

AMENDMENTS TO LB519

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 25-21,299, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           25-21,299 (1) Any trafficking victim, ~~or~~ his or her parent or legal  
6 guardian, ~~or personal representative in the event of such victim's death,~~  
7 who suffered or continues to suffer personal or mental psychological  
8 injury, ~~death, or any other damages~~ as a result of such human trafficking  
9 may bring a civil action against any person who knowingly (a) engaged in  
10 human trafficking of such victim within this state or (b) aided or  
11 assisted with the human trafficking of such victim within this state.

12           (2) A plaintiff who prevails in a civil action brought pursuant to  
13 the Human Trafficking Victims Civil Remedy Act may recover his or her  
14 ~~actual~~ damages proximately caused by the defendant's activities plus any  
15 and all attorney's fees and costs reasonably associated with the civil  
16 action. ~~In addition to all other remedies available under the act, the~~  
17 ~~court may also award temporary, preliminary, and permanent injunctive~~  
18 ~~relief as the court deems necessary and appropriate.~~

19           (3) Damages recoverable pursuant to subsection (2) of this section  
20 include all damages otherwise recoverable under the law and include, but  
21 are not limited to:

22           (a) The physical pain and mental suffering the plaintiff has  
23 experienced and is reasonably certain to experience in the future;

24           (b) The reasonable value of the medical, hospital, nursing, and care  
25 and supplies reasonably needed by and actually provided to the plaintiff  
26 and reasonably certain to be needed and provided in the future;

27           (c) The reasonable value of transportation, housing, and child care

1 reasonably needed and actually incurred by the plaintiff;

2 (d) The reasonable value of the plaintiff's labor and services the  
3 plaintiff has lost because he or she was a trafficking victim;

4 (e) The reasonable monetary value of the harm caused by the  
5 documentation and circulation of the human trafficking;

6 (f) The reasonable costs incurred by the plaintiff to relocate away  
7 from the defendant or the defendant's associates;

8 (g) In the event of death, damages available as in other actions for  
9 wrongful death; and

10 (h) The reasonable costs incurred by the plaintiff to participate in  
11 the criminal investigation or prosecution or attend criminal proceedings  
12 related to trafficking the plaintiff.

13 (4) In addition to all remedies available under this section, the  
14 court may enter an order of attachment pursuant to sections 25-1001 to  
15 25-1010.

16 Sec. 2. Section 28-101, Revised Statutes Cumulative Supplement,  
17 2018, is amended to read:

18 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section  
19 6 of this act shall be known and may be cited as the Nebraska Criminal  
20 Code.

21 Sec. 3. Section 28-707, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 28-707 (1) A person commits child abuse if he or she knowingly,  
24 intentionally, or negligently causes or permits a minor child to be:

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

27 (b) Cruelly confined or cruelly punished;

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

29 (d) Placed in a situation to be sexually exploited through sex  
30 trafficking of a minor as defined in section 28-830 or by allowing,  
31 encouraging, or forcing such minor child to ~~solicit for or~~ engage in

1 ~~prostitution~~, debauchery, public indecency, or obscene or pornographic  
2 photography, films, or depictions;

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

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

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

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

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

17 (5) Child abuse is a Class IIIA felony if the offense is committed  
18 negligently and results in serious bodily injury as defined in section  
19 28-109.

20 (6) Child abuse is a Class IIA felony if the offense is committed  
21 negligently and results in the death of such child.

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

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

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

31 Sec. 4. Section 28-710, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-710 (1) Sections 28-710 to 28-731 ~~28-727~~ shall be known and may  
3 be cited as the Child Protection and Family Safety Act.

4 (2) For purposes of the Child Protection and Family Safety Act:

5 (a) Alternative response means a comprehensive assessment of (i)  
6 child safety, (ii) the risk of future child abuse or neglect, (iii)  
7 family strengths and needs, and (iv) the provision of or referral for  
8 necessary services and support. Alternative response is an alternative to  
9 traditional response and does not include an investigation or a formal  
10 determination as to whether child abuse or neglect has occurred, and the  
11 subject of the report shall not be entered into the central registry of  
12 child protection cases maintained pursuant to section 28-718;

13 (b) Child abuse or neglect means knowingly, intentionally, or  
14 negligently causing or permitting a minor child to be:

15 (i) Placed in a situation that endangers his or her life or physical  
16 or mental health;

17 (ii) Cruelly confined or cruelly punished;

18 (iii) Deprived of necessary food, clothing, shelter, or care;

