 degree under section 28-929; assault on an officer in the second  
24 degree under section 28-930; assault on an officer in the third  
25 degree under section 28-931; and assault on an officer using a motor

1 vehicle under section 28-931.01;

2 (f) Offenses involving gambling which include: Promoting  
3 gambling in the first degree under section 28-1102; possession of  
4 gambling records under section 28-1105; gambling debt collection  
5 under section 28-1105.01; and possession of a gambling device under  
6 section 28-1107;

7 (g) Offenses relating to firearms, weapons, and  
8 explosives which include: Carrying a concealed weapon under section  
9 28-1202; transportation or possession of machine guns, short rifles,  
10 or short shotguns under section 28-1203; unlawful possession of a  
11 handgun under section 28-1204; unlawful transfer of a firearm to a  
12 juvenile under section 28-1204.01; using a deadly weapon to commit a  
13 felony or possession of a deadly weapon during the commission of a  
14 felony under section 28-1205; possession of a deadly weapon by a  
15 prohibited person under section 28-1206; possession of a defaced  
16 firearm under section 28-1207; defacing a firearm under section  
17 28-1208; unlawful discharge of a firearm under section 28-1212.02;  
18 possession, receipt, retention, or disposition of a stolen firearm  
19 under section 28-1212.03; unlawful possession of explosive materials  
20 in the first degree under section 28-1215; unlawful possession of  
21 explosive materials in the second degree under section 28-1216;  
22 unlawful sale of explosives under section 28-1217; use of explosives  
23 without a permit under section 28-1218; obtaining an explosives  
24 permit through false representations under section 28-1219;  
25 possession of a destructive device under section 28-1220; threatening

1 the use of explosives or placing a false bomb under section 28-1221;  
2 using explosives to commit a felony under section 28-1222; using  
3 explosives to damage or destroy property under section 28-1223; and  
4 using explosives to kill or injure any person under section 28-1224;

5 (h) Any violation of the Securities Act of Nebraska  
6 pursuant to section 8-1117;

7 (i) Any violation of the Nebraska Revenue Act of 1967  
8 pursuant to section 77-2713;

9 (j) Offenses relating to public health and morals which  
10 include: Prostitution under section 28-801; pandering under section  
11 28-802; keeping a place of prostitution under section 28-804; ~~human~~  
12 ~~trafficking or forced labor or services~~ labor trafficking, sex  
13 trafficking, labor trafficking of a minor, or sex trafficking of a  
14 minor under section 28-831; a violation of section 28-1005; and any  
15 act relating to the visual depiction of sexually explicit conduct  
16 prohibited in the Child Pornography Prevention Act; and

17 (k) A violation of the Computer Crimes Act;

18 (6) State means the State of Nebraska or any political  
19 subdivision or any department, agency, or instrumentality thereof;  
20 and

21 (7) Unlawful debt means a debt of at least one thousand  
22 five hundred dollars:

23 (a) Incurred or contracted in gambling activity which was  
24 in violation of federal law or the law of the state or which is  
25 unenforceable under state or federal law in whole or in part as to

1 principal or interest because of the laws relating to usury; or

2 (b) Which was incurred in connection with the business of  
3 gambling in violation of federal law or the law of the state or the  
4 business of lending money or a thing of value at a rate usurious  
5 under state law if the usurious rate is at least twice the  
6 enforceable rate.

7 Sec. 9. Section 43-247, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 43-247 The juvenile court shall have exclusive original  
10 jurisdiction as to any juvenile defined in subdivision (1) of this  
11 section who is under the age of sixteen, as to any juvenile defined  
12 in subdivision (3) of this section, and as to the parties and  
13 proceedings provided in subdivisions (5), (6), and (8) of this  
14 section. As used in this section, all references to the juvenile's  
15 age shall be the age at the time the act which occasioned the  
16 juvenile court action occurred. The juvenile court shall have  
17 concurrent original jurisdiction with the district court as to any  
18 juvenile defined in subdivision (2) of this section. The juvenile  
19 court shall have concurrent original jurisdiction with the district  
20 court and county court as to any juvenile defined in subdivision (1)  
21 of this section who is age sixteen or seventeen, any juvenile defined  
22 in subdivision (4) of this section, and any proceeding under  
23 subdivision (7) or (11) of this section. The juvenile court shall  
24 have concurrent original jurisdiction with the county court as to any  
25 proceeding under subdivision (9) or (10) of this section.

