

**ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014**  
**COMMITTEE STATEMENT**  
**LB933**

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**Hearing Date:** Thursday January 30, 2014  
**Committee On:** Judiciary  
**Introducer:** McGill  
**One Liner:** Change provisions and define and redefine terms relating to labor trafficking and sex trafficking

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Ashford, Christensen, Coash, Davis, Lathrop, McGill, Seiler  
**Nay:**  
**Absent:**  
**Present Not Voting:** 1 Senator Chambers

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<b>Proponents:</b>	<b>Representing:</b>
SEN. AMANDA MCGILL	INTRODUCER
STEVEN WILLBORN	NEBRASKA UNIFORM LAW COMMISSION
AL RISKOWSKI	NEBRASKA FAMILY ALLIANCE
SRYIANI TIDBALL	SELF
LINDA BURKLE	SALVATION ARMY

<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
CHRIS EICKHOLT	NCDA

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**Summary of purpose and/or changes:**

Section 1 would amend 28-830, by defining "debt bondage" and by redefining "forced labor."

Page 2, line 10-19 would define "debt bondage"

3) Debt bondage means inducing another person to provide:

- (a) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or
- (b) Labor or services in payment toward or satisfaction of a real or purported debt if:
  - (i) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or
  - (ii) The length of the labor or services is not limited and the nature of the labor or services is not defined.

Page 2, line 22 - page 3, line 18 would add to the definition of "forced labor"

(5) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

- (a) Inflicting or threatening to inflict serious personal injury, as defined by section 28-318, on another person;
- (b) Physically restraining or threatening to physically restrain the other person;
- (c) Abusing or threatening to abuse the legal process against another person;
- (d) Controlling or threatening to control another person's access to a controlled substance as defined in section 28-401;
- (e) Using another person's physical or mental impairment when the impairment has a substantial adverse effect on the

other person's cognitive or volitional function;

(f) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of the other person; or

(g) Causing or threatening to cause financial harm to another person, including debt bondage;

## Section 2

Last year's committee amendment to LB255 (AM856) removed the penalty increases called for in section 9 of LB255, and left the penalties as they currently exist. Section 2 of LB933 would reinstate the enhanced penalty language from the introduced copy of LB255.

Page 5, line 20-22 amends Section 28-831 as follows:

No person shall knowingly engage in labor trafficking or sex trafficking. If an actor engages in labor trafficking or sex trafficking, the actor is guilty of a Class IV felony.

Section 3 Original sections 28-830 and 28-831, Revised Statutes Supplement, 2013, are repealed.

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### **Explanation of amendments:**

These amendments do not affect the definition of debt bondage as introduced. The debt bondage language is nearly identical to current federal law (Traffic Victims Protection Act or TVPA) and the Uniform Act on Prevention of and Remedies for Human Trafficking.

AM1926 ties the abuse of legal process to violation of immigration law. (page 2, line 11; page 5, line 7)

AM1926 identifies those controlled substances (Schedule I, II and III) which are included in the prohibition against engaging in labor or sex trafficking via coercion by controlling access to any controlled substance. (page 5, line 10)

AM1926 ties the definition of impairment used in LB933 to Nebraska definitions of substantial mental impairment and substantial functional impairment. (page 5, line 13)

The new methods of coercion defined in Section 2 of AM1926 will carry a Class IV felony, with the exception of debt bondage (page 5, line 21), which would carry a Class I misdemeanor.

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Brad Ashford, Chairperson