

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 934

Introduced by McGill, 26.

Read first time January 16, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to human trafficking; to amend section 81-1431,
2 Revised Statutes Cumulative Supplement, 2012, and section
3 81-1430, Revised Statutes Supplement, 2013; to change
4 provisions relating to a task force and provide a
5 termination date; to establish within the Nebraska
6 Commission on Law Enforcement and Criminal Justice the
7 position of Coordinator of Human Trafficking Prevention;
8 to provide duties for the coordinator and powers and
9 duties for the executive director of the commission; to
10 harmonize provisions; to provide an operative date; to
11 repeal the original sections; and to declare an
12 emergency.

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

1 Section 1. (1) There is established within the Nebraska
2 Commission on Law Enforcement and Criminal Justice the position of
3 Coordinator of Human Trafficking Prevention and Rehabilitation to be
4 appointed by the executive director of the commission.

5 (2) The executive director shall supervise the
6 Coordinator of Human Trafficking Prevention and Rehabilitation. The
7 coordinator shall be responsible for coordinating efforts to prevent
8 and eliminate human trafficking and provide services to victims of
9 human trafficking in this state. The coordinator shall:

10 (a) Research and recommend a model of rehabilitative
11 services for victims of human trafficking that includes input from
12 the areas of law enforcement, social services, the legal profession,
13 the judiciary, mental health, and immigration.

14 (b) Coordinate statewide training pursuant to section
15 81-1431;

16 (c) Collect, organize, maintain, and disseminate
17 information on human trafficking and other victim services across the
18 state, including the creation of a web site for the dissemination of
19 relevant information;

20 (d) Monitor and apply for grant funding for programs that
21 benefit human trafficking victims in Nebraska;

22 (e) Collaborate with child advocacy centers in this
23 state, domestic violence organizations in this state, and the
24 Department of Labor regarding human trafficking prevention and
25 elimination;

1 (f) Provide support and oversight for human trafficking
2 organizations that are developing and implementing strategic plans;
3 and

4 (g) Provide leadership to the state in responding to
5 human trafficking victims.

6 (3) Not later than one year after July 1, 2014, and every
7 July 1 and December 1 thereafter, the Coordinator of Human
8 Trafficking Prevention and Rehabilitation shall report electronically
9 to the Clerk of the Legislature the results of its investigation and
10 study and its recommendations, if any, together with drafts of
11 legislation necessary to carry its recommendations into effect by
12 filing the report with the clerk.

13 Sec. 2. Section 81-1430, Revised Statutes Supplement,
14 2013, is amended to read:

15 81-1430 (1) A task force is hereby established within the
16 Nebraska Commission on Law Enforcement and Criminal Justice for the
17 purposes of investigating and studying human trafficking, the methods
18 for advertising human trafficking services, and the victimization of
19 individuals coerced to participate in human trafficking.

20 (2) The task force shall work with the coordinator
21 created in section 1 of this act to examine the extent to which human
22 trafficking is prevalent in this state, the scope of efforts being
23 taken to prevent human trafficking from occurring, and the services
24 available to victims of human trafficking in this state. The task
25 force shall utilize information and research available from the

1 Innocence Lost National Initiative. ~~The task force shall research and~~
2 ~~recommend a model of rehabilitative services for victims of human~~
3 ~~trafficking that includes input from the areas of law enforcement,~~
4 ~~social services, the legal profession, the judiciary, mental health,~~
5 ~~and immigration.~~ The task force shall also investigate the
6 limitations upon victims who wish to come forward and seek medical
7 attention; investigate the potential to stop human trafficking; and
8 investigate the potential to promote recovery, to protect families
9 and children who may be profoundly impacted by such abuse, and to
10 save lives.

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

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

1 (4) The task force shall raise awareness about human
2 trafficking in this state by working with community partners to
3 develop age-appropriate educational programming.

4 ~~(4)~~(5) The task force shall consist of the following
5 members:

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

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

9 (c) The Superintendent of Law Enforcement and Public
10 Safety or his or her designee;

11 (d) The Director of Correctional Services or his or her
12 designee;

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

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

17 (g) A county sheriff;

18 (h) A county attorney;

19 (i) A county commissioner;

20 (j) A mayor or city manager;

21 (k) A person involved with the control or prevention of
22 juvenile delinquency;

23 (l) A person involved with the control or prevention of
24 child abuse;

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

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

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

5 ~~(5)~~(6) The Governor shall appoint the members of the
6 task force listed in subdivisions ~~(4)(e)~~(5)(e) through (l) and (o)
7 of this section for terms as provided in subsection ~~(6)~~(7) of this
8 section. The membership of the task force shall represent varying
9 geographic areas and large and small political subdivisions. One
10 member from the public at large shall be a professional representing
11 child welfare, and one member of the public at large shall represent
12 juvenile pretrial diversion programs.