1 Notwithstanding any disposition entered by the juvenile court under  
2 the Nebraska Juvenile Code, the juvenile court's jurisdiction over  
3 any individual adjudged to be within the provisions of this section  
4 shall continue until the individual reaches the age of majority or  
5 the court otherwise discharges the individual from its jurisdiction.

6 The juvenile court in each county as herein provided  
7 shall have jurisdiction of:

8 (1) Any juvenile who has committed an act other than a  
9 traffic offense which would constitute a misdemeanor or an infraction  
10 under the laws of this state, or violation of a city or village  
11 ordinance;

12 (2) Any juvenile who has committed an act which would  
13 constitute a felony under the laws of this state;

14 (3) Any juvenile (a) who is homeless or destitute, or  
15 without proper support through no fault of his or her parent,  
16 guardian, or custodian; who is abandoned by his or her parent,  
17 guardian, or custodian; who lacks proper parental care by reason of  
18 the fault or habits of his or her parent, guardian, or custodian;  
19 whose parent, guardian, or custodian neglects or refuses to provide  
20 proper or necessary subsistence, education, or other care necessary  
21 for the health, morals, or well-being of such juvenile; whose parent,  
22 guardian, or custodian is unable to provide or neglects or refuses to  
23 provide special care made necessary by the mental condition of the  
24 juvenile; or who is in a situation or engages in an occupation,  
25 including prostitution, dangerous to life or limb or injurious to the

1 health or morals of such juvenile, (b) who, by reason of being  
2 wayward or habitually disobedient, is uncontrolled by his or her  
3 parent, guardian, or custodian; who deports himself or herself so as  
4 to injure or endanger seriously the morals or health of himself,  
5 herself, or others; or who is habitually truant from home or school,  
6 or (c) who is mentally ill and dangerous as defined in section  
7 71-908;

8 (4) Any juvenile who has committed an act which would  
9 constitute a traffic offense as defined in section 43-245;

10 (5) The parent, guardian, or custodian of any juvenile  
11 described in this section;

12 (6) The proceedings for termination of parental rights as  
13 provided in the Nebraska Juvenile Code;

14 (7) The proceedings for termination of parental rights as  
15 provided in section 42-364;

16 (8) Any juvenile who has been voluntarily relinquished,  
17 pursuant to section 43-106.01, to the Department of Health and Human  
18 Services or any child placement agency licensed by the Department of  
19 Health and Human Services;

20 (9) Any juvenile who was a ward of the juvenile court at  
21 the inception of his or her guardianship and whose guardianship has  
22 been disrupted or terminated;

23 (10) The adoption or guardianship proceedings for a child  
24 over which the juvenile court already has jurisdiction under another  
25 provision of the Nebraska Juvenile Code; and

1           (11) The paternity or custody determination for a child  
2 over which the juvenile court already has jurisdiction.

3           Notwithstanding the provisions of the Nebraska Juvenile  
4 Code, the determination of jurisdiction over any Indian child as  
5 defined in section 43-1503 shall be subject to the Nebraska Indian  
6 Child Welfare Act; and the district court shall have exclusive  
7 jurisdiction in proceedings brought pursuant to section 71-510.