19 (iv) Left unattended in a motor vehicle if such minor child is six  
20 years of age or younger;

21 (v) Placed in a situation to be sexually ~~Sexually~~ abused; ~~or~~

22 (vi) Placed in a situation to be sexually ~~Sexually~~ exploited through  
23 sex trafficking of a minor as defined in section 28-830 ~~or~~ by allowing,  
24 encouraging, or forcing such person to ~~solicit for~~ ~~or~~ engage in  
25 ~~prostitution~~, debauchery, public indecency, or obscene or pornographic  
26 photography, films, or depictions; or

27 (vii) Placed in a situation to be a trafficking victim as defined in  
28 section 28-830;

29 (c) Child advocacy center means a community-based organization that

30 (i) provides an appropriate site for conducting forensic interviews and  
31 referring victims of child abuse and neglect and appropriate caregivers

1 to needed evaluation, services, and supports, (ii) assists county  
2 attorneys in facilitating case review, developing and updating protocols,  
3 and arranging training opportunities for the teams established in section  
4 28-729, and (iii) is a nationally accredited member in good standing of a  
5 state chapter as defined in 34 U.S.C. 20302;

6 (d) (c) Comprehensive assessment means an analysis of child safety,  
7 risk of future child abuse or neglect, and family strengths and needs on  
8 a report of child abuse or neglect. Comprehensive assessment does not  
9 include a determination as to whether the child abuse or neglect occurred  
10 but does determine the need for services and support to address the  
11 safety of children and the risk of future abuse or neglect;

12 (e) (d) Department means the Department of Health and Human  
13 Services;

14 (f) (e) Investigation means fact gathering related to the current  
15 safety of a child and the risk of future child abuse or neglect that  
16 determines whether child abuse or neglect has occurred and whether child  
17 protective services are needed;

18 (g) (f) Law enforcement agency means the police department or town  
19 marshal in incorporated municipalities, the office of the sheriff in  
20 unincorporated areas, and the Nebraska State Patrol;

21 (h) (g) Out-of-home child abuse or neglect means child abuse or  
22 neglect occurring outside of a child's family home, including in day care  
23 homes, foster homes, day care centers, residential child-caring agencies  
24 as defined in section 71-1926, and other child care facilities or  
25 institutions, and the community. Out-of-home child abuse or neglect also  
26 includes cases in which the subject of the report of child abuse or  
27 neglect is not a member of the child's household, no longer has access to  
28 the child, is unknown, or cannot be identified;

29 (i) (h) Review, Evaluate, and Decide Team means an internal team of  
30 staff within the department and shall include no fewer than two  
31 supervisors or administrators and two staff members knowledgeable on the

1 policies and practices of the department, including, but not limited to,  
2 the structured review process. County attorneys, child advocacy centers,  
3 or law enforcement agency personnel may attend team reviews upon request  
4 of a party;

5 (j) ~~(i)~~ Traditional response means an investigation by a law  
6 enforcement agency or the department pursuant to section 28-713 which  
7 requires a formal determination of whether child abuse or neglect has  
8 occurred; and

9 (k) ~~(j)~~ Subject of the report of child abuse or neglect or subject  
10 of the report means the person or persons identified in the report as  
11 responsible for the child abuse or neglect.

12 Sec. 5. Section 28-713, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 28-713 (1) (1) Unless an intake is assigned to alternative response,  
15 upon the receipt of a call reporting child abuse and neglect as required  
16 by section 28-711:

17 (a) ~~(1)~~ It is the duty of the law enforcement agency to investigate  
18 the report, to take immediate steps to protect the child, and to  
19 institute legal proceedings if appropriate. In situations of alleged out-  
20 of-home child abuse or neglect if the person or persons to be notified  
21 have not already been notified and the person to be notified is not the  
22 subject of the report of child abuse or neglect, the law enforcement  
23 agency shall immediately notify the person or persons having custody of  
24 each child who has allegedly been abused or neglected that such report of  
25 alleged child abuse or neglect has been made and shall provide such  
26 person or persons with information of the nature of the alleged child  
27 abuse or neglect. The law enforcement agency may request assistance from  
28 the department during the investigation and shall, by the next working  
29 day, notify either the hotline or the department of receipt of the  
30 report, including whether or not an investigation is being undertaken by  
31 the law enforcement agency. A copy of all reports, whether or not an

1 investigation is being undertaken, shall be provided to the department;

