

AMENDMENTS TO LB 255

Introduced by McGill

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

3 Section 1. Section 28-707, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 28-707 (1) A person commits child abuse if he or she
6 knowingly, intentionally, or negligently causes or permits a minor
7 child to be:

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

10 (b) Cruelly confined or cruelly punished;

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

13 (d) Placed in a situation to be sexually exploited by
14 allowing, encouraging, or forcing such minor child to solicit for
15 or engage in prostitution, debauchery, public indecency, or obscene
16 or pornographic photography, films, or depictions; ~~or~~

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

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

21 (2) The statutory privilege between patient and
22 physician, between client and professional counselor, and between
23 husband and wife shall not be available for excluding or refusing

1 testimony in any prosecution for a violation of this section.

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

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

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

11 (6) Child abuse is a Class III felony if the offense is
12 committed negligently and results in the death of such child.

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

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

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

24 Sec. 2. Section 28-801, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 28-801 (1) Any Except as provided in subsection (5) of
27 this section, any person who performs, offers, or agrees to perform

1 any act of sexual contact or sexual penetration, as those terms
2 are defined in section 28-318, with any person not his or her
3 spouse, in exchange for money or other thing of value, commits
4 prostitution.

5 (2) Any person convicted of violating subsection (1) of
6 this section shall be punished as follows:

7 (a) If such person has had no prior convictions or has
8 had one prior conviction, such person shall be guilty of a Class
9 II misdemeanor. If the court places such person on probation, such
10 order of probation shall include, as one of its conditions, that
11 such person shall satisfactorily attend and complete an appropriate
12 mental health and substance abuse assessment conducted by a
13 licensed mental health professional or substance abuse professional
14 authorized to complete such assessment; and

15 (b) If such person has had two or more prior convictions,
16 such person shall be guilty of a Class I misdemeanor. If the
17 court places such person on probation, such order of probation
18 shall include, as one of its conditions, that such person shall
19 satisfactorily attend and complete an appropriate mental health and
20 substance abuse assessment conducted by a licensed mental health
21 professional or substance abuse professional authorized to complete
22 such assessment.

23 (3) It is an affirmative defense to prosecution under
24 this section that such person was a trafficking victim as defined
25 in section 28-830.

26 (4) For purposes of this subsection, section, prior
27 conviction means any conviction on or after July 14, 2006, for

1 violation of subsection (1) of this section or any conviction on or
2 after July 14, 2006, for violation of a city or village ordinance
3 relating to prostitution.

4 (5) If the law enforcement officer determines, after
5 a reasonable detention for investigative purposes, that a person
6 suspected of or charged with a violation of subsection (1) of this
7 section is a person under eighteen years of age, such person shall
8 be immune from prosecution for a prostitution offense under this
9 section and shall be subject to temporary custody under section
10 43-248 and further disposition under the Nebraska Juvenile Code.
11 A law enforcement officer who takes a person under eighteen years
12 of age into custody under this section shall immediately report
13 an allegation of a violation of section 28-831 to the Department
14 of Health and Human Services which shall commence an investigation
15 within twenty-four hours under the Child Protection Act.

16 Sec. 3. Section 28-801.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-801.01 (1) Any person who solicits another person not
19 his or her spouse to perform any act of sexual contact or sexual
20 penetration, as those terms are defined in section 28-318, in
21 exchange for money or other thing of value, commits solicitation of
22 prostitution.

23 (2) Any person convicted of violating subsection (1) of
24 this section shall be punished as follows:

25 (a) If such person has had no prior convictions, such
26 person shall be guilty of a Class I misdemeanor and pay a fine
27 of not less than two hundred fifty dollars, unless the person

1 solicited is under the age of eighteen years, in which case
2 such person violating this section shall be guilty of a Class IV
3 felony. If the court places such person on probation, such order
4 of probation shall include, as one of its conditions, the payment
5 of a fine of not less than two hundred fifty dollars and such
6 person shall satisfactorily attend and complete an appropriate
7 mental health and substance abuse assessment conducted by a
8 licensed mental health professional or substance abuse professional
9 authorized to complete such assessment; and

10 (b) If such person has had one or more prior convictions,
11 such person shall be guilty of a Class IV felony and pay a fine of
12 not less than five hundred dollars. If the court places such person
13 on probation, such order of probation shall include, as one of its
14 conditions, the payment of a fine of not less than five hundred
15 dollars and such person shall satisfactorily attend and complete an
16 appropriate mental health and substance abuse assessment conducted
17 by a licensed mental health professional or substance abuse
18 professional authorized to complete such assessment.

