LEGISLATION OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 517

Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

Read first time January 22, 2019

Committee: Judiciary

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,299, Reissue Revised Statutes of Nebraska; to change human trafficking damage provisions as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 25-21,299, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,299 (1) Any trafficking victim or his or her parent or legal guardian who suffered or continues to suffer personal or psychological injury as a result of such human trafficking may bring a civil action against any person who knowingly (a) engaged in human trafficking of such victim within this state or (b) aided or assisted with the human trafficking of such victim within this state.

(2) A plaintiff who prevails in a civil action brought pursuant to the Human Trafficking Victims Civil Remedy Act may recover his or her actual damages plus any and all attorney's fees and costs reasonably associated with the civil action. The court may, in its discretion, increase the award of damages to an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards. In addition to all other remedies available under the act, the court may also award temporary, preliminary, and permanent injunctive relief as the court deems necessary and appropriate.

(3) Actual damages to be awarded pursuant to subsection (2) of this section may include, but are not limited to, the following:

(a) Costs of medical and psychological treatment, past, present, and future;

(b) Costs of necessary transportation, temporary housing, and child care;

(c) The greater of (i) the value of the human trafficking victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938; or (ii) the gross income or value to the defendant of the victim's labor servitude or sexual servitude engaged in by the victim while in the sex trafficking situation;

(d) Return of property, cost of damage to property, or full value of
property, if destroyed or damaged beyond repair;

(e) Expenses incurred by a victim and any household member or other family member in relocating away from the defendant or his or her associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items;

(f) In the case of an offense resulting in death or bodily injury that results in death, the costs and expenses of necessary funeral and related services;

(g) Costs and expenses incurred that are related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and

(h) Any and all other losses suffered as a victim of human trafficking and any and all other damages otherwise recoverable by a victim under the law.

Sec. 2. Original section 25-21,299, Reissue Revised Statutes of Nebraska, is repealed.