2 (b) ~~(2)~~ In situations of alleged out-of-home child abuse or neglect  
3 if the person or persons to be notified have not already been notified  
4 and the person to be notified is not the subject of the report of child  
5 abuse or neglect, the department shall immediately notify the person or  
6 persons having custody of each child who has allegedly been abused or  
7 neglected that such report of alleged child abuse or neglect has been  
8 made and shall provide such person or persons with information of the  
9 nature of the alleged child abuse or neglect and any other information  
10 that the department deems necessary. The department shall investigate for  
11 the purpose of assessing each report of child abuse or neglect to  
12 determine the risk of harm to the child involved. The department shall  
13 also provide such social services as are necessary and appropriate under  
14 the circumstances to protect and assist the child and to preserve the  
15 family;

16 (c) ~~(3)~~ The department may make a request for further assistance  
17 from the appropriate law enforcement agency or take such legal action as  
18 may be appropriate under the circumstances;

19 (d) ~~(4)~~ The department shall, by the next working day after  
20 receiving a report of child abuse or neglect under this subsection  
21 ~~subdivision (1)~~ of this section, make a written report or a summary on  
22 forms provided by the department to the proper law enforcement agency in  
23 the county and enter in the tracking system of child protection cases  
24 maintained pursuant to section 28-715 all reports of child abuse or  
25 neglect opened for investigation and any action taken; and

26 (e) ~~(5)~~ The department shall, upon request, make available to the  
27 appropriate investigating law enforcement agency and the county attorney  
28 a copy of all reports relative to a case of suspected child abuse or  
29 neglect.

30 (2)(a) In addition to the responsibilities under subsection (1) of  
31 this section, upon the receipt of any report that a child is a reported

1 or suspected victim of sex trafficking of a minor or labor trafficking of  
2 a minor as defined in section 28-830 and without regard to the subject of  
3 the report, the department shall:

4 (i) Assign the case to staff for an in-person investigation. The  
5 department shall assign a report for investigation regardless of whether  
6 or not the subject of the report is a member of the child's household or  
7 family or whether the subject is known or unknown, including cases of  
8 out-of-home child abuse and neglect;

9 (ii) Conduct an in-person investigation and appropriately coordinate  
10 with law enforcement agencies, the local child advocacy center, and the  
11 child abuse and neglect investigation team under section 28-729;

12 (iii) Use specialized screening and assessment instruments to  
13 identify whether the child is a victim of sex trafficking of a minor or  
14 labor trafficking of a minor or at high risk of becoming such a victim  
15 and determine the needs of the child and family to prevent or respond to  
16 abuse, neglect, and exploitation. On or before December 1, 2019, the  
17 department shall develop and adopt these instruments in consultation with  
18 knowledgeable organizations and individuals, including representatives of  
19 child advocacy centers, behavioral health providers, child welfare and  
20 juvenile justice service providers, law enforcement representatives, and  
21 prosecutors; and

22 (iv) Provide for or refer and connect the child and family to  
23 services deemed appropriate by the department in the least restrictive  
24 environment, or provide for safe and appropriate placement, medical  
25 services, mental health care, or other needs as determined by the  
26 department based upon the department's assessment of the safety, risk,  
27 and needs of the child and family to respond to or prevent abuse,  
28 neglect, and exploitation.

29 (b) On or before July 1, 2020, the department shall adopt rules and  
30 regulations on the process of investigation, screening, and assessment of  
31 reports of child abuse or neglect and the criteria for opening an ongoing



1 case upon allegations of sex trafficking of a minor or labor trafficking  
2 of a minor.

3 (3) When a preponderance of the evidence indicates that a child is a  
4 victim of abuse or neglect as a result of being a trafficking victim as  
5 defined in section 28-830, the department shall identify the child as a  
6 victim of trafficking, regardless of whether the subject of the report is  
7 a member of the child's household or family or whether the subject is  
8 known or unknown. The child shall be included in the department's data  
9 and reporting on the numbers of child victims of abuse, neglect, and  
10 trafficking.

11 Sec. 6. On or before December 1, 2019, the Department of Health and  
12 Human Services shall make publicly available information on programs and  
13 services available for referral by the department to respond to the  
14 safety and needs of children reported or suspected to be victims of sex  
15 trafficking of a minor or labor trafficking of a minor as defined in  
16 section 28-830 and their families. The department shall develop this  
17 information in consultation with representatives of child advocacy  
18 centers, behavioral health providers, child welfare and juvenile justice  
19 service providers, law enforcement representatives, and prosecutors.