19 (3) It is an affirmative defense to prosecution under
20 this section that such person was a trafficking victim as defined
21 in section 28-830.

22 Sec. 4. Section 28-802, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 28-802 (1) A person commits pandering if such person:
25 (a) Entices another person to become a prostitute; or
26 (b) Procures or harbors therein an inmate for a house of
27 prostitution or for any place where prostitution is practiced or

1 allowed; or

2 (c) Inveigles, entices, persuades, encourages, or
3 procures any person to come into or leave this state for the
4 purpose of prostitution or debauchery; or

5 (d) Receives or gives or agrees to receive or give any
6 money or other thing of value for procuring or attempting to
7 procure any person to become a prostitute or commit an act of
8 prostitution or come into this state or leave this state for the
9 purpose of prostitution or debauchery.

10 (2) Pandering is a Class IV felony for a first offense,
11 unless the person being enticed, procured, harbored, or otherwise
12 persuaded to become a prostitute ~~in violation of this section~~ is
13 under the age of eighteen years, in which case pandering is a Class
14 III felony for a first offense. Pandering is a Class III felony for
15 a second or subsequent offense.

16 Sec. 5. Section 28-804, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-804 (1) Any person who has or exercises control over
19 the use of any place which offers seclusion or shelter for the
20 practice of prostitution and who knowingly grants or permits the
21 use of such place for the purpose of prostitution commits the
22 offense of keeping a place of prostitution.

23 (2) Keeping a place of prostitution is a Class I
24 misdemeanor, unless any person using such place for the practice of
25 prostitution is under the age of eighteen years, in which case any
26 person convicted of keeping a place of prostitution shall be guilty
27 of a Class IV felony.

1 Sec. 6. Section 28-830, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-830 For purposes of sections 28-830 to 28-832, the
4 following definitions apply:

5 (1) Actor means a person who solicits, procures, or
6 supervises the services or labor of another person;

7 (2) Commercial sexual activity means any sex act on
8 account of which anything of value is given, promised to, or
9 received by any person;

10 (3) Financial harm means theft by extortion as described
11 by section 28-513;

12 (4) Forced labor or services means labor or services that
13 are performed or provided by another person and are obtained or
14 maintained through:

15 (a) Inflicting or threatening to inflict serious personal
16 injury to the other person as defined by section 28-318;

17 (b) Physically restraining or threatening to physically
18 restrain ~~another~~ the other person;

19 (c) Knowingly destroying, concealing, removing,
20 confiscating, or possessing any actual or purported passport
21 or other immigration document or any other actual or purported
22 government identification document of ~~another~~ the other person; or

23 (d) Causing or threatening to cause financial harm to
24 ~~another~~ the other person;

25 (5) Labor means work of economic or financial value;

26 (6) Labor trafficking means knowingly recruiting,
27 enticing, harboring, transporting, providing, or obtaining by any

1 means or attempting to recruit, entice, harbor, transport, provide,
2 or obtain by any means a person eighteen years of age or older
3 intending or knowing that the person will be subjected to forced
4 labor or services;

5 (7) Labor trafficking of a minor means knowingly
6 recruiting, enticing, harboring, transporting, providing, or
7 obtaining by any means or attempting to recruit, entice, harbor,
8 transport, provide, or obtain by any means a minor intending
9 or knowing that the minor will be subjected to forced labor or
10 services;

11 ~~(6)~~ (8) Maintain means, in relation to labor or services,
12 to secure continued performance thereof, regardless of any initial
13 agreement by the ~~victim~~ other person to perform such type of
14 service;

15 ~~(7)~~ (9) Minor means a person younger than eighteen years
16 of age;

17 ~~(8)~~ (10) Obtain means, in relation to labor or services,
18 to secure performance thereof;

19 ~~(9)~~ (11) Services means an ongoing relationship between
20 a ~~person~~ and the actor and another person in which the person
21 performs activities under the supervision of or for the benefit
22 of the actor. Commercial sexual activity and sexually-explicit
23 performances are forms of services under this section. Nothing in
24 this subdivision shall be construed to legalize prostitution;

25 (12) Sex trafficking means knowingly recruiting,
26 enticing, harboring, transporting, providing, or obtaining by
27 any means or knowingly attempting to recruit, entice, harbor,

1 transport, provide, or obtain by any means a person eighteen years
2 of age or older for the purpose of having such person engage
3 in commercial sexual activity, sexually explicit performance, or
4 the production of pornography or to cause or attempt to cause a
5 person eighteen years of age or older to engage in commercial
6 sexual activity, sexually explicit performance, or the production
7 of pornography;

