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Judiciary Committee
February 20, 2013

[LB255 LB256 LB314 LB329]

The Committee on Judiciary met at 1:30 p.m. on Wednesday, February 20, 2013, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB329, LB314, LB255, and LB256. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Ernie Chambers; Mark Christensen; Colby Coash; Amanda McGill; and Les Seiler. Senators absent: Al Davis.

SENATOR ASHFORD: Good afternoon, everyone. Why don't we...I apologize for being a bit late, Senator Howard. Senator Howard is up first with her bill, which is LB329. Many of you have been here many times, actually, before, and some maybe not so many times. We have a light system that we would ask that, other than the introducers of the bill, we'd ask you to confine your testimony to three minutes. And when the yellow light comes on, it's sort of a sum-up light, if you would start...you would sum up your comments, and then of course the questions and answers are outside the three minutes. With that, Senator Howard, would you like to introduce LB329? Welcome, this is...I think I know this is your...is this your first? [LB329]

SENATOR HOWARD: This is my first time. [LB329]

SENATOR ASHFORD: First time in this committee. Watch out. No. (Laughter) I think I chatted with the committee before this and they're in a pretty feisty mood today. [LB329]

SENATOR HOWARD: Oh, great. Yea, that's... [LB329]

SENATOR ASHFORD: Everybody is pretty well ready to go. [LB329]

SENATOR HOWARD: I wish I'd brought a puppy. Okay. (Laughter) [LB329]

SENATOR ASHFORD: Uh-oh. [LB329]

SENATOR HOWARD: (Exhibits 1 and 2) Good afternoon, Chairman Ashford and members of the committee. For the record, I'm Senator Sara Howard, H-o-w-a-r-d, and I represent District 9. Today I bring you LB329 on behalf of the Nebraska Humane Society. LB329 is a bill to provide clarity in Chapter 28 of the criminal code and protect animals from being placed back into the care of neglectful owners. Presently, persons who are found guilty of animal cruelty, animal fighting, possession of animal fighting paraphernalia, or indecent acts with an animal may be ordered by the sentencing judge not to own or possess animals for a period of 5 years on a misdemeanor and 15 years on a felony conviction. The authorization for these animal ownership restrictions is found in Nebraska state statute 28-1019. However, many prosecutors remain unaware of this statute, thus, rendering it ineffective. LB329 would rectify this by referencing 28-1019 in the animal cruelty provisions of Chapter 28 that allow for such restrictions. I

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want to assure you this is not a solution in search of a problem. We know that this section is being overlooked because prosecutors are admitting to it. The committee received a letter of support from the Otoe County Attorney, David Partsch, explaining how he missed the section when he was prosecuting a hog farmer who starved his animals and then piled the bodies of dead hogs on his land. David Partsch explains that reference to 28-1019 would be much more effective if it were referenced in the penalty section, a logical place for prosecutors and judges to look for such options. To be clear, LB329 makes no substantive changes to Chapter 28. It is simply a reference to a sanction that's already available to prosecutors and judges throughout Nebraska. It's my hope that LB329 will alert prosecutors that they can request the sentencing judge to impose animal ownership restrictions found in Nebraska state statute 28-1019 for those defendants convicted of animal cruelty crimes. So essentially, we're referencing the ownership statute into the penalty statute. That's the only thing that we're doing, because prosecutors don't realize that they can also impose ownership restrictions after a crime has been committed. Thank you for your time and attention to LB329, and I would be happy to answer any questions I can. [LB329]

SENATOR ASHFORD: So they can do both is what you're saying, they have the power to do both. [LB329]

SENATOR HOWARD: They have the power to do both. [LB329]

SENATOR ASHFORD: And so you're placing them in the same place. [LB329]

SENATOR HOWARD: I'm just asking for a reference in the penalty section to the ownership restrictions. [LB329]

SENATOR ASHFORD: So they can do both, okay. [LB329]

SENATOR HOWARD: Uh-huh. [LB329]

SENATOR ASHFORD: Senator Lathrop. [LB329]

SENATOR LATHROP: Just one observation: I'm looking at 1019 and in 1019 it says if you get convicted of this under a particular section then we can take your dog away or order that you not have one. I'm not sure you don't also need to amend 28-1019... [LB329]

SENATOR HOWARD: Okay. [LB329]

SENATOR LATHROP: ...to include what you're doing in LB329. [LB329]

SENATOR HOWARD: So sort of a reverse. [LB329]

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SENATOR LATHROP: Right. Right. [LB329]

SENATOR HOWARD: And I would be happy to do that. [LB329]

SENATOR LATHROP: So that 1019 reflects what you're doing in the bill. [LB329]

SENATOR HOWARD: Absolutely. [LB329]

SENATOR ASHFORD: I don't see any other questions, Sara, so... [LB329]

SENATOR HOWARD: Thank you. [LB329]

SENATOR ASHFORD: ...would you like to stay around a bit? [LB329]

SENATOR HOWARD: I will. I will stick around a bit. [LB329]

SENATOR ASHFORD: Okay. Thank you. [LB329]

SENATOR HOWARD: Thank you. [LB329]

SENATOR ASHFORD: I see John is here. Come on up. Welcome back. [LB329]

MARK LANGAN: Thank you. May I begin? [LB329]

SENATOR ASHFORD: Yes, you may. [LB329]

MARK LANGAN: (Exhibit 3) Senator Ashford, members of the Judiciary Committee, my name is Mark Langan. I'm vice president of field operations for the Nebraska Humane Society. We provide animal control service for Omaha and Sarpy County, and routinely provide assistance and advice throughout Nebraska. I want to thank Senator Howard for allowing me to testify here today in support of LB329. In 2008, the Nebraska State Legislature passed LB769, which provides for animal ownership restrictions for those convicted of both misdemeanor and felony animal cruelty charges. However, since 2008 this law has not been used to its full potential, based on prosecutors being unaware of its existence. State statute 1019, 28-1019, is located at least ten statutes away from the animal cruelty statutes in the criminal code section, making it difficult for prosecutors to notice. As Senator Howard mentioned, you have a letter of support from the Otoe County Attorney, David Partsch, who recently prosecuted a horrible case of hundreds of hogs left to starve to death. In September 2012, the defendant was given up to 20 months to 5 years in prison, but he was not given any animal ownership restrictions by the judge, as allowed in state statute 28-1019. The Otoe County Attorney freely admits in his letter of support that he was unaware of this law and would definitely have

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requested the sentencing judge to impose the restrictions on owning animals had he been aware of it. In 2012, a defendant in Douglas County was sentenced to up to five years in prison for causing the death of his girlfriend's Chihuahua during a domestic violence quarrel. The sentencing judge also imposed a 15-year animal ownership restriction, primarily because I told the prosecutor about the state statute prior to the sentencing. LB329 simply places reminders in the animal cruelty statutes that animal ownership restrictions can be imposed by the judge during sentencing. Again, I appreciate this opportunity here today and am open to any questions. [LB329]

SENATOR ASHFORD: I don't see any, Mark. Do you see...and thanks for all the work you do on this and have done. [LB329]

MARK LANGAN: Thank you. [LB329]

SENATOR ASHFORD: Do you see on the outcome side, do you see a reduction in the cruelty to...as you've been...how long have you been over there? [LB329]