8           Sec. 10. Section 43-248, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10           43-248 A peace officer may take a juvenile into temporary  
11 custody without a warrant or order of the court and proceed as  
12 provided in section 43-250 when:

13           (1) A juvenile has violated a state law or municipal  
14 ordinance and the officer has reasonable grounds to believe such  
15 juvenile committed such violation;

16           (2) A juvenile is seriously endangered in his or her  
17 surroundings and immediate removal appears to be necessary for the  
18 juvenile's protection;

19           (3) The officer believes the juvenile to be mentally ill  
20 and dangerous as defined in section 71-908 and that the harm  
21 described in that section is likely to occur before proceedings may  
22 be instituted before the juvenile court;

23           (4) The officer has reasonable grounds to believe that  
24 the juvenile has run away from his or her parent, guardian, or  
25 custodian;

1           (5) A probation officer has reasonable cause to believe  
2 that a juvenile is in violation of probation and that the juvenile  
3 will attempt to leave the jurisdiction or place lives or property in  
4 danger; ~~or~~

5           (6) The officer has reasonable grounds to believe the  
6 juvenile is truant from school; or -

7           (7) The officer has reasonable grounds to believe the  
8 juvenile is immune from prosecution for prostitution under subsection  
9 (5) of section 28-801.

10           Sec. 11. Section 43-250, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12           43-250 (1) A peace officer who takes a juvenile into  
13 temporary custody under section 29-401 or subdivision (1), (4), or  
14 (5) of section 43-248 shall immediately take reasonable measures to  
15 notify the juvenile's parent, guardian, custodian, or relative and  
16 shall proceed as follows:

17           (a) The peace officer may release a juvenile taken into  
18 temporary custody under section 29-401 or subdivision (1) or (4) of  
19 section 43-248;

20           (b) The peace officer may require a juvenile taken into  
21 temporary custody under section 29-401 or subdivision (1) or (4) of  
22 section 43-248 to appear before the court of the county in which such  
23 juvenile was taken into custody at a time and place specified in the  
24 written notice prepared in triplicate by the peace officer or at the  
25 call of the court. The notice shall also contain a concise statement

1 of the reasons such juvenile was taken into custody. The peace  
2 officer shall deliver one copy of the notice to such juvenile and  
3 require such juvenile or his or her parent, guardian, other  
4 custodian, or relative, or both, to sign a written promise that such  
5 signer will appear at the time and place designated in the notice.  
6 Upon the execution of the promise to appear, the peace officer shall  
7 immediately release such juvenile. The peace officer shall, as soon  
8 as practicable, file one copy of the notice with the county attorney  
9 or city attorney and, when required by the court, also file a copy of  
10 the notice with the court or the officer appointed by the court for  
11 such purpose; or

12 (c) The peace officer may retain temporary custody of a  
13 juvenile taken into temporary custody under section 29-401 or  
14 subdivision (1), (4), or (5) of section 43-248 and deliver the  
15 juvenile, if necessary, to the probation officer and communicate all  
16 relevant available information regarding such juvenile to the  
17 probation officer. The probation officer shall determine the need for  
18 detention of the juvenile as provided in section 43-260.01. Upon  
19 determining that the juvenile should be placed in a secure or  
20 nonsecure placement and securing placement in such secure or  
21 nonsecure setting by the probation officer, the peace officer shall  
22 implement the probation officer's decision to release or to detain  
23 and place the juvenile. When secure detention of a juvenile is  
24 necessary, such detention shall occur within a juvenile detention  
25 facility except:

1           (i) When a juvenile described in subdivision (1) or (2)  
2 of section 43-247, except for a status offender, is taken into  
3 temporary custody within a metropolitan statistical area and where no  
4 juvenile detention facility is reasonably available, the juvenile may  
5 be delivered, for temporary custody not to exceed six hours, to a  
6 secure area of a jail or other facility intended or used for the  
7 detention of adults solely for the purposes of identifying the  
8 juvenile and ascertaining his or her health and well-being and for  
9 safekeeping while awaiting transport to an appropriate juvenile  
10 placement or release to a responsible party;