20 Sec. 7. Section 28-728, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 28-728 (1) The Legislature finds that child abuse and neglect are  
23 community problems requiring a coordinated response by law enforcement,  
24 child advocacy centers, prosecutors, the ~~department~~ ~~Department of Health~~  
25 ~~and Human Services~~, and other agencies or entities designed to protect  
26 children. It is the intent of the Legislature to create a child abuse and  
27 neglect investigation team in each county or contiguous group of counties  
28 and to create a child abuse and neglect treatment team in each county or  
29 contiguous group of counties.

30 (2) Each county or contiguous group of counties will be assigned by  
31 the ~~department~~ ~~Department of Health and Human Services~~ to a child

1 ~~advocacy center. The purpose of a child advocacy center is to provide a~~  
2 ~~child focused location for conducting forensic interviews and medical~~  
3 ~~evaluations for alleged child victims of abuse and neglect and for~~  
4 ~~coordinating a multidisciplinary team response that supports the~~  
5 ~~physical, emotional, and psychological needs of children who are alleged~~  
6 ~~victims of abuse or neglect. Each child advocacy center shall meet~~  
7 ~~accreditation criteria set forth by the National Children's Alliance.~~  
8 ~~Nothing in this section shall prevent a child from receiving treatment or~~  
9 ~~other services at a child advocacy center which has received or is in the~~  
10 ~~process of receiving accreditation.~~

11 (3) Each county attorney or the county attorney representing a  
12 contiguous group of counties is responsible for convening the child abuse  
13 and neglect investigation team and ensuring that protocols are  
14 established and implemented. A representative of the child advocacy  
15 center assigned to the team shall assist the county attorney in  
16 facilitating case review, developing and updating protocols, and  
17 arranging training opportunities for the team. Each team must have  
18 protocols which, at a minimum, shall include procedures for:

19 (a) Mandatory reporting of child abuse and neglect as outlined in  
20 section 28-711 to include training to professionals on identification and  
21 reporting of abuse;

22 (b) Assigning roles and responsibilities between law enforcement and  
23 the department ~~Department of Health and Human Services~~ for the initial  
24 response;

25 (c) Outlining how reports will be shared between law enforcement and  
26 the department ~~Department of Health and Human Services~~ under sections  
27 28-712.01 and 28-713;

28 (d) Coordinating the investigative response including, but not  
29 limited to:

30 (i) Defining cases that require a priority response;

31 (ii) Contacting the reporting party;

1 (iii) Arranging for a video-recorded forensic interview at a child  
2 advocacy center for children who are three to eighteen years of age and  
3 reported or suspected ~~are alleged~~ to be victims of sexual abuse, sexual  
4 exploitation, sex trafficking of a minor or labor trafficking of a minor  
5 as defined in section 28-830, or serious physical abuse or neglect, have  
6 witnessed a violent crime, are found in a drug-endangered environment, or  
7 have been recovered from a kidnapping;

8 (iv) Assessing the need for and arranging, when indicated, a medical  
9 evaluation of the reported or suspected ~~alleged~~ child victim;

10 (v) Assessing the need for and arranging, when indicated,  
11 appropriate mental health services for the reported or suspected ~~alleged~~  
12 child victim or nonoffender caregiver;

13 (vi) Conducting collateral interviews with other persons with  
14 information pertinent to the investigation including other potential  
15 victims;

16 (vii) Collecting, processing, and preserving physical evidence  
17 including photographing the crime scene as well as any physical injuries  
18 as a result of the reported or suspected ~~alleged~~ child abuse and neglect;  
19 and

20 (viii) Interviewing the alleged perpetrator;

21 (e) Reducing the risk of harm to reported or suspected victims of  
22 ~~alleged~~ child abuse and neglect ~~victims~~;

23 (f) Ensuring that the child is in safe surroundings, including  
24 removing the perpetrator when necessary or arranging for temporary  
25 custody of the child when the child is seriously endangered in his or her  
26 surroundings and immediate removal appears to be necessary for the  
27 child's protection as provided in section 43-248;

28 (g) Sharing of case information between team members; and

29 (h) Outlining what cases will be reviewed by the investigation team  
30 including, but not limited to:

31 (i) Cases of sexual abuse, sexual exploitation, serious physical

1 abuse and neglect, drug-endangered children, ~~and~~ serious or ongoing  
2 domestic violence, and sex trafficking of a minor or labor trafficking of  
3 a minor as defined in section 28-830;

4 (ii) Cases determined by the department ~~Department of Health and~~  
5 ~~Human Services~~ to be high or very high risk for further maltreatment; and

6 (iii) Any other case referred by a member of the team when a system-  
7 response issue has been identified.