MARK LANGAN: Eight years. [LB329]

SENATOR ASHFORD: That's about the time we've been here so... [LB329]

MARK LANGAN: Yes. [LB329]

SENATOR ASHFORD: So have you seen a reduction? And then do you look at the outcomes and the data? I'm sure you do. [LB329]

MARK LANGAN: Actually, we've seen an increase in felony animal cruelty convictions,... [LB329]

SENATOR ASHFORD: So there's... [LB329]

MARK LANGAN: ...primarily because of the work that we've done with you folks down here in the Legislature. [LB329]

SENATOR ASHFORD: Because of the work. But how about the work you do on a daily basis in dealing with abandoned animals or abused animals? [LB329]

MARK LANGAN: We do. We see a lot more. You're well-aware that we're in the media a lot and that media coverage serves a purpose, and we have seen calls reduced in those areas,... [LB329]

SENATOR ASHFORD: Okay. [LB329]

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MARK LANGAN: ...greater education in those areas. So we think it's working. [LB329]

SENATOR ASHFORD: Okay. Thanks, Mark. I don't see any other questions. Thank you. [LB329]

MARK LANGAN: Thank you. [LB329]

SENATOR ASHFORD: Any other proponents? Opponents? Neutral? Senator Howard waives. Good-bye. (Laughter) [LB329]

SENATOR HOWARD: Thank you. [LB329]

SENATOR ASHFORD: Thanks. That may be not quite a record but close. [LB329]

SENATOR HOWARD: That's what I'm going for, a record. [LB329]

SENATOR LATHROP: Well done. Well done. See you, Sara. [LB329]

SENATOR ASHFORD: Six minutes. All right. [LB329]

MARK LANGAN: Thank you. [LB329]

SENATOR ASHFORD: Let me introduce Senator Seiler, who's here from Hastings. And Senator Christensen is introducing LB314. Senator Lathrop from Omaha; Senator McGill is here from Lincoln; and Senator Chambers from Omaha. LaMont Rainey is our legal counsel; and Oliver VanDervoort is the clerk for the committee. So welcome, Mark. LB314. [LB314]

SENATOR CHRISTENSEN: Thank you, Chairman and members of Judiciary Committee. I'm Senator Mark Christensen, M-a-r-k C-h-r-i-s-t-e-n-s-e-n, represent the 44th Legislative District. LB314 adopts the Escort Services Accountability and Permit Act. It is one of three bills being heard today to try to address different aspects of human trafficking. It is one piece of a complex problem. The act, as currently before you, loosely models a similar act in Colorado. This act defines escorts and creates a permit structure for escort agencies and their employees, to be implemented by local governing bodies of counties, cities, and villages only when the local governing body has received a request from person waiting to operate an escort agency within their jurisdiction. So a local government does not need to act until a business wants to operate within their jurisdiction. The overarching problem of this act is to provide for the protection of the economic and social welfare, and the health, welfare, and safety of people of this state by shining a light on the industry connected with prostitution, human trafficking, and other crime. In this context, LB314 seeks to bring accountability to the escort and private erotic entertainment industry, lessening the negative secondary

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effects such businesses cause in communities across the state. In addition, I believe LB314 would provide another tool for law enforcement officers as they seek to curb illegal activity connected with the industry, while helping local communities who are more affected by these businesses to some...to have some regulation powers. In an article from the Lincoln Journal Star, dated March 22, 2008, titled, "Police struggle with escort enforcement," it is rightly pointed out that legally escorts can do almost anything, short of having sex, from lap dances to nude massages. In addition, it points out that the escorts don't have to hit the streets for clients. They can advertise in the yellow pages or on-line. We can do better as a state to prevent the exploitation and coercion of women and minor girls and boys who find themselves stuck in the sex industry. The private nature in which employees of such businesses work creates a climate where the line between legal and illegal activities is easily crossed. Evidence is piling up nationally, internationally, and even in Nebraska. In 2009, two Fremont girls ended up in Iowa through human trafficking. In that instance, an Iowa man was convicted under Iowa's human trafficking laws. On February 8 of 2011, the Omaha World-Herald had an article where a husband and wife in Council Bluffs, Iowa, were arrested for sex trafficking. I do not think we should turn a blind eye. LB314 requires several things in order to regulate this industry; prevent the flaunting of our prostitution, sexual assault, and human trafficking laws; and provide an additional tool for law enforcement to reach the operators skirting these laws. Escort agencies and employees, as the bill defines, would be required to obtain an escort agency permit or escort agency employee permit through a local permit authority, which would be the local governing body, or an authority designated by them. A local permit authority would be required to obtain fingerprints; criminal history; proof of all employees, owners, and operators are at least 18 years old; and other pertinent information for the local permit authority to evaluate the applicant. Again, this act defines "escort" by defining certain activities or service employees of a business would have to engage in or furnish to be designated an escort. Only locally permitted agencies and individuals would be allowed to operate in Nebraska. Fingerprints, criminal background checks, and other personal information would be required at time of application. No felons would be allowed an escort agency permit or escort agency employee permit. Individuals would have...who have been convicted of certain misdemeanors listed may be denied a permit by local permit authority. An application for an escort agency permit would also require an agency to have an address and information about the property and neighboring properties. The initial application fee for an escort permit would not exceed \$300, and for an employee permit application, \$200. The permit fee for an agency, an employee would be at least \$1,000, not to exceed \$5,000, providing enough flexibility in income to administrate the local permit authority in large, small, rural, and urban jurisdictions. In addition, LB314 would require an escort agency to provide every patron a written contract for services. The contract should contain the escort service employee's name, the name and address of patron, service performed, length of service, time of service, the compensation, and any special terms, and a statement that prostitution is illegal in this state. A copy of all such contracts would be required to be provided to the local permit authority monthly,

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and the contract shall be open for an inspection by law enforcement. I know that this is not an easy issue. However, the more I've looked into the issue and see the dark side to parts of this industry, I believe this industry needs to be regulated. We regulate pawn brokers because stolen goods end up in businesses. Exploitation of women and underage girls and boys can cause lifelong physical, emotional, and spiritual damage. We are talking about human beings, not things that is an important issue where some type of regulation is needed. There is nothing unimportant about human misery and denigration of disease, self-loathing, and self-destruction, which comes from prostitution. There is nothing unimportant about theft and other crimes that bring blight and cost to our communities. Moreover, it is definitely a serious issue when an industry is ripe for exploitation of women and underage girls and boys, as we are seeing with the stench called human trafficking. I urge you to look seriously at this bill as one of the pieces of a complex puzzle, along with the other bills Senator McGill will be introducing today. If we have to allow escort businesses to operate in Nebraska fronted as legal adult entertainment, shouldn't we have some effort to regulate the industry so they are not flaunting our prostitution, human trafficking, and sexual assault laws? At the very least, shouldn't we demand that some real pressure be put on them not to cross the line into illegal activity? Again, I know this is an uncomfortable topic that some would like to just have...not have to deal with, but hope we can have a serious and constructive discussion today about an idea, LB314, that brings some accountability to these businesses and some deterrence to further expansion of illegal activity, such as human trafficking, connected with this industry. I encourage the advancement of LB314. Be glad to address any questions. Thank you. [LB314]

