

AMENDMENTS TO LB518

Introduced by Health and Human Services.

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Support for Trafficking Survivors Act.

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

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

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

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

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

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

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

24 (2) It is the intent of the Support for Trafficking Survivors Act to
25 create a statewide multisystemic response and provide supportive services
26 that promote safety, well-being, and economic stability for victims of
27 sex trafficking and commercial sexual exploitation and to establish the

1 Office of Support for Trafficking Survivors, Support for Trafficking
2 Survivors Advisory Board, and Sex Trafficking Investigation Assistance
3 Fund as a means to that end.

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

5 (1) Board means the Support for Trafficking Survivors Advisory Board
6 created in section 5 of this act;

7 (2) Commercial sexual exploitation means the exploitation of
8 individuals as a result of their involvement in commercial sexual
9 activity as defined in section 28-830;

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

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

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

19 (6) Sex trafficking includes sex trafficking and sex trafficking of
20 a minor as defined in section 28-830; and

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

24 Sec. 4. (1) The Office of Support for Trafficking Survivors is
25 established within the department.

26 (2) The office shall:

27 (a) Provide administrative support to the board;

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

30 (c) Administer and oversee the grant program established under
31 section 7 of this act if public or private funding is made available for

1 this purpose;

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

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

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

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

22 (h) As part of the state plan created under section 6 of this act,
23 submit an annual report of receipts to and disbursements from the Sex
24 Trafficking Investigation Assistance Fund.

25 Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is
26 created within the Office of Support for Trafficking Survivors. The
27 purpose of the board is to award grants, if public or private funding is
28 made available for this purpose, and create a state plan for supportive
29 services for victims of sex trafficking and commercial sexual
30 exploitation. The board shall have fifteen members, including nine voting
31 and six nonvoting members. The voting members shall be appointed by the

1 Governor.

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

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

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

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

12 (d) Three representatives of law enforcement, including one from
13 each congressional district;

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

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

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

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

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

26 (c) One representative of the Nebraska Commission on Law Enforcement
27 and Criminal Justice, as designated by the executive director of the
28 commission;

29 (d) One representative of the Attorney General, as designated by the
30 Attorney General;

31 (e) One representative of the Office of Probation Administration, as

1 designated by the probation administrator; and

2 (f) One representative of the Office of Support for Trafficking
3 Survivors within the department designated by the chief executive officer
4 of the Department of Health and Human Services.

5 (4) Members of the board appointed under subsection (2) of this
6 section shall serve four-year terms. A vacancy shall be filled for the
7 balance of the unexpired term in the same manner as the original
8 appointment. A member may be reappointed at the expiration of his or her
9 term. An appointed board member shall not serve more than two consecutive
10 terms, whether partial or full.

11 (5) Initial board members shall be appointed or designated no later
12 than October 1, 2019.

13 (6) The board shall elect a chairperson and may elect other officers
14 and establish committees as it deems appropriate.

15 (7) The members of the board shall not receive any compensation for
16 service on the board but shall be reimbursed for actual and necessary
17 expenses incurred in the performance of their duties as provided in
18 sections 81-1174 to 81-1177.

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

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

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

25 (2) To create and annually review a state plan to prevent, identify,
26 and respond to sex trafficking and commercial sexual exploitation, with a
27 specific focus on supporting the safety, well-being, and economic
28 stability of victims of sex trafficking and commercial sexual
29 exploitation. The state plan shall be revised at least once every three
30 years. The state plan shall be submitted to the Governor and
31 electronically to the Health and Human Services Committee of the

1 Legislature and the Judiciary Committee of the Legislature within one
2 year after the appointment of the original board and annually thereafter
3 by December 1. The state plan shall:

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

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

10 (c) Evaluate the availability of services accessed through the child
11 welfare system and the criminal justice system, as well as supportive
12 services funded through the competitive grant program established in
13 section 7 of this act if public or private funding is made available for
14 this grant program;

15 (d) Include an accounting of receipts to and disbursements from the
16 Human Trafficking Victim Assistance Fund;

17 (e) Include an accounting of receipts to and disbursements from the
18 Sex Trafficking Investigation Assistance Fund, if public or private
19 funding is made available for this purpose, including a description of
20 reimbursements made, the name of state or local law enforcement agencies
21 that received reimbursement, and the type of expense reimbursed; and

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

25 (3) To develop criteria, review applications, and approve the
26 awarding of grants to eligible program recipients in the manner described
27 in section 7 of this act if public or private funding is made available
28 for this grant program;

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

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

4 Sec. 7. (1) If public or private funding is made available for this
5 purpose, the board shall establish a competitive grant program in support
6 of the state plan developed under section 6 of this act to prevent,
7 identify, and respond to sex trafficking and commercial sexual
8 exploitation and to support the safety, well-being, and economic
9 stability of victims of sex trafficking and commercial sexual
10 exploitation. The awarding of any such grant shall be approved by a
11 majority of the voting members of the board.

12 (2) Grants shall be awarded to eligible program recipients to
13 provide supportive services to prevent, identify, and respond to sex
14 trafficking and commercial sexual exploitation and to support the safety,
15 well-being, and economic stability of victims of sex trafficking and
16 commercial sexual exploitation. Programs providing supportive services
17 that are funded through such grant program shall:

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

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

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

1 individuals with disabilities;

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

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

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

19 (3) Programs providing supportive services shall be ineligible to
20 participate in the grant program if:

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

23 (b) Services provided do not allow the free practice of the religion
24 of choice; or

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

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

1 (5) Funding for the competitive grant program may be paid from the
2 Human Trafficking Victim Assistance Fund.

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

18 Sec. 9. (1) The Sex Trafficking Investigation Assistance Fund is
19 created. The State Treasurer shall credit to the fund such money as is
20 appropriated or transferred to the fund by the Legislature, donated as
21 gifts, bequests, or other contributions to such fund from public or
22 private entities, and made available by any department or agency of the
23 United States if so directed by such department or agency. The fund shall
24 be administered by the Nebraska Commission on Law Enforcement and
25 Criminal Justice. The Department of Justice shall approve and coordinate
26 payments to state and local law enforcement.

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

30 (3) All money credited to such fund shall be used to reimburse state
31 or local law enforcement for expenses associated with victim-centered

1 trauma-informed investigations, operations, or prosecution of sex
2 trafficking. The fund shall not be used to reimburse state or local law
3 enforcement costs associated with investigations, operations, or
4 prosecution of prostitution arrests.

5 Sec. 10. Section 81-1429.02, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 81-1429.02 The Human Trafficking Victim Assistance Fund is created.
8 The fund shall consist of any funds appropriated by the Legislature or
9 ~~contain money~~ donated as gifts, bequests, or other contributions from
10 public or private entities. Funds made available by any department or
11 agency of the United States may also be credited to the fund if so
12 directed by such department or agency. The fund shall be administered by
13 the Nebraska Commission on Law Enforcement and Criminal Justice. The
14 Department of Health and Human Services shall approve and coordinate
15 payments to service providers. All money credited to such fund shall be
16 used to support care, treatment, and other services for victims of human
17 trafficking and commercial sexual exploitation of a child. Any money in
18 the fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act and the
20 Nebraska State Funds Investment Act.

21 Sec. 11. Original section 81-1429.02, Revised Statutes Cumulative
22 Supplement, 2018, is repealed.