11           (ii) When a juvenile described in subdivision (1) or (2)  
12 of section 43-247, except for a status offender, is taken into  
13 temporary custody outside of a metropolitan statistical area and  
14 where no juvenile detention facility is reasonably available, the  
15 juvenile may be delivered, for temporary custody not to exceed  
16 twenty-four hours excluding nonjudicial days and while awaiting an  
17 initial court appearance, to a secure area of a jail or other  
18 facility intended or used for the detention of adults solely for the  
19 purposes of identifying the juvenile and ascertaining his or her  
20 health and well-being and for safekeeping while awaiting transport to  
21 an appropriate juvenile placement or release to a responsible party;

22           (iii) Whenever a juvenile is held in a secure area of any  
23 jail or other facility intended or used for the detention of adults,  
24 there shall be no verbal, visual, or physical contact between the  
25 juvenile and any incarcerated adult and there shall be adequate staff

1 to supervise and monitor the juvenile's activities at all times. This  
2 subdivision shall not apply to a juvenile charged with a felony as an  
3 adult in county or district court if he or she is sixteen years of  
4 age or older;

5 (iv) If a juvenile is under sixteen years of age or is a  
6 juvenile as described in subdivision (3) of section 43-247, he or she  
7 shall not be placed within a secure area of a jail or other facility  
8 intended or used for the detention of adults;

9 (v) If, within the time limits specified in subdivision  
10 (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed  
11 against the juvenile as an adult in county or district court, he or  
12 she may be securely held in a jail or other facility intended or used  
13 for the detention of adults beyond the specified time limits;

14 (vi) A status offender or nonoffender taken into  
15 temporary custody shall not be held in a secure area of a jail or  
16 other facility intended or used for the detention of adults. Until  
17 January 1, 2013, a status offender accused of violating a valid court  
18 order may be securely detained in a juvenile detention facility  
19 longer than twenty-four hours if he or she is afforded a detention  
20 hearing before a court within twenty-four hours, excluding  
21 nonjudicial days, and if, prior to a dispositional commitment to  
22 secure placement, a public agency, other than a court or law  
23 enforcement agency, is afforded an opportunity to review the  
24 juvenile's behavior and possible alternatives to secure placement and  
25 has submitted a written report to the court; and

1                   (vii) A juvenile described in subdivision (1) or (2) of  
2 section 43-247, except for a status offender, may be held in a secure  
3 area of a jail or other facility intended or used for the detention  
4 of adults for up to six hours before and six hours after any court  
5 appearance.

6                   (2) When a juvenile is taken into temporary custody  
7 pursuant to subdivision (2) or (7) of section 43-248, the peace  
8 officer shall deliver the custody of such juvenile to the Department  
9 of Health and Human Services which shall make a temporary placement  
10 of the juvenile in the least restrictive environment consistent with  
11 the best interests of the juvenile as determined by the department.  
12 The department shall supervise such placement and, if necessary,  
13 consent to any necessary emergency medical, psychological, or  
14 psychiatric treatment for such juvenile. The department shall have no  
15 other authority with regard to such temporary custody until or unless  
16 there is an order by the court placing the juvenile in the custody of  
17 the department. If the peace officer delivers temporary custody of  
18 the juvenile pursuant to this subsection, the peace officer shall  
19 make a full written report to the county attorney within twenty-four  
20 hours of taking such juvenile into temporary custody. If a court  
21 order of temporary custody is not issued within forty-eight hours of  
22 taking the juvenile into custody, the temporary custody by the  
23 department shall terminate and the juvenile shall be returned to the  
24 custody of his or her parent, guardian, custodian, or relative.