13 ~~(6)~~(7) The members of the task force appointed by the
14 Governor shall serve six-year terms, except that of the members first
15 appointed, four shall serve initial two-year terms, four shall serve
16 initial four-year terms, and six shall serve initial six-year terms
17 from January 1 next succeeding their appointments. Thereafter, all
18 members shall serve six-year terms. A member may be reappointed at
19 the expiration of his or her term. Any vacancy occurring otherwise
20 than by expiration of a term shall be filled for the balance of the
21 unexpired term in the same manner as the original appointment.

22 ~~(7)~~(8) No member shall serve beyond the time when he or
23 she holds the office, employment, or status by reason of which he or
24 she was initially eligible for appointment. Any member of the task
25 force appointed by the Governor may be removed from the task force

1 for cause upon notice and an opportunity to be heard at a public
2 hearing. One of the causes for removal shall be absence from three
3 regularly scheduled meetings of the task force during any six-month
4 period when the member has failed to advise the task force in advance
5 of such meeting that he or she will be absent and stating a reason
6 therefor.

7 ~~(8)~~ (9) The chairperson of the task force shall be
8 designated by the Governor to serve at the pleasure of the Governor.
9 The chairperson shall be the chief executive officer of the task
10 force but may delegate such of his or her duties to other members of
11 the task force as may be authorized by the task force.

12 ~~(9)~~ (10) Notwithstanding any provision of law, ordinance,
13 or charter provision to the contrary, membership on the task force
14 shall not disqualify any member from holding any other public office
15 or employment or cause the forfeiture thereof.

16 ~~(10)~~ (11) The members of the task force shall serve on
17 the task force without compensation, but they shall be entitled to
18 receive reimbursement for any actual expenses incurred as necessary
19 incident to such service as provided in sections 81-1174 to 81-1177.

20 ~~(11)~~ (12) Eleven members of the task force shall
21 constitute a quorum for the transaction of any business or the
22 exercise of any power of the task force. The task force shall have
23 the power to act by a majority of the members present at any meeting
24 at which a quorum is in attendance.

25 ~~(12)~~ (13) All appointments shall be made not later than

1 thirty days after July 19, 2012. The chairperson shall meet with the
2 task force not later than sixty days after July 19, 2012.

3 ~~(13)~~(14) Not later than one year after July 19, 2012,
4 and every July 1 and December 1 thereafter, the task force shall
5 report electronically to the Clerk of the Legislature the results of
6 its investigation and study and its recommendations, if any, together
7 with drafts of legislation necessary to carry its recommendations
8 into effect by filing the report with the clerk.

9 (15) This section terminates on July 1, 2015.

10 Sec. 3. Section 81-1431, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 81-1431 (1) It is the intent of the Legislature that law
13 enforcement agencies, prosecutors, public defenders, judges, juvenile
14 detention center staff, and others involved in the juvenile justice
15 system and the criminal justice system and other relevant officials
16 be provided mandatory training regarding issues in human trafficking.
17 The task force established in section 81-1430 and the coordinator
18 created in section 1 of this act shall work with such agencies,
19 persons, and staff to develop a proper curriculum for the training
20 and to determine how the training should be provided. The
21 determination and accompanying legislative recommendations shall be
22 made by December 1, ~~2012.~~2014. Such training shall focus on:

23 (a) State and federal law regarding human trafficking;

24 (b) Methods used in identifying victims of human
25 trafficking who are United States citizens and foreign nationals,

1 including preliminary interview techniques and appropriate
2 questioning methods;

3 (c) Methods for prosecuting human traffickers;

4 (d) Methods of increasing effective collaboration with
5 nongovernmental organizations and other relevant social service
6 organizations in the course of investigating and prosecuting a human
7 trafficking case;

8 (e) Methods for protecting the rights of victims of human
9 trafficking, taking into account the need to consider human rights
10 and the special needs of women and minor victims;

11 (f) The necessity of treating victims of human
12 trafficking as crime victims rather than as criminals; and

13 (g) Methods for promoting the safety and well-being of
14 all victims of human trafficking.

15 (2) The task force and coordinator shall also seek the
16 input and participation of appropriate nongovernmental organizations
17 and other relevant organizations regarding the provision,
18 preparation, and presentation of the training called for in this
19 section.

20 Sec. 4. This act becomes operative on July 1, 2014.

21 Sec. 5. Original section 81-1431, Revised Statutes
22 Cumulative Supplement, 2012, and section 81-1430, Revised Statutes
23 Supplement, 2013, are repealed.

24 Sec. 6. Since an emergency exists, this act takes effect
25 when passed and approved according to law.