8 (4) Each county attorney or the county attorney representing a  
9 contiguous group of counties is responsible for convening one or more ~~the~~  
10 child abuse and neglect treatment teams ~~team~~ and ensuring that protocols  
11 are established and implemented. A representative of the child advocacy  
12 center appointed to the team shall assist the county attorney in  
13 facilitating case review, developing and updating protocols, and  
14 arranging training opportunities for the team. Each team must have  
15 protocols which, at a minimum, shall include procedures for:

16 (a) Case coordination and assistance, including the location of  
17 services available within the area;

18 (b) Case staffings and the coordination, development,  
19 implementation, and monitoring of treatment or safety plans particularly  
20 in those cases in which ongoing services are provided by the department  
21 ~~Department of Health and Human Services~~ or a contracted agency but the  
22 juvenile court is not involved;

23 (c) Reducing the risk of harm to child abuse and neglect victims;

24 (d) Assisting those child abuse and neglect victims who are abused  
25 and neglected by perpetrators who do not reside in their homes; ~~and~~

26 (e) Working with multiproblem status offenders and delinquent youth;  
27 and -

28 (f) Cases of children who are missing and cases of children who are  
29 reported or suspected victims of sex trafficking of a minor or labor  
30 trafficking of a minor as defined in section 28-830.

31 (5) For purposes of this section, forensic interview means a video-

1 recorded interview of a reported or suspected ~~an alleged~~ child victim  
2 conducted at a child advocacy center by a professional with specialized  
3 training designed to elicit details about alleged incidents of child  
4 abuse or neglect, and such interview may result in intervention in  
5 criminal or juvenile court.

6 Sec. 8. Section 29-110, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 29-110 (1) Except as otherwise provided by law, no person shall be  
9 prosecuted for any felony unless the indictment is found by a grand jury  
10 within three years next after the offense has been done or committed or  
11 unless a complaint for the same is filed before the magistrate within  
12 three years next after the offense has been done or committed and a  
13 warrant for the arrest of the defendant has been issued.

14 (2) Except as otherwise provided by law, no person shall be  
15 prosecuted, tried, or punished for any misdemeanor or other indictable  
16 offense below the grade of felony or for any fine or forfeiture under any  
17 penal statute unless the suit, information, or indictment for such  
18 offense is instituted or found within one year and six months from the  
19 time of committing the offense or incurring the fine or forfeiture or  
20 within one year for any offense the punishment of which is restricted by  
21 a fine not exceeding one hundred dollars and to imprisonment not  
22 exceeding three months.

23 (3) Except as otherwise provided by law, no person shall be  
24 prosecuted for kidnapping under section 28-313, false imprisonment under  
25 section 28-314 or 28-315, child abuse under section 28-707, pandering  
26 under section 28-802, debauching a minor under section 28-805, or an  
27 offense under section 28-813, ~~28-813.01, or 28-1463.03~~ when the victim is  
28 under sixteen years of age at the time of the offense (a) unless the  
29 indictment for such offense is found by a grand jury within seven years  
30 next after the offense has been committed or within seven years next  
31 after the victim's sixteenth birthday, whichever is later, or (b) unless

1 a complaint for such offense is filed before the magistrate within seven  
2 years next after the offense has been committed or within seven years  
3 next after the victim's sixteenth birthday, whichever is later, and a  
4 warrant for the arrest of the defendant has been issued.

5 (4) Except as otherwise provided by law, no person shall be  
6 prosecuted for a violation of subsection (2) or (3) of section 28-831 (a)  
7 unless the indictment for such offense is found by a grand jury within  
8 seven years next after the offense has been committed or within seven  
9 years next after the victim's eighteenth birthday, whichever is later, or  
10 (b) unless a complaint for such offense is filed before the magistrate  
11 within seven years next after the offense has been committed or within  
12 seven years next after the victim's eighteenth birthday, whichever is  
13 later, and a warrant for the arrest of the defendant has been issued.

14 (5) Except as otherwise provided by law, no person shall be  
15 prosecuted for an offense under section 28-813.01 or 28-1463.05 (a)  
16 unless the indictment for such offense is found by a grand jury within  
17 seven years next after the offense has been committed or within seven  
18 years next after the victim's eighteenth birthday, whichever is later, or  
19 (b) unless a complaint for such offense is filed before the magistrate  
20 within seven years next after the offense has been committed or within  
21 seven years next after the victim's eighteenth birthday, whichever is  
22 later, and a warrant for the arrest of the defendant has been issued.

