

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 518

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

Read first time January 22, 2019

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health and human services; to amend section
- 2 81-1429.02, Revised Statutes Cumulative Supplement, 2018; to adopt
- 3 the Support for Trafficking Survivors Act; to create an office, a
- 4 board, and a fund; to state intent regarding appropriations; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known and may be
2 cited as the Support for Trafficking Survivors Act.

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

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

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

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

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

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

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

22 (2) It is the intent of the Support for Trafficking Survivors Act to
23 create a statewide multisystemic response and provide supportive services
24 that promote safety, well-being, and economic stability for victims of
25 sex trafficking and commercial sexual exploitation and to establish the
26 Office of Support for Trafficking Survivors, Support for Trafficking
27 Survivors Advisory Board, and Support for Trafficking Survivors Fund as a
28 means to that end.

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

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

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

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

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

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

13 (6) Sex trafficking or sex trafficking of a minor has the same
14 meaning as in section 28-830; and

15 (7) Supportive services include, but is not limited to, housing,
16 economic stability, education, mental health, substance abuse, legal,
17 transportation, case management, and victim advocacy services.

18 Sec. 4. (1) The Office of Support for Trafficking Survivors is
19 established within the department. The office shall consist of a program
20 coordinator, appointed by the chief executive officer of the department,
21 and other support staff deemed necessary by the department.

22 (2) The office shall:

23 (a) Provide administrative support to the board;

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

26 (c) Administer and oversee the grant program established under
27 section 7 of this act;

28 (d) Coordinate the department's efforts to prevent, identify, and
29 respond to sex trafficking and commercial sexual exploitation and to
30 support the safety, well-being, and economic stability of victims of sex
31 trafficking and commercial sexual exploitation, including identifying and

1 addressing challenges associated with individual cases of commercial
2 sexual exploitation and sex trafficking;

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

7 (f) Coordinate trauma-informed and victim-centered training and
8 resources on sex trafficking and commercial sexual exploitation for
9 relevant department staff, as well as other state agencies and service
10 providers who work with victims of sex trafficking and commercial sexual
11 exploitation;

12 (g) Monitor and apply for available federal or other funding
13 opportunities that would support efforts to prevent, identify, and
14 respond to sex trafficking and commercial sexual exploitation and efforts
15 to support the safety, well-being, and economic stability of victims of
16 sex trafficking and commercial sexual exploitation; and

17 (h) As part of the state plan created under section 6 of this act,
18 submit an annual report of all receipts to and disbursements from the
19 Support for Trafficking Survivors Fund, including a description and
20 amount of administrative costs expended, the name of grant recipients
21 under the competitive grant program, a brief description of each
22 supportive service program funded, the number of persons served by the
23 grant program, and the dollar amount awarded.

24 (3) The costs of administering the Office of Support for Trafficking
25 Survivors shall be paid from the Support for Trafficking Survivors Fund,
26 not to exceed twenty percent of the total amount available in such fund.
27 Expenses incurred under subsection (7) of section 5 of this act shall be
28 included as administrative costs subject to such limit.

29 Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is
30 created within the Office of Support for Trafficking Survivors. The
31 purpose of the board is to award grants and create a state plan for

1 supportive services for victims of sex trafficking and commercial sexual
2 exploitation. The board shall have fifteen members, including nine voting
3 and six nonvoting members. The voting members shall be appointed by the
4 Governor.

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

8 (a) At least two survivors of sex trafficking or commercial sexual
9 exploitation;

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

13 (c) One representative of a statewide association of child advocacy
14 centers;

15 (d) Three representatives of law enforcement, with one from each
16 congressional district;

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

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

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

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

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

29 (c) One representative of the Nebraska Commission on Law Enforcement
30 and Criminal Justice, as designated by the executive director of the
31 commission;

1 (d) One representative of the Attorney General's office, as
2 designated by the Attorney General;

3 (e) One representative of the Office of Probation Administration, as
4 designated by the probation administrator; and

5 (f) The program coordinator of the office.

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

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

13 (6) The program coordinator of the office shall serve as chairperson
14 of the board. The board may elect the other officers and establish
15 committees as it deems appropriate.

