

# **One Hundred Third Legislature - First Session - 2013**

## **Introducer's Statement of Intent**

### **LB255**

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**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: February 20, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 255 increases the penalties for pandering, solicitation, keeping a place of prostitution and for debauchery of a minor in an effort to deter individuals from engaging in these crimes. LB 255 also provides that the names of those convicted of solicitation shall be made public.

Research suggests that targeting "customers" is the best way to curb sex trafficking and this may be because perpetrators fear publicity more than fines or even jail time.

LB 255 aggressively attacks sex trafficking as it relates to children. The average age of entry into the commercial sex industry is 12 to 14 years old. We need to understand the nature of this victimization and accordingly this bill provides that a child under the age of 18 shall be immune from prosecution for prostitution and will be placed in the temporary custody of the state.

Because parents are sometimes the perpetrators of sex trafficking and their children the victims, this bill adds human trafficking of a child to the definition of child abuse.

LB 255 also provides that a victim of human trafficking need not be present to testify at a trial against their perpetrator if the victim has been threatened about testifying. This provision provides that prior statements may be admitted into evidence in lieu of testimony at trial.

This change applies to both criminal and civil matters and is not limited to either plaintiffs or defendants. The theory behind this hearsay exception is that a party should not benefit from causing the absence of a witness through wrongful conduct like murder, bribery or coercion. The proposed exception will benefit litigants in a wide range of cases including domestic violence, human trafficking, public corruption, and gang cases. 14 states and the federal government include some variant of this provision, often written as a "forfeiture by wrongdoing" exclusion to their respective hearsay rules.

LB 255 also provides that it shall be an affirmative defense to the charge of prostitution if the person charged is a victim of HT. This provision will help to protect victims from being prosecuted for crimes they are forced to commit.

LB 255 provides a revised definition of human trafficking to match federal definition more closely and adds a definition of child labor trafficking.

Nebraska lacks data on human trafficking. To aid with this, LB 255 includes a provision that requires law enforcement to maintain data regarding human trafficking perpetrators and victims.

**Principal Introducer:** \_\_\_\_\_

**Senator Amanda McGill**