SENATOR ASHFORD: I don't see any questions, Mark. Anyone? Seeing none, thank you. Proponents, those in favor of this bill, how many proponents do we have today? Okay. Come on up. [LB314]

AL RISKOWSKI: (Exhibit 4) Good afternoon. Al Riskowski. I'm here representing Nebraska Family Council, actually Family First, as well as for the Peace with Justice Committee of the Interchurch Ministries of Nebraska. How I got involved with this was years ago looking for an excavating contractor, I'd stumbled upon escort services in the yellow pages, at that time saw 12 to 14 large ads. At that time, the chief of police here in Lincoln was Tom Casady and I took my telephone directory to him, showing him all of these ads, asking if these were legitimate businesses. And he quickly told me that as far as he knew, most of them were doing things that were illegal, basically prostitution. And that's what we've discovered. As we've done more and more research into escort services, we're discovering that most of them are involved with prostitution, underage children, as well as human trafficking. We did a bit of a study, which I thought was interesting, in November of 2011 and we identified, just looking on [backpage.com](http:// backpage.com), 310, at least 310 different individuals were being advertised in Lincoln, and of them there were 17 that were obviously minors who were being advertised on the Internet. In the back of my testimony, there are two pieces. One is out of the yellow pages at the

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bottom. The other is often now escort services are advertising just a link that takes you to colorful pictures on the Internet, advertising women. Also, on the very back I listed two most recent cases by the FBI that were...brought prosecution. I'd like to just read a little bit of what the FBI stated in the most recent case that just took place a few months ago. This individual had a prostitution ring, escort service going throughout the Midwest and it lists multiple cities. But listen how he controlled the girls. This was in court, as they testified. The girls that testified had gotten involved, had gotten seduced to be part of this, but he held them there. And it says one of the victims testified she was physically assaulted by the defendant, including being whipped and severely beaten on at least two occasions for showing disrespect for her owner, her pimp, and for threatening to go to the police and, for once, falling asleep, because she wasn't bringing in enough money for prostitution. Another girl in the same case testified that she was being forced also to perform prostitution by threats of serious harm, not only to her, her family, but particularly to her little two- to three-year-old daughter. That is how he controlled her. And as we are...have had opportunity to interview, being on the Governor's task force, individuals who are involved in this, this is a common story--the coercion, the threat. A girl may initially get involved of her own volition, but very rarely is continuing to be there willingly. [LB314]

SENATOR ASHFORD: Thank you, Al. [LB314]

AL RISKOWSKI: So thank you. [LB314]

SENATOR ASHFORD: Do we have any questions of Al? I don't see any. Thanks, Al. [LB314]

AL RISKOWSKI: Okay. Thank you. [LB314]

SENATOR ASHFORD: Next proponent. Next person for the bill. Okay. [LB314]

HANNAH BUELL: (Exhibit 5) Good afternoon, members of the Judiciary Committee. My name is Hannah Buell and I am testifying also on behalf of Nebraska Family Council, and I am also in support of LB314. I have had the privilege to meet a young woman who was involved in the escort industry right here in Lincoln, Nebraska, for several years. My testimony today will be focused on the information that she has given us about the realities of escort services right here in our state. Due to the sensitive nature of this information, she has decided to not testify in person before you today, and for the same reason I will not be using her name in order to protect her and her family. This young woman grew up in an emotionally, physically, and psychologically abusive home and was in the foster care system here in Lincoln. By the time she was 15 years old, she began receiving offers from men in her neighborhood to work as an escort. When she was 19 she did actually begin working as an escort, and within a few years had started running one of these businesses herself. She has told us that there is a lot of illegal,

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harmful activity taking place at every level of escort businesses. And she is very supportive of LB314 because she believes that it will force owners of escort agencies to be more up-front about what they are doing and to bring accountability to an industry that thrives in secret. She also believes that having a public permit system will deter young women from even entering this industry in the first place and beginning a lifestyle that promotes prostitution and illegal activity. The contract system between escorts and customers, that Senator Christensen mentioned, that is required by the bill, she believes this will force men to think twice before purchasing illicit sex, since their names and addresses will be logged and submitted each month. She is also supportive of the financial penalties that are involved in this bill. Right now there's almost no risk or penalty, which makes illegal behavior easy to commit and not even given a second thought. This woman wants to encourage this committee to pass LB314 to discourage our sisters and daughters in Nebraska from entering this dangerous lifestyle. She tells us that right now in Nebraska it's very easy to be deceived and get involved in prostitution and other illegal activity. These women are seeking quick money, are told they won't have to do it for long, and believe that prostitution is a victimless crime. These are all lies. Escorting and prostitution harm our families, our communities, and especially the girls involved. Please vote in support of this legislation to stop the abuse and injustice that's happening right here in our state. Thank you. [LB314]

SENATOR ASHFORD: Thank you, Hannah. Yes, Senator McGill. [LB314]

SENATOR MCGILL: Hannah, thank you for coming. I just wanted to let the committee know that I've also met with this young woman,... [LB314]

HANNAH BUELL: Uh-huh. [LB314]

SENATOR MCGILL: ...and I'm glad that you brought her story instead of her being here today, because... [LB314]

HANNAH BUELL: Absolutely. [LB314]

SENATOR MCGILL: ...it is very sensitive information and we were very concerned about her coming and sharing her story publicly. She has a lot of information and would be happy to meet with anybody on the committee personally about how really bad this problem is in Omaha in particular. [LB314]

HANNAH BUELL: Right. [LB314]

SENATOR ASHFORD: Is this an Omaha person? [LB314]

SENATOR MCGILL: ...and how...no,... [LB314]

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SENATOR ASHFORD: Okay. [LB314]

SENATOR MCGILL: ...but... [LB314]

HANNAH BUELL: She has information about the sex trade going on in Omaha because of her connections on the inside of that industry. However, she was stationed here in Lincoln, so... [LB314]

SENATOR MCGILL: Yeah, the level of sophistication is much higher, much more forced stuff going on in Omaha. [LB314]

SENATOR ASHFORD: Can you...and I don't know, I don't want to obviously talk about this particular person, but do you...what does...when you say level of sophistication, what does that exactly mean? I mean just to give us a sense... [LB314]

HANNAH BUELL: Right. Right. [LB314]

SENATOR ASHFORD: ...of what tools are used to do this and... [LB314]

HANNAH BUELL: Right. Well, there's any number of different layers that are associated with this. So you have different escort agencies that will advertise on backpage.com, on similar Web sites. They'll give you bodily measurements of the girls, racial profiles of them, and they will coordinate with...especially in Omaha, one of the things that she told us that I'm sure the police are very well aware of is a lot of territorialism going on in the escort business. For example, she says that there's a pimp up there where if he finds girls that work for other escort agencies in his territory, he will beat them, he will take any money that they earn. That is his territory. You cannot take his clients if you enter into this location. So the information she gave us indicated that Omaha is much more physically violent and dangerous, and there's a lot more gang activity connected to it than is here in Lincoln. But here in Lincoln is still a very large problem, and it stretches all throughout this state, like some of the research that Al was talking about earlier. We actually created a map with the different...which we can provide to the committee if necessary, of...really of Nebraska and the different girls that are being advertised on backpage.com for just a nine-month period. And really, every major city in Nebraska has a pretty large showing of girls that are being advertised for sale. [LB314]