8 (13) Sex trafficking of a minor means knowingly
9 recruiting, enticing, harboring, transporting, providing, or
10 obtaining by any means or knowingly attempting to recruit, entice,
11 harbor, transport, provide, or obtain by any means a minor for the
12 purpose of having such minor engage in commercial sexual activity,
13 sexually explicit performance, or the production of pornography
14 or to cause or attempt to cause a minor to engage in commercial
15 sexual activity, sexually explicit performance, or the production
16 of pornography;

17 ~~(10)~~ (14) Sexually-explicit performance means a live or
18 public play, dance, show, or other exhibition intended to arouse or
19 gratify sexual desire or to appeal to prurient interests; and

20 ~~(11)~~ (15) Trafficking victim means a person subjected to
21 any act or acts prohibited by section 28-831.

22 Sec. 7. Section 28-831, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 28-831 (1) No person shall knowingly ~~subject or attempt~~
25 ~~to subject another person to forced labor or services.~~ engage
26 in labor trafficking or sex trafficking. If an actor knowingly
27 ~~subjects another person to forced labor or services by~~ engages in

1 labor trafficking or sex trafficking by:

2 (a) Inflicting or threatening to inflict serious personal
3 injury to the other person as defined by section 28-318, the actor
4 is guilty of a Class III felony;

5 (b) Physically restraining or threatening to physically
6 restrain ~~another~~ the other person, the actor is guilty of a Class
7 III felony;

8 (c) Knowingly destroying, concealing, removing,
9 confiscating, or possessing any actual or purported passport or
10 other immigration document, or any other actual or purported
11 government identification document, of ~~such~~ the other person, the
12 actor is guilty of a Class IV felony; or

13 (d) Causing or threatening to cause financial harm to
14 ~~another~~ the other person, the actor is guilty of a Class I
15 misdemeanor.

16 (2) No person shall knowingly recruit, entice, harbor,
17 transport, provide, or obtain by any means or attempt to recruit,
18 entice, harbor, provide, or obtain by any means a minor for the
19 purpose of having such minor engage in commercial sexual activity,
20 sexually-explicit performance, or the production of pornography,
21 or to cause or attempt to cause a minor to engage in commercial
22 sexual activity, sexually-explicit performance, or the production
23 of pornography. A person engage in labor trafficking of a minor or
24 sex trafficking of a minor. An actor who violates this subsection
25 engages in labor trafficking of a minor or sex trafficking of a
26 minor shall be punished as follows:

27 (a) In cases in which the actor uses overt force or the

1 threat of force against the trafficking victim, the actor is guilty
2 of a Class II felony;

3 (b) In cases in which the trafficking victim has not
4 attained the age of fifteen years, ~~and the actor does not use overt~~
5 ~~force or the threat of force,~~ the actor is guilty of a Class II
6 felony; or

7 (c) In cases involving a trafficking victim between the
8 ages of fifteen and eighteen years, and the actor does not use
9 overt force or threat of force against the trafficking victim, the
10 actor is guilty of a Class III felony.

11 (3) Any person who knowingly ~~(a) recruits, entices,~~
12 ~~harbors, transports, provides, or obtains by any means, or attempts~~
13 ~~to recruit, entice, harbor, transport, provide, or obtain by any~~
14 ~~means, a person eighteen years of age or older, intending or~~
15 ~~knowing that the person will be subjected to forced labor or~~
16 ~~services or (b) benefits, financially or by receiving anything of~~
17 value, from participation in a venture which has, as part of the
18 venture, an act that is in violation of ~~subsection (1) of this~~
19 section, is guilty of a Class IV felony.

20 Sec. 8. Section 28-1354, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 28-1354 For purposes of the Public Protection Act:

23 (1) Enterprise means any individual, sole proprietorship,
24 partnership, corporation, trust, association, or any legal entity,
25 union, or group of individuals associated in fact although not
26 a legal entity, and shall include illicit as well as licit
27 enterprises as well as other entities;

1 (2) Pattern of racketeering activity means a cumulative
2 loss for one or more victims or gains for the enterprise of not
3 less than one thousand five hundred dollars resulting from at least
4 two acts of racketeering activity, one of which occurred after
5 August 30, 2009, and the last of which occurred within ten years,
6 excluding any period of imprisonment, after the commission of a
7 prior act of racketeering activity;

8 (3) Person means any individual or entity, as defined in
9 section 21-2014, holding or capable of holding a legal, equitable,
10 or beneficial interest in property;

