

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB1132

Hearing Date: Friday February 09, 2018
Committee On: Judiciary
Introducer: Pansing Brooks
One Liner: Provide a procedure to set aside convictions of victims of sex trafficking and to expunge related records

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Baker, Chambers, Ebke, Hansen, Krist, Morfeld, Pansing Brooks
Nay:		
Absent:	1	Senator Halloran
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Patty Pansing Brooks
Meghan Malik
Alicia Webber
Sally Richardson
Jessyca Vandercoy
Julie Shrader
Timothy Dunning
Denise Gaines
Ashley Fischer
Spike Eickholt

Karen Bowling
David Lemoine
Crysta Price
Anna Shavers
Tom Venzor

Representing:

Introducer
Womens Fund of Omaha
The Salvation Army
self
Women's Center for Advancement
Rejuvenating Women
Douglas County Sheriff
self
self
ACLU of Nebraska & Nebraska Criminal Defense Attorneys Association
Nebraska Family Alliance
FBI
Creighton University Human Trafficking Initiative
UNL Human Trafficking Conference & Law College
Nebraska Catholic Conference

Opponents:

Shawn Renner

Representing:

Media of Nebraska, Inc.

Neutral:

Representing:

Summary of purpose and/or changes:

This bill would authorize a person convicted of a criminal offense relating to prostitution or otherwise incidental to sex trafficking to petition the applicable district or county court for a judicial set-aside for the offense if the person was a "victim of sex trafficking." Such victims would include "a person subjected to sex trafficking or sex trafficking of a minor"

as those terms are defined in existing statute.

The bill directs courts to consider a broad array of evidence in determining whether the petitioner is indeed a victim of sex trafficking. The rules of evidence would not apply in such matters. Unlike existing statutory language which provides broad judicial discretion relating to the granting of set-asides, this bill would direct that courts shall grant a set-aside under these circumstances. A petitioner would be able to request an in camera hearing on a set-aside petition filed under this provision. If the set-aside is granted, the petitioner would then be able to file a petition with the court to seal the criminal history record information relating to the offenses that were set aside.

Explanation of amendments:

This amendment provides that a juvenile delinquency "adjudication" and not only an adult criminal "conviction" may be sealed. It also removes reference to a "petition" and replaces such references with the word "motion" to clarify that such filing would be on an existing case and not a "petition" initiating a new matter in the court.

Laura Ebke, Chairperson