23 (6) ~~(4)~~ No person shall be prosecuted for a violation of the  
24 Securities Act of Nebraska under section 8-1117 unless the indictment for  
25 such offense is found by a grand jury within five years next after the  
26 offense has been done or committed or unless a complaint for such offense  
27 is filed before the magistrate within five years next after the offense  
28 has been done or committed and a warrant for the arrest of the defendant  
29 has been issued.

30 (7) ~~(5)~~ No person shall be prosecuted for criminal impersonation  
31 under section 28-638, identity theft under section 28-639, or identity

1 fraud under section 28-640 unless the indictment for such offense is  
2 found by a grand jury within five years next after the offense has been  
3 done or committed or unless a complaint for such offense is filed before  
4 the magistrate within five years next after the offense has been done or  
5 committed and a warrant for the arrest of the defendant has been issued.

6 (8) ~~(6)~~ No person shall be prosecuted for a violation of section  
7 68-1017 if the aggregate value of all funds and other benefits obtained  
8 or attempted to be obtained is five hundred dollars or more unless the  
9 indictment for such offense is found by a grand jury within five years  
10 next after the offense has been done or committed or unless a complaint  
11 for such offense is filed before the magistrate within five years next  
12 after the offense has been done or committed and a warrant for the arrest  
13 of the defendant has been issued.

14 (9) ~~(7)~~ No person shall be prosecuted for knowing and intentional  
15 abuse, neglect, or exploitation of a vulnerable adult or senior adult  
16 under section 28-386 unless the indictment for such offense is found by a  
17 grand jury within six years next after the offense has been done or  
18 committed or unless a complaint for such offense is filed before the  
19 magistrate within six years next after the offense has been done or  
20 committed and a warrant for the arrest of the defendant has been issued.

21 (10) ~~(8)~~ There shall not be any time limitations for prosecution or  
22 punishment for treason, murder, arson, forgery, sexual assault in the  
23 first or second degree under section 28-319 or 28-320, sexual assault of  
24 a child in the second or third degree under section 28-320.01, incest  
25 under section 28-703, ~~or~~ sexual assault of a child in the first degree  
26 under section 28-319.01, labor trafficking of a minor or sex trafficking  
27 of a minor under subsection (1) of section 28-831, or an offense under  
28 section 28-1463.03; nor shall there be any time limitations for  
29 prosecution or punishment for sexual assault in the third degree under  
30 section 28-320 when the victim is under sixteen years of age at the time  
31 of the offense.

1           ~~(11)~~ ~~(9)~~ The time limitations prescribed in this section shall  
2 include all inchoate offenses pursuant to the Nebraska Criminal Code and  
3 compounding a felony pursuant to section 28-301.

4           ~~(12)~~ ~~(10)~~ The time limitations prescribed in this section shall not  
5 extend to any person fleeing from justice.

6           ~~(13)~~ ~~(11)~~ When any suit, information, or indictment for any crime or  
7 misdemeanor is limited by any statute to be brought or exhibited within  
8 any other time than is limited by this section, then the suit,  
9 information, or indictment shall be brought or exhibited within the time  
10 limited by such statute.

11           ~~(14)~~ ~~(12)~~ If any suit, information, or indictment is quashed or the  
12 proceedings set aside or reversed on writ of error, the time during the  
13 pendency of such suit, information, or indictment so quashed, set aside,  
14 or reversed shall not be reckoned within this statute so as to bar any  
15 new suit, information, or indictment for the same offense.

16           ~~(15)~~ ~~(13)~~ The changes made to this section by Laws 2004, LB 943,  
17 shall apply to offenses committed prior to April 16, 2004, for which the  
18 statute of limitations has not expired as of such date and to offenses  
19 committed on or after such date.

20           ~~(16)~~ ~~(14)~~ The changes made to this section by Laws 2005, LB 713,  
21 shall apply to offenses committed prior to September 4, 2005, for which  
22 the statute of limitations has not expired as of such date and to  
23 offenses committed on or after such date.

24           ~~(17)~~ ~~(15)~~ The changes made to this section by Laws 2009, LB 97, and  
25 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,  
26 2009, for which the statute of limitations has not expired as of such  
27 date and to offenses committed on or after such date.