11 (4) Prosecutor includes the Attorney General of the
12 State of Nebraska, the deputy attorney general, assistant attorneys
13 general, a county attorney, a deputy county attorney, or any person
14 so designated by the Attorney General, a county attorney, or a
15 court of the state to carry out the powers conferred by the act;

16 (5) Racketeering activity includes the commission of,
17 criminal attempt to commit, conspiracy to commit, aiding and
18 abetting in the commission of, aiding in the consummation of,
19 acting as an accessory to the commission of, or the solicitation,
20 coercion, or intimidation of another to commit or aid in the
21 commission of any of the following:

22 (a) Offenses against the person which include: Murder in
23 the first degree under section 28-303; murder in the second degree
24 under section 28-304; manslaughter under section 28-305; assault in
25 the first degree under section 28-308; assault in the second degree
26 under section 28-309; assault in the third degree under section
27 28-310; terroristic threats under section 28-311.01; kidnapping

1 under section 28-313; false imprisonment in the first degree under
2 section 28-314; false imprisonment in the second degree under
3 section 28-315; sexual assault in the first degree under section
4 28-319; and robbery under section 28-324;

5 (b) Offenses relating to controlled substances which
6 include: To unlawfully manufacture, distribute, deliver, dispense,
7 or possess with intent to manufacture, distribute, deliver, or
8 dispense a controlled substance under subsection (1) of section
9 28-416; possession of marijuana weighing more than one pound
10 under subsection (12) of section 28-416; possession of money
11 used or intended to be used to facilitate a violation of
12 subsection (1) of section 28-416 prohibited under subsection
13 (17) of section 28-416; any violation of section 28-418; to
14 unlawfully manufacture, distribute, deliver, or possess with intent
15 to distribute or deliver an imitation controlled substance under
16 section 28-445; possession of anhydrous ammonia with the intent to
17 manufacture methamphetamine under section 28-451; and possession of
18 ephedrine, pseudoephedrine, or phenylpropanolamine with the intent
19 to manufacture methamphetamine under section 28-452;

20 (c) Offenses against property which include: Arson in
21 the first degree under section 28-502; arson in the second degree
22 under section 28-503; arson in the third degree under section
23 28-504; burglary under section 28-507; theft by unlawful taking
24 or disposition under section 28-511; theft by shoplifting under
25 section 28-511.01; theft by deception under section 28-512; theft
26 by extortion under section 28-513; theft of services under section
27 28-515; theft by receiving stolen property under section 28-517;

1 criminal mischief under section 28-519; and unlawfully depriving
2 or obtaining property or services using a computer under section
3 28-1344;

4 (d) Offenses involving fraud which include: Burning
5 to defraud an insurer under section 28-505; forgery in the
6 first degree under section 28-602; forgery in the second degree
7 under section 28-603; criminal possession of a forged instrument
8 under section 28-604; criminal possession of forgery devices
9 under section 28-605; criminal impersonation under section 28-638;
10 identity theft under section 28-639; identity fraud under section
11 28-640; false statement or book entry under section 28-612;
12 tampering with a publicly exhibited contest under section 28-614;
13 issuing a false financial statement for purposes of obtaining a
14 financial transaction device under section 28-619; unauthorized use
15 of a financial transaction device under section 28-620; criminal
16 possession of a financial transaction device under section 28-621;
17 unlawful circulation of a financial transaction device in the first
18 degree under section 28-622; unlawful circulation of a financial
19 transaction device in the second degree under section 28-623;
20 criminal possession of a blank financial transaction device under
21 section 28-624; criminal sale of a blank financial transaction
22 device under section 28-625; criminal possession of a forgery
23 device under section 28-626; unlawful manufacture of a financial
24 transaction device under section 28-627; laundering of sales forms
25 under section 28-628; unlawful acquisition of sales form processing
26 services under section 28-629; unlawful factoring of a financial
27 transaction device under section 28-630; and fraudulent insurance

1 acts under section 28-631;

2 (e) Offenses involving governmental operations which
3 include: Abuse of public records under section 28-911; perjury or
4 subornation of perjury under section 28-915; bribery under section
5 28-917; bribery of a witness under section 28-918; tampering with
6 a witness or informant or jury tampering under section 28-919;
7 bribery of a juror under section 28-920; assault on an officer in
8 the first degree under section 28-929; assault on an officer in the
9 second degree under section 28-930; assault on an officer in the
10 third degree under section 28-931; and assault on an officer using
11 a motor vehicle under section 28-931.01;

12 (f) Offenses involving gambling which include: Promoting
13 gambling in the first degree under section 28-1102; possession of
14 gambling records under section 28-1105; gambling debt collection
15 under section 28-1105.01; and possession of a gambling device under
16 section 28-1107;