SENATOR ASHFORD: And that's on what, what Web site again? [LB314]

HANNAH BUELL: Backpage.com. It used to be on Craigslist. If you remember several years ago, there was a whole uproar about Craigslist hosting human trafficking and children that were being sold for sex on-line. So...and actually the mother that was, I believe, in Kearney that was arrested for prostituting her two daughters, 14 and 7, I believe, she used Craigslist. But now, because Craigslist doesn't allow that as much,

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they're much more vigilant about policing their own advertisements, that has moved over to backpage.com, so... [LB314]

SENATOR ASHFORD: And Senator McGill has been a national leader on human trafficking and I guess one of the...so now...and are we...we're prosecuting who then when we prosecute these, when we discover that there's this activity going on? [LB314]

HANNAH BUELL: Right. [LB314]

SENATOR ASHFORD: Generally, are the young women being prosecuted? [LB314]

HANNAH BUELL: Actually, I think some of that will be addressed in Senator McGill's bill, LB255. [LB314]

SENATOR ASHFORD: Okay, is that today? [LB314]

HANNAH BUELL: But that's not something that we are.... [LB314]

SENATOR ASHFORD: Okay. [LB314]

HANNAH BUELL: ...we're actually wanting to stop prosecution, especially for girls who are under 18. Well, I'm sure that will be addressed later today but... [LB314]

SENATOR ASHFORD: Okay. Well, we can get into that later. So Senator McGill's bill will get into that issue. [LB314]

HANNAH BUELL: Uh-huh. Yeah. [LB314]

SENATOR MCGILL: Well, we'll need to look at what exactly the statute, Senator Christensen's bill has as penalties. [LB314]

HANNAH BUELL: Right. Right. [LB314]

SENATOR ASHFORD: Yeah, I'm not so concerned necessarily just about this bill. It seems to me that the concern is...the general concern is how... [LB314]

HANNAH BUELL: Right. Right. [LB314]

SENATOR ASHFORD: ...and so many, we have so much poverty amongst young women in Omaha. [LB314]

HANNAH BUELL: Uh-huh. Well, the goal would definitely be to focus prosecution on the men who are paying for sex and the men who are controlling these women. [LB314]

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SENATOR ASHFORD: Right, that would seem to me to be... [LB314]

HANNAH BUELL: So, right. So there are different ways that we can get around that and go towards that end, so... [LB314]

SENATOR ASHFORD: And there was in Omaha recently, or in the last couple years, there was an aggressive prosecution or at least sting operation that did close down a number of... [LB314]

HANNAH BUELL: Uh-huh. [LB314]

SENATOR ASHFORD: ...well, these were more massage parlor type operations. [LB314]

HANNAH BUELL: Right. [LB314]

SENATOR ASHFORD: And that's different, right? [LB314]

HANNAH BUELL: It depends. [LB314]

SENATOR ASHFORD: It's part of the same thing? [LB314]

HANNAH BUELL: It depends. Yeah, they operate very similarly. Sometimes they market themselves differently but beneath the facade, usually, they're very similar. In fact, the FBI has a task force in Omaha specifically targeted to addressing this issue of human trafficking there, so... [LB314]

SENATOR ASHFORD: Okay. [LB314]

HANNAH BUELL: Yeah. [LB314]

SENATOR ASHFORD: Thank you. Thank you, Hannah. [LB314]

HANNAH BUELL: Thanks. [LB314]

SENATOR ASHFORD: I don't have any other questions. Jim. [LB314]

JIM CUNNINGHAM: Good afternoon, Senator Ashford and members of the committee. My name is Jim Cunningham, C-u-n-n-i-n-g-h-a-m. I represent the Nebraska Catholic Bishops Conference, appearing in support of LB314 for the reason that we agree with Senator Christensen's representation that this can be one more tool for combating human trafficking. Those of us that have listened over the past several years to the

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testimony that has occurred on this subject realize that it is a serious problem and one that involves great exploitation and an affront to human dignity. I just want to share with you one thing from a past record, just because I think it puts some substance to the notion that the escort services often are involved with human trafficking. This comes from a hearing that was held March 10 of 2011 in front of this committee on a bill that had to do with human trafficking. And, Senator Lathrop, you asked a question of Professor Ron Hampton from the University of Nebraska who had been involved for six years in studying human trafficking, both domestically and globally. And you mentioned to him that Senator Christensen had had a previous bill on escort services and you asked a question: Is that just a front for human trafficking? And Professor Hampton responded: It is a front for enslaved girls, mostly women, some children. In fact, probably in this particular thing, many of them are probably under the age of 18. And more often than not, if you look at the numbers, we're probably looking at, at least six out of every seven of those young women do not want to be there. They were not supposed to be there. That's our early estimates. I think that that gives some substantive indication that there is a connection between...a potential connection between escort services and human trafficking. And if this bill can be a way to help to combat that, then certainly it is worthy of attention from this committee and is the reason why we are supportive of it. Thank you. [LB314]

SENATOR ASHFORD: Any questions of Jim? I don't see any. Thank you, Jim. [LB314]

JIM CUNNINGHAM: Thank you. [LB314]

SENATOR ASHFORD: (See also Exhibit 6) Any other proponents? Any opponents? Neutral? Mark, do you wish...? Okay, let's go to the next...Senator McGill is next. [LB314]

SENATOR MCGILL: That's me. [LB255]

SENATOR ASHFORD: What's the number of this next bill? I guess it's LB255, right. LB255, Senator McGill. [LB255]

SENATOR MCGILL: Thank you, Senator Ashford, and thank you, Senator Christensen, for your work on this matter. It was his escort service bill a couple years ago that instigated my involvement on this issue, and I'm really proud of the work we've been able to do so far in this Legislature. For the record, I am State Senator Amanda McGill, M-c-G-i-l-l. Those of you who were here last year remember that I introduced LB1145. I saw that as the first action in a three-year plan to combat human trafficking in our state. In that bill we created the human trafficking task force and gave them some specific duties, which included the creation of hot line posters to put up around the state and selecting curriculum for mandatory law enforcement training on this issue. We've also asked them to study the extensiveness of the problem so we know more about what