16 (7) The members of the board shall not receive any compensation for
17 their services but shall be reimbursed for their actual and necessary
18 expenses incurred in the performance of their duties as provided in
19 sections 81-1174 to 81-1177. The reimbursement shall be paid from the
20 Support for Trafficking Survivors Fund. In any one fiscal year, no more
21 than five percent of the funds available in the Support for Trafficking
22 Survivors Fund shall be used for the purpose of reimbursement of board
23 members subject to the limitation in subsection (3) of section 4 of this
24 act.

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

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

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

31 (2) To create and annually review a state plan to prevent, identify,

1 and respond to sex trafficking and commercial sexual exploitation and to
2 support the safety, well-being, and economic stability of victims of sex
3 trafficking and commercial sexual exploitation. The state plan shall be
4 revised at least once every three years. The state plan shall be
5 submitted to the Governor and electronically to the Health and Human
6 Services Committee of the Legislature and the Judiciary Committee of the
7 Legislature within one year after the appointment of the original board
8 and annually thereafter by December 1. Such state plan shall:

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

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

15 (c) Evaluate the availability of services accessed through the child
16 welfare system and the criminal justice system, as well as supportive
17 services funded through the competitive grant program established in
18 section 7 of this act;

19 (d) Include an accounting of all receipts to and disbursements from
20 the Support for Trafficking Survivors Fund, including a description and
21 amount of administrative costs expended, the name of grant recipients
22 under the competitive grant program, a brief description of the programs
23 funded, the number of persons served by the grant program, and the dollar
24 amount awarded;

25 (e) Include an accounting of all receipts to and disbursements from
26 the Human Trafficking Investigation Assistance Fund, including a
27 description of reimbursements made, the name of state or local law
28 enforcement agencies that received reimbursement, and the type of expense
29 reimbursed; and

30 (f) Include the number of victims of sex trafficking and commercial
31 sexual exploitation identified or served by the department and other

1 state agencies and services;

2 (3) To develop criteria, review applications, and approve the
3 awarding of grants to eligible program recipients in the manner described
4 in section 7 of this act;

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

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

11 Sec. 7. (1) The board shall establish a competitive grant program
12 in support of the state plan developed under section 6 of this act to
13 prevent, identify, and respond to sex trafficking and commercial sexual
14 exploitation and to support the safety, well-being, and economic
15 stability of victims of sex trafficking and commercial sexual
16 exploitation. The awarding of any such grant shall be approved by a
17 majority of the voting members of the board.

18 (2) After administrative costs, the funds available in the Support
19 for Trafficking Survivors Fund shall be awarded to provide supportive
20 services to eligible program recipients to prevent, identify, and respond
21 to sex trafficking and commercial sexual exploitation and to support the
22 safety, well-being, and economic stability of victims of sex trafficking
23 and commercial sexual exploitation. Programs providing supportive
24 services that are funded through such grant program shall:

25 (a) Utilize a trauma-informed approach, which involves understanding
26 and responding to the symptoms of trauma and traumatic stress across the
27 lifespan, recognizing the signs and symptoms of trauma, implementing that
28 knowledge about trauma into policies, procedures, and practices, and
29 seeking to actively resist re-traumatization;

30 (b) Use a victim-centered approach, which focuses on the needs and
31 concerns of the victim, provides supportive services in a

1 nondiscriminatory, nonjudgmental manner, and seeks to minimize re-
2 traumatization by supporting victims' rights, dignity, autonomy, and
3 self-determination;

4 (c) Provide services that are linguistically and developmentally
5 appropriate. Applicants must have in place policies and procedures
6 promoting linguistically relevant services, including the accessibility
7 of services for program participants with limited English proficiency and
8 individuals with disabilities;

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

20 (e) Inform each victim about the option to work within the criminal
21 justice system in the prosecution of the trafficker and others involved
22 in his or her sex trafficking or commercial sexual exploitation;

23 (f) Provide access to services regardless of age, gender, race,
24 ethnicity, national origin, religion, sexual orientation, gender
25 identity, disability, language, or socioeconomic status; and

26 (g) Have written policies and procedures to ensure the safety,
27 confidentiality, and privacy of the information regarding each victim.