17 (g) Offenses relating to firearms, weapons, and
18 explosives which include: Carrying a concealed weapon under
19 section 28-1202; transportation or possession of machine guns,
20 short rifles, or short shotguns under section 28-1203; unlawful
21 possession of a handgun under section 28-1204; unlawful transfer of
22 a firearm to a juvenile under section 28-1204.01; using a deadly
23 weapon to commit a felony or possession of a deadly weapon during
24 the commission of a felony under section 28-1205; possession of
25 a deadly weapon by a prohibited person under section 28-1206;
26 possession of a defaced firearm under section 28-1207; defacing
27 a firearm under section 28-1208; unlawful discharge of a firearm

1 under section 28-1212.02; possession, receipt, retention, or
2 disposition of a stolen firearm under section 28-1212.03; unlawful
3 possession of explosive materials in the first degree under
4 section 28-1215; unlawful possession of explosive materials in the
5 second degree under section 28-1216; unlawful sale of explosives
6 under section 28-1217; use of explosives without a permit under
7 section 28-1218; obtaining an explosives permit through false
8 representations under section 28-1219; possession of a destructive
9 device under section 28-1220; threatening the use of explosives or
10 placing a false bomb under section 28-1221; using explosives to
11 commit a felony under section 28-1222; using explosives to damage
12 or destroy property under section 28-1223; and using explosives to
13 kill or injure any person under section 28-1224;

14 (h) Any violation of the Securities Act of Nebraska
15 pursuant to section 8-1117;

16 (i) Any violation of the Nebraska Revenue Act of 1967
17 pursuant to section 77-2713;

18 (j) Offenses relating to public health and morals which
19 include: Prostitution under section 28-801; pandering under section
20 28-802; keeping a place of prostitution under section 28-804; ~~human~~
21 ~~trafficking or forced labor or services~~ labor trafficking, sex
22 trafficking, labor trafficking of a minor, or sex trafficking of a
23 minor under section 28-831; a violation of section 28-1005; and any
24 act relating to the visual depiction of sexually explicit conduct
25 prohibited in the Child Pornography Prevention Act; and

26 (k) A violation of the Computer Crimes Act;

27 (6) State means the State of Nebraska or any political

1 subdivision or any department, agency, or instrumentality thereof;
2 and

3 (7) Unlawful debt means a debt of at least one thousand
4 five hundred dollars:

5 (a) Incurred or contracted in gambling activity which was
6 in violation of federal law or the law of the state or which is
7 unenforceable under state or federal law in whole or in part as to
8 principal or interest because of the laws relating to usury; or

9 (b) Which was incurred in connection with the business
10 of gambling in violation of federal law or the law of the state
11 or the business of lending money or a thing of value at a rate
12 usurious under state law if the usurious rate is at least twice the
13 enforceable rate.

14 Sec. 9. Section 43-248, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 43-248 A peace officer may take a juvenile into temporary
17 custody without a warrant or order of the court and proceed as
18 provided in section 43-250 when:

19 (1) A juvenile has violated a state law or municipal
20 ordinance and the officer has reasonable grounds to believe such
21 juvenile committed such violation;

22 (2) A juvenile is seriously endangered in his or her
23 surroundings and immediate removal appears to be necessary for the
24 juvenile's protection;

25 (3) The officer believes the juvenile to be mentally
26 ill and dangerous as defined in section 71-908 and that the harm
27 described in that section is likely to occur before proceedings may

1 be instituted before the juvenile court;

2 (4) The officer has reasonable grounds to believe that
3 the juvenile has run away from his or her parent, guardian, or
4 custodian;

5 (5) A probation officer has reasonable cause to believe
6 that a juvenile is in violation of probation and that the juvenile
7 will attempt to leave the jurisdiction or place lives or property
8 in danger; ~~or~~

9 (6) The officer has reasonable grounds to believe the
10 juvenile is truant from school; ~~or~~

11 (7) The officer has reasonable grounds to believe
12 the juvenile is immune from prosecution for prostitution under
13 subsection (5) of section 28-801.