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human trafficking looks like in Nebraska. That research is still being conducted, and it's been very difficult because this industry is so underground. Law enforcement haven't tracked human trafficking in a uniform way or haven't recognized it when it's right in front of them. Women have been characterized as prostitutes when some are victims of masterful manipulation by their pimps. Some tell the women that they love them. Some get them addicted to drugs or fearing violence or death if they leave them or, in the worst case scenario, or one of the worst, lock them up in a room and force them to have sex with strangers multiple times a day. This bill tries to improve that data collection by requiring law enforcement to maintain data regarding potential human trafficking perpetrators and victims. I plan to use that information collected by the task force to come up...come back here next year, in year three of this plan, and introduce legislation on how to best treat men and women who have been human trafficking victims or got caught in the manipulation of what we would traditionally define as prostitution. It doesn't do much good to identify these victims and not have a safe place for them to stay, educational opportunities, and emotional supports and counseling. Last year I introduced a bill to fund a prostitution rehabilitation program put into state statute by Senator Synowiecki but whose funding was vetoed by the Governor twice. I've decided that instead of making a run at that funding again, I think a more extensive program should be created that goes beyond the program in statutes and meets much deeper needs of women and the male victims. In the meantime, while we wait for the task force to do its research, I bring you this bill, LB255, a bill I worked on with members of the task force and the Polaris Project as well as other interested citizens and law enforcement to continue to improve our state statutes in terms of this troubling issue. These changes include revising the definition of human trafficking to match the federal definition more closely, as well as creating a definition of child labor trafficking. The bill provides that it shall be an affirmative defense to the charge of prostitution if the person charged is a victim of human trafficking. This provision will help to protect victims from being prosecuted for crimes they are forced to commit. We must aggressively attack sex trafficking as it relates to children. The average age of entry into the commercial sex industry is 12 or 14 years old. I've learned that, locally, minors are a regular part of the sex industry. Runaways and other at-risk youth are incredibly vulnerable to this type of exploitation. I met with a young woman at Geneva YRTC in November, and she was human trafficked after she ran away from home and ended up in a house of prostitution with other children. This young woman estimated that the youngest girl being trafficked in this house was eight years old. We need to understand the nature of victimization, and 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. While I realize this provision helps us to identify the child as a victim rather than a criminal, I also realize that this presents a problem that's not unique in this situation, and that's what kind of treatment can we offer this child. As I noted earlier, Nebraska does not have programming to treat victims of sex trafficking. I know I've talked to Senator Ashford about how, with juvenile justice reform, maybe a wing of one of these structures could be dedicated to some of these young victims and meeting their special needs. This bill

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also adds human trafficking of a child to the definition of child abuse. Perhaps some of us would never have envisioned the need for this provision but, as we know from headlines, there is a mother in Nebraska who has been charged with prostituting out her children. And we know that many women who do end up in the sex industry were sexually abused as children as they started off, and their father is selling them to their friends and etcetera, etcetera. The bill 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 victims' prior statements may be admitted into evidence in lieu of testimony at trial. This charge applies to both criminal and civil matters and is not limited to either plaintiffs or defendants. And finally, my bill changes a variety of penalties relating to perpetrators. My staff and I have talked with several people that have worked in the sex industry in Nebraska, including the young woman we mentioned earlier, and they tell me that people who sell and buy sex have no meaningful legal consequences. All involved have figured out ways either around the law and, if they do happen to get caught, the penalties are relatively meaningless to them. My bill increases the penalties for pandering, otherwise known as pimping, solicitation, keeping a place of prostitution, and for debauchery of a minor. I'm open to discussion on what the appropriate penalties are for these crimes. I realize there can be difficult degrees of seriousness in some of these categories. But I do feel that most of them have not been updated in a long time and they certainly are no deterrent for this crime. I've also included a new type of penalty aimed at stopping the demand side of human trafficking through fear of embarrassment. Fresno, California, sponsors a Web site called Operation Reveal, that features mug shots of johns. Oklahoma City has a similar setup with JohnTV. In Arlington, Texas, pictures of suspects are displayed on billboards. And the Chicago Police Department makes solicitors' information available on-line. Research suggests that targeting customers is the best way to curb prostitution, and this may be because clients fear publicity more than they fear fines or even jail time. Nationally, we are moving away from the supply side or the prosecution of prostitutes and targeting this demand side. This bill provides that names of those convicted of solicitation or attempted solicitation be published on a public list maintained by the courts. I've received some great feedback on this provision, and I think a public listing of this sort may be better structured as part of the convicted solicitor's sentence. There may also be other entities that are better suited to facilitate this provision, such as the State Patrol, and I'm open to suggestions on that. We know that the purchasing of sex is most prevalent during normal business hours when families think their loved one is at work, when they think they're out of their rural town and in one of the cities on a business trip, or they're visiting our state with buddies for the College World Series. They choose those times to buy sex because they aren't worried about their friends or families learning about their behavior. The fear of being placed on a Web site could deter some people from breaking this law. So that's LB255. The task force has also asked me to, perhaps, clarify more duties for them to do because they've been so productive that they want more specifics. And so in an amendment I plan to propose that they help do some of the research on what

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programming would be best for victims, so that next year we have a nice pile of evidence and research to build a program around. And with that, I thank you for your attention and support and would be happy to take questions. [LB255]

SENATOR ASHFORD: No questions, but I would just reinforce, I think you and Senator Christensen have just done amazing work. Hopefully, over the last...this is our seventh year together in this committee...that there is no more patience for destruction of 14-year-old lives in this state. We're done. It's not going to happen anymore, and we're going to do whatever it takes to get that resolved. And there is no more 14-year-old kids who are going to be destroyed by complacency and neglect as long as we can... [LB255]

SENATOR MCGILL: And the services will be a key part of it. I mean, I know that if you have a runaway child or a kid who has been in foster care and is now on the streets, I mean, we know that a normal part of their lives becomes the sale of sex. [LB255]

SENATOR ASHFORD: Well, I think you've done remarkable work, truly remarkable work and, you know, and Senator Christensen, in bringing this issue to us. It has been courageous in doing that. Sometimes I get carried away, I know, committee members, but I...it is, you know, the work of...I don't...it's incredibly important work and both of you deserve tremendous credit, and thank you. [LB255]

SENATOR MCGILL: Thank you. [LB255]

SENATOR ASHFORD: I don't see any other questions. Proponents. [LB255]

MARK YOUNG: Good afternoon, Senators. My name is Mark Young, Y-o-u-n-g. I'm the Hall County Attorney. I'm appearing today on behalf of the Nebraska County Attorneys Association and my office in support of Senator McGill's bill. I'm here to tell you this is a real-world problem and strikes me as a very good real-world solution. The most vulnerable people in our society are kids and victims of domestic violence, and they're the people that are most easy to intimidate, the most easy to have their voice stilled by threats. So I think the hearsay provision, which is in line with Crawford v. Washington and the other cases from the Supreme Court, is very appropriate. Also, I think having it specifically spelled out that we're not going to prosecute what, in my mind, are victims--that being the teenager--is very good. I would hope most places are going to do what we did the one time we had this situation come up in (inaudible). But, you know, one of the threats that a pimp or a controller, whatever you want to call them, is going to have is the threat, well, you're going to be the one in trouble. And so if law enforcement can say to the young person immediately--and it's not just women--and say to the young person immediately, you're okay, we're here to protect you, not to punish you. That takes away one of the biggest sticks these guys use. And I'll tell you we have had at least one situation involving runaways from out of state--one was 16-and-a-half and the

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other was 17, and so they were both over the age of consent--who somebody in town decided they would start a business running those two young girls. Because they were both out of state, they ended up leaving the state, we were unable to charge it. We put a lot of time and effort into it, but were unable to go forward. I think this bill protects...the other group that really is protected by these provisions are the immigrant communities who are also groups that are very subject to pressure. And I would urge you to support the bill and be happy to answer any questions. [LB255]

SENATOR ASHFORD: I don't see any, Mark, thanks. [LB255]

MARK YOUNG: Thank you. [LB255]

SENATOR ASHFORD: Senator Seiler. [LB255]

SENATOR SEILER: Thank you, Mr. Chairman. [LB255]

SENATOR ASHFORD: Did you put your hand up right away or did you wait three seconds? (Laughter) [LB255]