28 (3) Programs providing supportive services shall be ineligible to
29 participate in the grant program described in subsection (2) of this
30 section if:

31 (a) Services are provided in a way that is coercive or not

1 voluntary;

2 (b) Services provided (i) do not allow the free practice of the
3 religion of choice, (ii) promote one religious practice over another, or
4 (iii) require or incentivize the practice of religion as a program
5 component; or

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

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

13 (5) The first grants shall be awarded during calendar year 2020.

14 (6) Funding for the competitive grant program shall be paid from the
15 Support for Trafficking Survivors Fund.

16 Sec. 8. The board shall contract for an independent evaluation of
17 the state plan created under section 6 of this act and the competitive
18 grant program created under section 7 of this act if public or private
19 funding is made available in the Support for Trafficking Survivors Fund
20 for this specific purpose. The evaluation shall assess the effectiveness
21 of the state plan in promoting the safety, well-being, and economic
22 stability for victims of sex trafficking and commercial sexual
23 exploitation and the effectiveness of the grant program in achieving the
24 purposes described in section 7 of this act. The evaluation shall begin
25 after the completion of the second year of the competitive grant program
26 and shall be completed in the third year of the program. The department
27 shall electronically transmit the completed evaluation to the Health and
28 Human Services Committee of the Legislature and the Judiciary Committee
29 of the Legislature.

30 Sec. 9. (1) The Support for Trafficking Survivors Fund is created.
31 The State Treasurer shall credit to the fund such money as is

1 appropriated or transferred to the fund by the Legislature, donated as
2 gifts, bequests, or other contributions to such fund from public or
3 private entities, and made available by any department or agency of the
4 United States if so directed by such department or agency. The fund shall
5 be administered by the Department of Health and Human Services.

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

9 (3) The fund shall only be used for purposes authorized under the
10 Support for Trafficking Survivors Act and shall not be used to supplant
11 any existing governmental program or service. Unless granted under
12 section 7 of this act, no grants may be made to any state department or
13 agency.

14 Sec. 10. (1) It is the intent of the Legislature to appropriate
15 four hundred fifty thousand dollars from the General Fund to the Support
16 for Trafficking Survivors Fund each year for fiscal years 2019-20 and
17 2020-21 in order to implement the Support for Trafficking Survivors Act.

18 (2) It is the intent of the Legislature to appropriate fifty
19 thousand dollars from the General Fund to the Human Trafficking
20 Investigation Assistance Fund each year for fiscal years 2019-20 and
21 2020-21 to implement the Support for Trafficking Survivors Act.

22 Sec. 11. Section 81-1429.02, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 81-1429.02 The Human Trafficking Investigation Victim Assistance
25 Fund is created. The fund shall consist of any funds appropriated by the
26 Legislature or contain money donated as gifts, bequests, or other
27 contributions from public or private entities. Funds made available by
28 any department or agency of the United States may also be credited to the
29 fund if so directed by such department or agency. The fund shall be
30 administered by the Nebraska Commission on Law Enforcement and Criminal
31 Justice. The Department of Justice shall approve and coordinate payments

1 to state and local law enforcement. All money credited to such fund shall
2 be used to reimburse state or local law enforcement for expenses
3 associated with victim-centered, trauma-informed investigations,
4 operations, or prosecution of sex trafficking. The fund shall not be used
5 to reimburse state or local law enforcement costs associated with
6 investigations, operations, or prosecution of prostitution arrests
7 ~~support care, treatment, and other services for victims of human~~
8 ~~trafficking and commercial sexual exploitation of a child.~~ Any money in
9 the fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act and the
11 Nebraska State Funds Investment Act. The State Treasurer shall transfer
12 the balance remaining in the Human Trafficking Victim Assistance Fund on
13 the effective date of this act to the Human Trafficking Investigation
14 Assistance Fund.

15 Sec. 12. Original section 81-1429.02, Revised Statutes Cumulative
16 Supplement, 2018, is repealed.