14 Sec. 10. Section 43-250, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 43-250 (1) A peace officer who takes a juvenile into
17 temporary custody under section 29-401 or subdivision (1), (4), or
18 (5) of section 43-248 shall immediately take reasonable measures to
19 notify the juvenile's parent, guardian, custodian, or relative and
20 shall proceed as follows:

21 (a) The peace officer may release a juvenile taken into
22 temporary custody under section 29-401 or subdivision (1) or (4) of
23 section 43-248;

24 (b) The peace officer may require a juvenile taken into
25 temporary custody under section 29-401 or subdivision (1) or (4)
26 of section 43-248 to appear before the court of the county in
27 which such juvenile was taken into custody at a time and place

1 specified in the written notice prepared in triplicate by the
2 peace officer or at the call of the court. The notice shall also
3 contain a concise statement of the reasons such juvenile was taken
4 into custody. The peace officer shall deliver one copy of the
5 notice to such juvenile and require such juvenile or his or her
6 parent, guardian, other custodian, or relative, or both, to sign a
7 written promise that such signer will appear at the time and place
8 designated in the notice. Upon the execution of the promise to
9 appear, the peace officer shall immediately release such juvenile.
10 The peace officer shall, as soon as practicable, file one copy
11 of the notice with the county attorney or city attorney and, when
12 required by the court, also file a copy of the notice with the
13 court or the officer appointed by the court for such purpose; or

14 (c) The peace officer may retain temporary custody of
15 a juvenile taken into temporary custody under section 29-401 or
16 subdivision (1), (4), or (5) of section 43-248 and deliver the
17 juvenile, if necessary, to the probation officer and communicate
18 all relevant available information regarding such juvenile to the
19 probation officer. The probation officer shall determine the need
20 for detention of the juvenile as provided in section 43-260.01.
21 Upon determining that the juvenile should be placed in a secure
22 or nonsecure placement and securing placement in such secure or
23 nonsecure setting by the probation officer, the peace officer shall
24 implement the probation officer's decision to release or to detain
25 and place the juvenile. When secure detention of a juvenile is
26 necessary, such detention shall occur within a juvenile detention
27 facility except:

1 (i) When a juvenile described in subdivision (1) or
2 (2) of section 43-247, except for a status offender, is taken
3 into temporary custody within a metropolitan statistical area and
4 where no juvenile detention facility is reasonably available, the
5 juvenile may be delivered, for temporary custody not to exceed
6 six hours, to a secure area of a jail or other facility intended
7 or used for the detention of adults solely for the purposes of
8 identifying the juvenile and ascertaining his or her health and
9 well-being and for safekeeping while awaiting transport to an
10 appropriate juvenile placement or release to a responsible party;

11 (ii) When a juvenile described in subdivision (1) or (2)
12 of section 43-247, except for a status offender, is taken into
13 temporary custody outside of a metropolitan statistical area and
14 where no juvenile detention facility is reasonably available, the
15 juvenile may be delivered, for temporary custody not to exceed
16 twenty-four hours excluding nonjudicial days and while awaiting an
17 initial court appearance, to a secure area of a jail or other
18 facility intended or used for the detention of adults solely for
19 the purposes of identifying the juvenile and ascertaining his
20 or her health and well-being and for safekeeping while awaiting
21 transport to an appropriate juvenile placement or release to a
22 responsible party;

23 (iii) Whenever a juvenile is held in a secure area of
24 any jail or other facility intended or used for the detention
25 of adults, there shall be no verbal, visual, or physical contact
26 between the juvenile and any incarcerated adult and there shall be
27 adequate staff to supervise and monitor the juvenile's activities

1 at all times. This subdivision shall not apply to a juvenile
2 charged with a felony as an adult in county or district court if he
3 or she is sixteen years of age or older;

4 (iv) If a juvenile is under sixteen years of age or is a
5 juvenile as described in subdivision (3) of section 43-247, he or
6 she shall not be placed within a secure area of a jail or other
7 facility intended or used for the detention of adults;

8 (v) If, within the time limits specified in subdivision
9 (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed
10 against the juvenile as an adult in county or district court, he or
11 she may be securely held in a jail or other facility intended or
12 used for the detention of adults beyond the specified time limits;

13 (vi) A status offender or nonoffender taken into
14 temporary custody shall not be held in a secure area of a jail
15 or other facility intended or used for the detention of adults.
16 Until January 1, 2013, a status offender accused of violating a
17 valid court order may be securely detained in a juvenile detention
18 facility longer than twenty-four hours if he or she is afforded
19 a detention hearing before a court within twenty-four hours,
20 excluding nonjudicial days, and if, prior to a dispositional
21 commitment to secure placement, a public agency, other than a court
22 or law enforcement agency, is afforded an opportunity to review the
23 juvenile's behavior and possible alternatives to secure placement
24 and has submitted a written report to the court; and

25 (vii) A juvenile described in subdivision (1) or (2) of
26 section 43-247, except for a status offender, may be held in a
27 secure area of a jail or other facility intended or used for the

1 detention of adults for up to six hours before and six hours after
2 any court appearance.