SENATOR SEILER: No, I waited until you turned your head. (Laughter) I have a question on Section 1 about the...the one that bothers me the most. I have...all of Section 1 is relating to the statements made and then they becoming evidence. [LB255]

MARK YOUNG: Right, right. [LB255]

SENATOR SEILER: I have real questions about the paragraph (e) where it says that the party that it's being offered against acquiesced in wrongfully causing the unavailability of the witness. If he's sitting in your jail in Hall County, he isn't going to be out there checking it. Somebody else takes...the father takes the daughter to Colorado, she's not available, you think the statement can come in under that circumstance? [LB255]

MARK YOUNG: Not under those facts. But, Senator,... [LB255]

SENATOR SEILER: He acquiesced because he couldn't get out of your jail. [LB255]

MARK YOUNG: Well, no, I don't think it would cover that. But I can tell you some situations, Senator, of where it would apply. You know, we have jail phone calls, they're recorded. [LB255]

SENATOR SEILER: Sure. [LB255]

MARK YOUNG: It is not unusual to have somebody in jail instructing a third party--a relative, a girlfriend, a gang member--to go talk to that witness and get them to recant or

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not show up for court. [LB255]

SENATOR SEILER: Then you always file the tampering of the witnesses on those cases. [LB255]

MARK YOUNG: When we can do it, yeah, but we'd still...that doesn't mean we get to use their statement if they...if it's successful, you know, and this allows us to use those statements if they're successful with tampering with the witness. [LB255]

SENATOR SEILER: Okay. [LB255]

MARK YOUNG: But we can prove it up. I think it's like any other hearsay provision. The burden is going to be on the proponent of the evidence to prove it up. [LB255]

SENATOR SEILER: No, this seems to...this particular paragraph seems to put the burden on the party, and that's why I have some real questions about it. [LB255]

MARK YOUNG: Well, I think...it says...it's got to be the party or he's got to be in the game. But if I'm the one bringing this evidence forward for use in trial, I'm the one that's going to be convincing the judge that this occurred before it can be offered. The same way if the other side in a case, you know, civil or criminal, the defense wanted to use it, they would have the burden of showing the judge it occurred before they could bring the evidence forward. [LB255]

SENATOR SEILER: Okay. It just seems pretty unconstitutional to me. [LB255]

MARK YOUNG: Well, this is pretty much right out of Crawford v. Washington, in terms of, you know, the footnote that says, you know, if you've procured the confrontation clause, doesn't keep you from the consequences of what's, I think, historically been called forfeiture by wrongdoing. [LB255]

SENATOR SEILER: Yeah, but I think this is a little different in that part of it. Openly going out and getting a witness or threatening a witness or coming under your tampering laws I don't have a problem with. But acquisition, it seems to me, walks over the line. But that's for the court to decide, not the Legislature. [LB255]

MARK YOUNG: Okay. [LB255]

SENATOR SEILER: Thank you. [LB255]

SENATOR ASHFORD: Thank you. Thanks, Mark. Other proponents of this bill, LB255. [LB255]

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LAZARO SPINDOLA: (Exhibit 7) Good afternoon, Senator Ashford and the other members of the Judiciary Committee. For the record, my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a. I am the director of the Latino American Commission, and I am also a member of the human trafficking task force, an appointed member. I would like to thank Senator McGill for introducing this bill. I'm here to testify in support of LB255. According to the Bureau of Justice Statistics, more than half of the confirmed labor trafficking victims were age 25 or older and were more likely to be Hispanic, 63 percent, and were identified as undocumented aliens, 67 percent. Now confirmed human labor trafficking suspects were more likely to be identified as Hispanics, too, 48 percent. So we're talking a problem that affects, disproportionately, Hispanics on both sides, both the perpetrator and the victim. So it's logical that we want very much to be a part of the solution to this problem. During the three years that I have been with the commission, I have heard nine complaints of individuals whose jobs have been placed in jeopardy by supervisors demanding either sex or economic compensation. I have also heard from a county attorney a case where a number of children, specifically five children, were kept in a household and forced to work in a local business. These are activities that relate directly to Section 28-831 of LB255, subsection (2)(d), because the victims hesitated to come forward not only because of possible stigma associated with the circumstances, but also because of the lack of a legal recourse to proceed against the perpetrators. It also relates to Section 28-831, subsection (3)(c), where the victims are under 18 years of age and where the possibility of punishment was not clearly defined by the law. Finally, I refer to Section 27-804, where the definition of availability of a witness is expanded, making reporting of labor and/or human trafficking incidents easier for the victims. So far this is a crime where the victim stands to lose more than the perpetrator. This bill will change that situation, hopefully, or at least will be a first step towards that. It is, therefore, that I urge the committee to support LB255 and advance it to General File. Thank you. [LB255]

SENATOR ASHFORD: Any questions? Other proponents of LB255. [LB255]

JUDI GAIASHKIBOS: Good afternoon. I'm Judi gaiashkibos, the executive director of the Nebraska Commission on Indian Affairs. And I'm also a member of the task force and also a member of the minority implementation task force. So on all three levels I rise in support of this legislation and thank Senator McGill for introducing this. Yesterday, I was at an event and I heard from a young man over...that works at the Boys Town Indian house and he's the director of that. And one of the young boys there...these young boys come from the various reservations and urban settings in our state. And this particular young man was from the Winnebago Tribe, and he had run away for the sixth time. And this young boy was 14 years old. And so that really worries me that young boys like that are very vulnerable and people that are predators looking for young people, this is a good place to look. And our kids are kind of at the bottom of the barrel here in the state of Nebraska. Our numbers aren't as big, and we are kind of thought of last. We don't always appear on the radar screen to all these studies. Others

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do, but the first peoples are last. So we want to rise in support to protect all of our children and the first children as well. So I have some young, native women that are very actively involved. They're students of mine at the University Journalism College in our Native Daughters project, and they serve on the task force as well. And I think they will have some enlightening, good testimony, and I think it's good for you to hear from our future leaders. And so with that, I would be happy to respond to questions and thank you for listening to me. And I hope that this bill moves out of committee and it's really, really important, and I appreciate all the good work that you've done thus far. [LB255]

SENATOR ASHFORD: Any questions? I don't see any, so we'll go on to... [LB255]

JUDI GAIASHKIBOS: Okay. [LB255]

SENATOR ASHFORD: Do you have some students here? Okay. [LB255]

RACHEAL STRONG: Good afternoon, Senators. My name is Racheal Strong, R-a-c-h-e-a-l S-t-r-o-n-g, and I am an enrolled member of the Rosebud Sioux tribe of South Dakota, and I'm the administrative secretary at the Nebraska Commission on Indian Affairs. And I'm happy to testify today in support of Senator McGill's bill, LB255. As Judi said, I'm a graduate student in the Native Daughters class at the College of Journalism, and I'm on my way to UCLA Law School next year. I just want to read a little something from an article I read. Intertwined with sexual trafficking are sexual abuse, drug and alcohol abuse, and poverty. In a law review, Sarah Deer, a Muscogee Creek Nation citizen and professor at the William Mitchell School of Law in St. Paul, Minnesota, wrote that many women and girls are coerced into sex work--on and off reservations--by drug dealers for their drugs. And we all know that drug abuse and substance abuse are prevalent, especially in areas such as the Santee Sioux Indian Reservation and Pine Ridge and Whiteclay, Nebraska, as well, which is only 250 feet from the Pine Ridge Indian Reservation. So it's a huge problem there, and sex trafficking is a huge problem in Whiteclay and in areas in Nebraska. It affects Native American people disproportionately at higher rates. So I thank you so much. Do you have any questions? [LB255]