25                   (3) If the peace officer takes the juvenile into

1 temporary custody pursuant to subdivision (3) of section 43-248, the  
2 peace officer may place the juvenile at a mental health facility for  
3 evaluation and emergency treatment or may deliver the juvenile to the  
4 Department of Health and Human Services as provided in subsection (2)  
5 of this section. At the time of the admission or turning the juvenile  
6 over to the department, the peace officer responsible for taking the  
7 juvenile into custody shall execute a written certificate as  
8 prescribed by the Department of Health and Human Services which will  
9 indicate that the peace officer believes the juvenile to be mentally  
10 ill and dangerous, a summary of the subject's behavior supporting  
11 such allegations, and that the harm described in section 71-908 is  
12 likely to occur before proceedings before a juvenile court may be  
13 invoked to obtain custody of the juvenile. A copy of the certificate  
14 shall be forwarded to the county attorney. The peace officer shall  
15 notify the juvenile's parents, guardian, custodian, or relative of  
16 the juvenile's placement.

17 (4) When a juvenile is taken into temporary custody  
18 pursuant to subdivision (6) of section 43-248, the peace officer  
19 shall deliver the juvenile to the enrolled school of such juvenile.

20 (5) A juvenile taken into custody pursuant to a legal  
21 warrant of arrest shall be delivered to a probation officer who shall  
22 determine the need for detention of the juvenile as provided in  
23 section 43-260.01. If detention is not required, the juvenile may be  
24 released without bond if such release is in the best interests of the  
25 juvenile, the safety of the community is not at risk, and the court

1 that issued the warrant is notified that the juvenile had been taken  
2 into custody and was released.

3 (6) In determining the appropriate temporary placement of  
4 a juvenile under this section, the peace officer shall select the  
5 placement which is least restrictive of the juvenile's freedom so  
6 long as such placement is compatible with the best interests of the  
7 juvenile and the safety of the community.

8 Sec. 12. Section 81-1430, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10 81-1430 (1) A task force is hereby established within the  
11 Nebraska Commission on Law Enforcement and Criminal Justice for the  
12 purposes of investigating and studying human trafficking, the methods  
13 for advertising human trafficking services, and the victimization of  
14 individuals coerced to participate in human trafficking.

15 (2) The task force shall examine the extent to which  
16 human trafficking is prevalent in this state, the scope of efforts  
17 being taken to prevent human trafficking from occurring, and the  
18 services available to victims of human trafficking in this state. The  
19 task force shall utilize information and research available from the  
20 Innocence Lost National Initiative. The task force shall research and  
21 recommend a model of rehabilitative services for victims of human  
22 trafficking that includes input from the areas of law enforcement,  
23 social services, the legal profession, the judiciary, mental health,  
24 and immigration. The task force shall also investigate the  
25 limitations upon victims who wish to come forward and seek medical

1 attention; investigate the potential to stop human trafficking; and  
2 investigate the potential to promote recovery, to protect families  
3 and children who may be profoundly impacted by such abuse, and to  
4 save lives.

5 (3)(a) The Department of Labor shall work with the task  
6 force to develop or select informational posters for placement around  
7 the state. The posters shall be in English, Spanish, and any other  
8 language deemed appropriate by the task force. The posters shall  
9 include a toll-free telephone number a person may call for  
10 assistance, preferably the National Human Trafficking Resource Center  
11 Hotline (888)373-7888.

12 (b) Posters shall be placed in rest stops and strip  
13 clubs. The task force shall work with local businesses and nonprofit  
14 entities associated with the prevention of human trafficking to  
15 voluntarily place additional signs in high schools, postsecondary  
16 educational institutions, gas stations, hotels, hospitals, health  
17 care clinics, urgent care centers, airports, train stations, bus  
18 stations, and other locations around the state deemed appropriate by  
19 the task force.

20 (4) The task force shall consist of the following  
21 members:

22 (a) The Attorney General or his or her designee;

23 (b) The executive director of the Nebraska Commission on  
24 Law Enforcement and Criminal Justice;

25 (c) The Superintendent of Law Enforcement and Public

1 Safety or his or her designee;

2 (d) The Director of Correctional Services or his or her  
3 designee;

4 (e) The chief of police or director of public safety of a  
5 city of two hundred thousand inhabitants or more;

6 (f) The chief of police or director of public safety of a  
7 city of less than two hundred thousand inhabitants;

8 (g) A county sheriff;

9 (h) A county attorney;

10 (i) A county commissioner;

11 (j) A mayor or city manager;

12 (k) A person involved with the control or prevention of  
13 juvenile delinquency;

14 (l) A person involved with the control or prevention of  
15 child abuse;

16 (m) The Commissioner of Education or his or her designee;

17 (n) The director of the Commission on Latino-Americans or  
18 his or her designee; and

19 (o) Six members, at least three of whom shall be women,  
20 from the public at large.