3 (2) When a juvenile is taken into temporary custody
4 pursuant to subdivision (2) or (7) of section 43-248, the
5 peace officer shall deliver the custody of such juvenile to
6 the Department of Health and Human Services which shall make
7 a temporary placement of the juvenile in the least restrictive
8 environment consistent with the best interests of the juvenile as
9 determined by the department. The department shall supervise such
10 placement and, if necessary, consent to any necessary emergency
11 medical, psychological, or psychiatric treatment for such juvenile.
12 The department shall have no other authority with regard to such
13 temporary custody until or unless there is an order by the court
14 placing the juvenile in the custody of the department. If the
15 peace officer delivers temporary custody of the juvenile pursuant
16 to this subsection, the peace officer shall make a full written
17 report to the county attorney within twenty-four hours of taking
18 such juvenile into temporary custody. If a court order of temporary
19 custody is not issued within forty-eight hours of taking the
20 juvenile into custody, the temporary custody by the department
21 shall terminate and the juvenile shall be returned to the custody
22 of his or her parent, guardian, custodian, or relative.

23 (3) If the peace officer takes the juvenile into
24 temporary custody pursuant to subdivision (3) of section 43-248,
25 the peace officer may place the juvenile at a mental health
26 facility for evaluation and emergency treatment or may deliver
27 the juvenile to the Department of Health and Human Services as

1 provided in subsection (2) of this section. At the time of the
2 admission or turning the juvenile over to the department, the
3 peace officer responsible for taking the juvenile into custody
4 shall execute a written certificate as prescribed by the Department
5 of Health and Human Services which will indicate that the peace
6 officer believes the juvenile to be mentally ill and dangerous,
7 a summary of the subject's behavior supporting such allegations,
8 and that the harm described in section 71-908 is likely to occur
9 before proceedings before a juvenile court may be invoked to
10 obtain custody of the juvenile. A copy of the certificate shall be
11 forwarded to the county attorney. The peace officer shall notify
12 the juvenile's parents, guardian, custodian, or relative of the
13 juvenile's placement.

14 (4) When a juvenile is taken into temporary custody
15 pursuant to subdivision (6) of section 43-248, the peace officer
16 shall deliver the juvenile to the enrolled school of such juvenile.

17 (5) A juvenile taken into custody pursuant to a legal
18 warrant of arrest shall be delivered to a probation officer who
19 shall determine the need for detention of the juvenile as provided
20 in section 43-260.01. If detention is not required, the juvenile
21 may be released without bond if such release is in the best
22 interests of the juvenile, the safety of the community is not at
23 risk, and the court that issued the warrant is notified that the
24 juvenile had been taken into custody and was released.

25 (6) In determining the appropriate temporary placement of
26 a juvenile under this section, the peace officer shall select the
27 placement which is least restrictive of the juvenile's freedom so

1 long as such placement is compatible with the best interests of the
2 juvenile and the safety of the community.

3 Sec. 11. Section 81-1430, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 81-1430 (1) A task force is hereby established within
6 the Nebraska Commission on Law Enforcement and Criminal Justice
7 for the purposes of investigating and studying human trafficking,
8 the methods for advertising human trafficking services, and the
9 victimization of individuals coerced to participate in human
10 trafficking.

11 (2) The task force shall examine the extent to which
12 human trafficking is prevalent in this state, the scope of efforts
13 being taken to prevent human trafficking from occurring, and the
14 services available to victims of human trafficking in this state.
15 The task force shall utilize information and research available
16 from the Innocence Lost National Initiative. The task force shall
17 research and recommend a model of rehabilitative services for
18 victims of human trafficking that includes input from the areas
19 of law enforcement, social services, the legal profession, the
20 judiciary, mental health, and immigration. The task force shall
21 also investigate the limitations upon victims who wish to come
22 forward and seek medical attention; investigate the potential to
23 stop human trafficking; and investigate the potential to promote
24 recovery, to protect families and children who may be profoundly
25 impacted by such abuse, and to save lives.

26 (3) (a) The Department of Labor shall work with the task
27 force to develop or select informational posters for placement

1 around the state. The posters shall be in English, Spanish, and any
2 other language deemed appropriate by the task force. The posters
3 shall include a toll-free telephone number a person may call
4 for assistance, preferably the National Human Trafficking Resource
5 Center Hotline (888)373-7888.

6 (b) Posters shall be placed in rest stops and strip
7 clubs. The task force shall work with local businesses and
8 nonprofit entities associated with the prevention of human
9 trafficking to voluntarily place additional signs in high schools,
10 postsecondary educational institutions, gas stations, hotels,
11 hospitals, health care clinics, urgent care centers, airports,
12 train stations, bus stations, and other locations around the state
13 deemed appropriate by the task force.