SENATOR ASHFORD: Do we have any questions of Racheal? Do you... [LB255]

RACHEAL STRONG: Thank you so much. [LB255]

SENATOR ASHFORD: Now when you graduate from UCLA in a few years, you'll be coming back to Nebraska, right? [LB255]

RACHEAL STRONG: Maybe. (Laugh) [LB255]

SENATOR ASHFORD: No, no, no. You have to come back. [LB255]

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RACHEAL STRONG: It's hard to say when, you know, snow is coming tomorrow. [LB255]

SENATOR ASHFORD: But it's short, it's short. [LB255]

RACHEAL STRONG: California... [LB255]

SENATOR ASHFORD: We can try to legislate against that, if necessary. [LB255]

RACHEAL STRONG: Yeah, I would appreciate that, yeah. [LB255]

SENATOR ASHFORD: Thank you. [LB255]

RACHEAL STRONG: Thank you. [LB255]

SENATOR ASHFORD: Okay. [LB255]

KHLOE KEELER: Good afternoon, everyone. My name is Khloe Keeler, K-h-l-o-e K-e-e-l-e-r. And I am also here to support Senator McGill's LB255, and I thank her for bringing it up. I'm a grad student at UNL's College of Journalism and Mass Communications, and I'm an intern here at the Nebraska Commission on Indian Affairs. I'm also involved in the Native Daughters project and I'm enrolled in the Ponca tribe. I am also involved in a Microsoft grant class at the university, led by Sriyani Tidball, where we look at the demand side of human trafficking. About six schools across the country were given this grant and it's a yearlong course, so I'm really involved with that. According...I just want to throw out a few facts. According to the National Center for Missing and Exploited Children, the average age for entry into the sexual trafficking is 11 through 14 for boys and girls, and roughly 100,000 to 300,000 children in the U.S. alone are involved in human sex trafficking. Now that's about three-and-a-half Husker stadiums full of children in the U.S. And then also this is the largest crime behind drug trafficking in the world and, really, it's an important issue that needs to be addressed now. Overall, it's a threat to our children, and it's really happening here in our own city, so. Do you have any questions? [LB255]

SENATOR ASHFORD: I don't see any questions. Thank you. [LB255]

KHLOE KEELER: All right, thank you. [LB255]

SENATOR ASHFORD: Keep going. Next proponent. [LB255]

CHRISTY HARGESHEIMER: (Exhibit 8) Good afternoon, Senators. My name is Christy Hargesheimer. I'm going to use up all my time now spelling it: C-h-r-i-s-t-y

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H-a-r-g-e-s-h-e-i-m-e-r. And I'm speaking on behalf of Amnesty International and, also, a coalition of Lincoln groups called One Billion Rising. You're already aware of the statistics and the facts about trafficking in Nebraska because of that excellent study that has been done. As you know, the victims can be children, women, men, brought here, many from other countries, for labor or for sex activities. And many times, because of unfamiliarity with the language, with the laws of our country, or even fear of police, these people will not know how to defend themselves. Or, if they do make themselves known, then they might be considered undocumented immigrants and they fall into the maelstrom of that whole issue, which criminalizes them although they're victims. Trafficking victims, who are also U.S. citizens...and what we've been talking about a lot today is children who maybe are runaways, who may be rural girls who come to the city and they don't have street smarts. And so somebody comes to help them and protect them, they put their trust in that person, and that person turns out to be somebody who is going to ply them with alcohol, drugs, whatever, and trap them in this system. So again, this bill, instead of treating them as criminals, it will provide protection for them. We also know I-80 is a major corridor for trafficking, and so by enforcing this we will be helping other states. Speaking of other states, Illinois has recently passed a bill. Not many states have harsh bills against trafficking, but Illinois has just passed one that, when it is...just was enacted, I think, January 1 of this year. And one of the things that they are doing is using fines from prostitution to help human services. The experience of Sweden, a whole entire country that has dealt harshly with trafficking, actually imposes a ban on the purchase of sexual services, not on the providing of sexual services, and they have drastically reduced their human trafficking. I've included some Web sites that you can check about this. Education of law enforcement and human services people, I think, is another key that we need to take a look at, and funding to further outreach. I thank you very much for your attention and...see if there are any questions. [LB255]

SENATOR ASHFORD: There don't seem to be any, but thank you very much. [LB255]

CHRISTY HARGESHEIMER: Thank you. [LB255]

SENATOR ASHFORD: Next proponent. Alan (phonetic). [LB255]

AL RISKOWSKI: (Exhibit 9) And I, too, want to thank Senator McGill and Senator Christensen for their hard work in this very difficult area. How wonderful it is to have their support in regard to this and their hard work in regard to it. Again, I'm Al Riskowski, supporting...or testifying in behalf of Nebraska Family Council, Family First, and for the Peace with Justice committee of the Interchurch Ministries of Nebraska. I am also on the...have the privilege to not only be on the Governor's task force but to cochair the subcommittee on research. And I might make note here that, out of that subcommittee, we have recommended some of these changes in our statute as some of the first steps in regard to controlling this issue. One of the most interesting discussions we had when the committee came together is, what is the definition of human trafficking? And that's

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one of the attempts, within this bill, is just to define what human trafficking is here in the state of Nebraska and address other issues. We know human trafficking has gone on for ages. What it is, is just modern-day slavery that's taking place here in the state of Nebraska. The task force, I might state, has already made some progress. We have submitted a curriculum for law enforcement that's going to be, hopefully, taken in by them. Posters are now being provided for places like truck stops to tell about victims and public about toll-free numbers. One of the ideas or thoughts that we want to dismiss is that this is a victimless crime. There is...in interviewing a number of individuals coming out of this, we have yet to find an individual who hasn't been coerced and, in most cases, is no longer wanting to stay there of their own volition. And so it's not a victimless crime at all, and I just will hope that not only this committee...Senator McGill, you'll give us more direction as far as our Governor's task force. One of the interesting pieces of information... [LB255]

SENATOR ASHFORD: I think Senator McGill is pretty good on giving direction. (Laughter) [LB255]

AL RISKOWSKI: You know, she really is. I thought my wife was good. [LB255]

SENATOR ASHFORD: But I think she can always find some more direction. [LB255]

AL RISKOWSKI: But she is very good as well. (Laugh) Oh. [LB255]

SENATOR ASHFORD: But she's pretty adept at that, I think. [LB255]

AL RISKOWSKI: Interesting, a little bit if our research we've already been doing, there were 2,500 organizations contacted, asking, what is their awareness in regard to human trafficking here in the state of Nebraska? One thousand, four hundred thirteen responded and, of that number, 25 indicated any kind of working knowledge of this. So there is a tremendous need of curriculum for organizations. We've had the public schools, students, administrators say there's such a great need. We're wanting to create some sort of a...develop some sort of a system to help individuals coming out of this area, some sort of comprehensive system. So there's so much yet to be done, but I appreciate very much this committee and LB255 and, Senator McGill, what you've done there. [LB255]