21 (5) The Governor shall appoint the members of the task  
22 force listed in subdivisions (4)(e) through (l) and (o) of this  
23 section for terms as provided in subsection (6) of this section. The  
24 membership of the task force shall represent varying geographic areas  
25 and large and small political subdivisions. One member from the

1 public at large shall be a professional representing child welfare,  
2 and one member of the public at large shall represent juvenile  
3 pretrial diversion programs.

4 (6) The members of the task force appointed by the  
5 Governor shall serve six-year terms, except that of the members first  
6 appointed, four shall serve initial two-year terms, four shall serve  
7 initial four-year terms, and six shall serve initial six-year terms  
8 from January 1 next succeeding their appointments. Thereafter, all  
9 members shall serve six-year terms. A member may be reappointed at  
10 the expiration of his or her term. Any vacancy occurring otherwise  
11 than by expiration of a term shall be filled for the balance of the  
12 unexpired term in the same manner as the original appointment.

13 (7) No member shall serve beyond the time when he or she  
14 holds the office, employment, or status by reason of which he or she  
15 was initially eligible for appointment. Any member of the task force  
16 appointed by the Governor may be removed from the task force for  
17 cause upon notice and an opportunity to be heard at a public hearing.  
18 One of the causes for removal shall be absence from three regularly  
19 scheduled meetings of the task force during any six-month period when  
20 the member has failed to advise the task force in advance of such  
21 meeting that he or she will be absent and stating a reason therefor.

22 (8) The chairperson of the task force shall be designated  
23 by the Governor to serve at the pleasure of the Governor. The  
24 chairperson shall be the chief executive officer of the task force  
25 but may delegate such of his or her duties to other members of the

1 task force as may be authorized by the task force.

2 (9) Notwithstanding any provision of law, ordinance, or  
3 charter provision to the contrary, membership on the task force shall  
4 not disqualify any member from holding any other public office or  
5 employment or cause the forfeiture thereof.

6 (10) The members of the task force shall serve on the  
7 task force without compensation, but they shall be entitled to  
8 receive reimbursement for any actual expenses incurred as necessary  
9 incident to such service as provided in sections 81-1174 to 81-1177.

10 (11) Eleven members of the task force shall constitute a  
11 quorum for the transaction of any business or the exercise of any  
12 power of the task force. The task force shall have the power to act  
13 by a majority of the members present at any meeting at which a quorum  
14 is in attendance.

15 (12) All appointments shall be made not later than thirty  
16 days after July 19, 2012. The chairperson shall meet with the task  
17 force not later than sixty days after July 19, 2012.

18 (13) Not later than one year after July 19, 2012, and  
19 every July 1 and December 1 thereafter, the task force shall report  
20 to the Clerk of the Legislature the results of its investigation and  
21 study and its recommendations, if any, together with drafts of  
22 legislation necessary to carry its recommendations into effect by  
23 filing the report with the clerk.

24 Sec. 13. This act becomes operative on October 1, 2013.

25 Sec. 14. If any section in this act or any part of any

1 section is declared invalid or unconstitutional, the declaration  
2 shall not affect the validity or constitutionality of the remaining  
3 portions.

4           Sec. 15. Original sections 28-801, 28-801.01, 28-804,  
5 28-830, 28-831, and 43-247, Reissue Revised Statutes of Nebraska, and  
6 sections 28-707, 28-802, 28-1354, 43-248, 43-250, and 81-1430,  
7 Revised Statutes Cumulative Supplement, 2012, are repealed.