14 (4) The task force shall consist of the following
15 members:

16 (a) The Attorney General or his or her designee;

17 (b) The executive director of the Nebraska Commission on
18 Law Enforcement and Criminal Justice;

19 (c) The Superintendent of Law Enforcement and Public
20 Safety or his or her designee;

21 (d) The Director of Correctional Services or his or her
22 designee;

23 (e) The chief of police or director of public safety of a
24 city of two hundred thousand inhabitants or more;

25 (f) The chief of police or director of public safety of a
26 city of less than two hundred thousand inhabitants;

27 (g) A county sheriff;

1 (h) A county attorney;

2 (i) A county commissioner;

3 (j) A mayor or city manager;

4 (k) A person involved with the control or prevention of
5 juvenile delinquency;

6 (l) A person involved with the control or prevention of
7 child abuse;

8 (m) The Commissioner of Education or his or her designee;

9 (n) The director of the Commission on Latino-Americans or
10 his or her designee; and

11 (o) Six members, at least three of whom shall be women,
12 from the public at large.

13 (5) The Governor shall appoint the members of the task
14 force listed in subdivisions (4)(e) through (l) and (o) of this
15 section for terms as provided in subsection (6) of this section.
16 The membership of the task force shall represent varying geographic
17 areas and large and small political subdivisions. One member from
18 the public at large shall be a professional representing child
19 welfare, and one member of the public at large shall represent
20 juvenile pretrial diversion programs.

21 (6) The members of the task force appointed by the
22 Governor shall serve six-year terms, except that of the members
23 first appointed, four shall serve initial two-year terms, four
24 shall serve initial four-year terms, and six shall serve initial
25 six-year terms from January 1 next succeeding their appointments.
26 Thereafter, all members shall serve six-year terms. A member may
27 be reappointed at the expiration of his or her term. Any vacancy

1 occurring otherwise than by expiration of a term shall be filled
2 for the balance of the unexpired term in the same manner as the
3 original appointment.

4 (7) No member shall serve beyond the time when he or she
5 holds the office, employment, or status by reason of which he or
6 she was initially eligible for appointment. Any member of the task
7 force appointed by the Governor may be removed from the task force
8 for cause upon notice and an opportunity to be heard at a public
9 hearing. One of the causes for removal shall be absence from three
10 regularly scheduled meetings of the task force during any six-month
11 period when the member has failed to advise the task force in
12 advance of such meeting that he or she will be absent and stating a
13 reason therefor.

14 (8) The chairperson of the task force shall be designated
15 by the Governor to serve at the pleasure of the Governor. The
16 chairperson shall be the chief executive officer of the task force
17 but may delegate such of his or her duties to other members of the
18 task force as may be authorized by the task force.

19 (9) Notwithstanding any provision of law, ordinance, or
20 charter provision to the contrary, membership on the task force
21 shall not disqualify any member from holding any other public
22 office or employment or cause the forfeiture thereof.

23 (10) The members of the task force shall serve on the
24 task force without compensation, but they shall be entitled to
25 receive reimbursement for any actual expenses incurred as necessary
26 incident to such service as provided in sections 81-1174 to
27 81-1177.

1 (11) Eleven members of the task force shall constitute a
2 quorum for the transaction of any business or the exercise of any
3 power of the task force. The task force shall have the power to
4 act by a majority of the members present at any meeting at which a
5 quorum is in attendance.

6 (12) All appointments shall be made not later than thirty
7 days after July 19, 2012. The chairperson shall meet with the task
8 force not later than sixty days after July 19, 2012.

9 (13) Not later than one year after July 19, 2012, and
10 every July 1 and December 1 thereafter, the task force shall report
11 to the Clerk of the Legislature the results of its investigation
12 and study and its recommendations, if any, together with drafts of
13 legislation necessary to carry its recommendations into effect by
14 filing the report with the clerk.

15 Sec. 12. This act becomes operative on October 1, 2013.

16 Sec. 13. If any section in this act or any part of any
17 section is declared invalid or unconstitutional, the declaration
18 shall not affect the validity or constitutionality of the remaining
19 portions.

20 Sec. 14. Original sections 28-801, 28-801.01, 28-804,
21 28-830, and 28-831, Reissue Revised Statutes of Nebraska, and
22 sections 28-707, 28-802, 28-1354, 43-248, 43-250, and 81-1430,
23 Revised Statutes Cumulative Supplement, 2012, are repealed.