28           ~~(18)~~ ~~(16)~~ The changes made to this section by Laws 2010, LB809,  
29 shall apply to offenses committed prior to July 15, 2010, for which the  
30 statute of limitations has not expired as of such date and to offenses  
31 committed on or after such date.



1           ~~(19)~~ (17) The changes made to this section by Laws 2016, LB934,  
2 shall apply to offenses committed prior to April 19, 2016, for which the  
3 statute of limitations has not expired as of such date and to offenses  
4 committed on or after such date.

5           (20) The changes made to this section by this legislative bill shall  
6 apply to offenses committed prior to the effective date of this act for  
7 which the statute of limitations has not expired as of such date and to  
8 offenses committed on or after such date.

9           Sec. 9. Section 43-4406, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11           43-4406 On or before each September 15, the department shall report  
12 electronically to the Health and Human Services Committee of the  
13 Legislature the following information regarding child welfare services,  
14 with respect to children served by any lead agency or the pilot project  
15 and children served by the department:

16           (1) The percentage of children served and the allocation of the  
17 child welfare budget, categorized by service area and by lead agency or  
18 the pilot project, including:

19           (a) The percentage of children served, by service area and the  
20 corresponding budget allocation; and

21           (b) The percentage of children served who are wards of the state and  
22 the corresponding budget allocation;

23           (2) The number of siblings in out-of-home care placed with siblings  
24 as of the June 30 immediately preceding the date of the report,  
25 categorized by service area and by lead agency or the pilot project;

26           (3) The number of waivers granted under subsection (2) of section  
27 71-1904;

28           (4) An update of the information in the report of the Children's  
29 Behavioral Health Task Force pursuant to sections 43-4001 to 43-4003,  
30 including:

31           (a) The number of children receiving mental health and substance

1 abuse services annually by the Division of Behavioral Health of the  
2 department;

3 (b) The number of children receiving behavioral health services  
4 annually at the Hastings Regional Center;

5 (c) The number of state wards receiving behavioral health services  
6 as of September 1 immediately preceding the date of the report;

7 (d) Funding sources for children's behavioral health services for  
8 the fiscal year ending on the immediately preceding June 30;

9 (e) Expenditures in the immediately preceding fiscal year by the  
10 division, categorized by category of behavioral health service and by  
11 behavioral health region; and

12 (f) Expenditures in the immediately preceding fiscal year from the  
13 medical assistance program and CHIP as defined in section 68-969 for  
14 mental health and substance abuse services, for all children and for  
15 wards of the state;

16 (5) The following information as obtained for each service area and  
17 lead agency or the pilot project:

18 (a) Case manager education, including college degree, major, and  
19 level of education beyond a baccalaureate degree;

20 (b) Average caseload per case manager;

21 (c) Average number of case managers per child during the preceding  
22 twelve months;

23 (d) Average number of case managers per child for children who have  
24 been in the child welfare system for three months, for six months, for  
25 twelve months, and for eighteen months and the consecutive yearly average  
26 for children until the age of majority or permanency is attained;

27 (e) Monthly case manager turnover;

28 (f) Monthly face-to-face contacts between each case manager and the  
29 children on his or her caseload;

30 (g) Monthly face-to-face contacts between each case manager and the  
31 parent or parents of the children on his or her caseload;

1 (h) Case documentation of monthly consecutive team meetings per  
2 quarter;

3 (i) Case documentation of monthly consecutive parent contacts per  
4 quarter;

5 (j) Case documentation of monthly consecutive child contacts with  
6 case manager per quarter;

7 (k) Case documentation of monthly consecutive contacts between child  
8 welfare service providers and case managers per quarter;

9 (l) Timeliness of court reports; and

10 (m) Non-court-involved children, including the number of children  
11 served, the types of services requested, the specific services provided,  
12 the cost of the services provided, and the funding source;

13 (6) All placements in residential treatment settings made or paid  
14 for by the child welfare system, the Office of Juvenile Services, the  
15 State Department of Education or local education agencies, any lead  
16 agency or the pilot project through letters of agreement, and the medical  
17 assistance program, including, but not limited to:

18 (a) Child variables;

19 (b) Reasons for placement;

20 (c) The percentage of children denied medicaid-reimbursed services  
21 and denied the level of placement requested;

22 (d) With respect to each child in a residential treatment setting:

23 (i) If there was a denial of initial placement request, the length  
24 and level of each placement subsequent to denial of initial placement  
25 request and the status of each child before and immediately after, six  
26 months after, and twelve months after placement;

27 (ii) Funds expended and length of placements;

28 (iii) Number and level of placements;

29 (iv) Facility variables; and

30 (v) Identification of specific child welfare services unavailable in  
31 the child's community that, if available, could have prevented the need

1 for residential treatment; and

2 (e) Identification of child welfare services unavailable in the  
3 state that, if available, could prevent out-of-state placements;

4 (7) From any lead agency or the pilot project, the percentage of its  
5 accounts payable to subcontracted child welfare service providers that  
6 are thirty days overdue, sixty days overdue, and ninety days overdue;

7 (8) For any individual involved in the child welfare system  
8 receiving a service or a placement through the department or its agent  
9 for which referral is necessary, the date when such referral was made by  
10 the department or its agent and the date and the method by which the  
11 individual receiving the services was notified of such referral. To the  
12 extent the department becomes aware of the date when the individual  
13 receiving the referral began receiving such services, the department or  
14 its agent shall document such date; ~~and~~

15 (9) The number of sexual abuse allegations that occurred for  
16 children being served by the Division of Children and Family Services of  
17 the Department of Health and Human Services and placed at a residential  
18 child-caring agency and the number of corresponding (a) screening  
19 decision occurrences by category, (b) open investigations by category,  
20 and (c) agency substantiations, court substantiations, and court-pending  
21 status cases; and -

22 (10) Information on children who are reported or suspected victims  
23 of sex trafficking of a minor or labor trafficking of a minor, as defined  
24 in section 28-830, including:

25 (a) The number of reports to the statewide toll-free number pursuant  
26 to section 28-711 alleging sex trafficking of a minor or labor  
27 trafficking of a minor and the number of children alleged to be victims;

28 (b) The number of substantiated victims of sex trafficking of a  
29 minor or labor trafficking of a minor, including demographic information  
30 and information on whether the children were already served by the  
31 department;

1           (c) The number of children determined to be reported or suspected  
2 victims of sex trafficking of a minor or labor trafficking of a minor,  
3 including demographic information and information on whether the children  
4 were previously served by the department;

5           (d) The types and costs of services provided to children who are  
6 reported or suspected victims of sex trafficking of a minor or labor  
7 trafficking of a minor; and

8           (e) The number of ongoing cases opened due to allegations of sex  
9 trafficking of a minor or labor trafficking of a minor and number of  
10 children and families served through these cases.

11           Sec. 10. Section 86-291, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           86-291 The Attorney General or any county attorney may make  
14 application to any district court of this state for an order authorizing  
15 or approving the interception of wire, electronic, or oral  
16 communications, and such court may grant, subject to sections 86-271 to  
17 86-295, an order authorizing or approving the interception of wire,  
18 electronic, or oral communications by law enforcement officers having  
19 responsibility for the investigation of the offense as to which  
20 application is made, when such interception may provide or has provided  
21 evidence of the commission of the offense of murder, kidnapping, robbery,  
22 bribery, extortion, dealing in narcotic or other dangerous drugs, labor  
23 trafficking or sex trafficking, labor trafficking of a minor or sex  
24 trafficking of a minor, sexual assault of a child or a vulnerable adult,  
25 visual depiction or possessing a visual depiction of sexually explicit  
26 conduct of a child, or child enticement by means of a computer, or any  
27 conspiracy to commit any such offense.

28           At the same time a county attorney first makes application to the  
29 district court for an initial order authorizing or approving the  
30 interception of wire, electronic, or oral communications, the county  
31 attorney shall submit the application to the Attorney General or his or

1 her designated deputy or assistant. Within twenty-four hours of receipt  
2 by the office of the Attorney General of the application from the county  
3 attorney, the Attorney General or his or her designated deputy or  
4 assistant, as the case may be, shall state to the district court where  
5 the order is sought his or her recommendation as to whether the order  
6 should be granted. The court shall not issue the order until it has  
7 received the recommendation or until seventy-two hours after receipt of  
8 the application from the county attorney, whichever is sooner, unless the  
9 court finds exigent circumstances existing which necessitate the  
10 immediate issuance of the order. The court may issue the order and  
11 disregard the recommendation of the Attorney General or his or her  
12 designated deputy or assistant.

13       Sec. 11.   Original sections 25-21,299, 28-707, 28-710, 28-713,  
14 28-728, 29-110, and 86-291, Reissue Revised Statutes of Nebraska, and  
15 sections 28-101 and 43-4406, Revised Statutes Cumulative Supplement,  
16 2018, are repealed.