SENATOR ASHFORD: Thank you. Thank you, Al. Any questions of Al? Yes, Senator Chambers. [LB255]

AL RISKOWSKI: Yes. [LB255]

SENATOR CHAMBERS: This being such an apparent era of good feeling,... [LB255]

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AL RISKOWSKI: Yes, sir. [LB255]

SENATOR CHAMBERS: ...you didn't tell me that you missed me while I was gone.
(Laughter) [LB255]

AL RISKOWSKI: I did. I did miss you. [LB255]

SENATOR CHAMBERS: More importantly, you didn't tell me how happy you are that I'm back. (Laughter) [LB255]

AL RISKOWSKI: You're a good-looking face. [LB255]

SENATOR CHAMBERS: But...and it's good to see this kind of work being done. And we've been on opposite sides of issues before. [LB255]

AL RISKOWSKI: Yeah. [LB255]

SENATOR CHAMBERS: And that doesn't stop people from cooperating when they are together. [LB255]

AL RISKOWSKI: Exactly. [LB255]

SENATOR CHAMBERS: And I think you made a very critical observation when you mentioned the number of organizations that want to do something but the knowledge is lacking. So I think you would agree that knowledge is power. [LB255]

AL RISKOWSKI: Yes. [LB255]

SENATOR CHAMBERS: And without knowledge people are not even aware of what the nature of the problem is, so they cannot focus and direct their energies in that toward a solution. And the organizations that you're working with are moving in that direction, correct? [LB255]

AL RISKOWSKI: Yes, and that is a very, very good observation that you just made. When we initially became involved with this and became aware that escort services and etcetera were moving human trafficking here in our state, I interviewed a number of individuals who are...were already involved in this. And I said, what is the number-one step in stopping human trafficking? And it's just that: making people aware. Once people become aware, they'll take action, they start watching. And probably the greatest advantage these people have is that they're moving in darkness. There is very little risk for them, high profit, people are not aware of what's going on, and that's their advantage. We want to change that. [LB255]

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SENATOR CHAMBERS: I just sit here in amazement. How can a man be so knowledgeable and correct on this issue and so wrong on others? (Laughter) [LB255]

AL RISKOWSKI: (Laugh) I don't know. [LB255]

SENATOR CHAMBERS: But I do appreciate it. [LB255]

AL RISKOWSKI: But thank you. [LB255]

SENATOR ASHFORD: No I...thank you, Al. It is great to see this... [LB255]

AL RISKOWSKI: Yes. [LB255]

SENATOR ASHFORD: ...because it is an outpouring of people that don't always agree on every issue who care so deeply about this. And maybe it's, Senator Chambers, you are able to incite this sort of collaboration by your return. (Laughter) [LB255]

AL RISKOWSKI: Oh, that's good. And I think there are other areas we are very much in agreement on. You know that. [LB255]

SENATOR ASHFORD: Great, Al. [LB255]

AL RISKOWSKI: Yes. [LB255]

SENATOR ASHFORD: Thanks. [LB255]

AL RISKOWSKI: Thank you. [LB255]

JIM CUNNINGHAM: Senator Ashford and members of the committee, again, my name is Jim Cunningham, C-u-n-n-i-n-g-h-a-m, representing the Nebraska Catholic Conference. I certainly don't want to miss my opportunity to join in this warmth that is being felt in committee. And, Senator, I express similar sentiments to those of Pastor Al regarding your return to the Legislature. Perhaps nobody welcomes you back any more than I do, but I have always appreciated our many years of serving here. [LB255]

SENATOR ASHFORD: I hope someone is memorializing this session somewhere. (Laughter) [LB255]

SENATOR LATHROP: I wonder when we're going to get to the bill. (Laughter) [LB255]

SENATOR ASHFORD: I don't know where, but I hope it's somewhere. [LB255]

SENATOR LATHROP: The yellow light is going to come on before he talks about the

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bill. [LB255]

SENATOR ASHFORD: Yeah, the ceiling is levitating somewhere. Okay, good. [LB255]

JIM CUNNINGHAM: I just want to mention, in line...and we certainly appear in support of this bill. We commend and appreciate the efforts that Senator McGill and Senator Christensen...I don't want to leave out former-Senator John Synowiecki, who initiated a lot of this attention on human trafficking. To follow up a little bit on what Al had to say, over the noon hour I was reading an article which had the title on it, "Human Trafficking Remains Largely in the Shadows Across the United States." And I think, thanks to the efforts of Senators McGill and Christensen and others, the task force...I don't want to leave out our collaboration with the social justice Joint Strategy Action Team of Interchurch Ministries, with whom we collaborate. I see my good friend, Paul Olson, is here, and we...and I certainly want to mention their involvement on this issue as well and to say that we support the efforts that are continuing. And hopefully Nebraska will continue to be one of the leaders among the states in raising public awareness of this issue and also addressing it through good legislation. Thank you. [LB255]

SENATOR ASHFORD: Thank you, Jim, for your comments. Any questions? I don't see any. Thanks. [LB255]

ROBERT SANFORD: (Exhibit 10) Good afternoon, Senator Ashford, members of the Judiciary Committee. My name is Robert Sanford, R-o-b-e-r-t S-a-n-f-o-r-d. I am the legal director for the Nebraska Domestic Violence Sexual Assault Coalition. The coalition is a membership-based organization, whose primary membership consists of the 21 programs across the state, providing direct services to victims of domestic and sexual violence. I'm here on behalf of the coalition and ask that you support LB255. It is difficult, if not impossible, to get a good picture of the existence of trafficking in Nebraska today. When providing trainings that include information on trafficking, it is clear that there is a lot of confusion as to what constitutes trafficking and many questions arise. One of the most frequent questions I hear asked revolves around the definition of trafficking and includes both the question, what is trafficking, and, which definition do we use. One aspect of this bill is that it does provide a clear definition of both labor trafficking and sex trafficking of minors and adults. Still, it is important to recognize that, even with a better definition, we still will not likely know the full extent to which human trafficking takes place within our borders. I often hear comparisons of where we are today as a society looking at human trafficking with where we were 20 years ago with domestic violence. We have learned many things in the past that I think need to be recognized today. Like domestic and sexual violence, statistics of trafficking will only show the number of individuals who come forward for victim services, the number of reports and investigations made by law enforcement, or the number of convictions that occur and not the full extent that the crime is occurring. Like domestic and sexual violence, victims of trafficking recognize there are risks in seeking help,

often involving threats not only to the trafficking victim but also to family members. Like domestic and sexual violence, victims will only seek help when they recognize that the risks of reporting the crime are, in fact, less than the risks experienced if the crime is not reported. This bill provides changes that will, hopefully, reassure victims of trafficking that they can, in fact, seek help from victim advocacy programs, law enforcement, and prosecution. This bill takes steps to minimize the risks associated with reporting the crime through the implementation of an affirmative defense for victims charged with prostitution, as well as increased penalties for the trafficker and buyer. While stronger penalties for perpetrators may increase short-term risks faced by the victim, the increase in the sentencing will provide victims with more time to overcome the trauma before the convicted perpetrator is released. Again, we can't provide a clear number of trafficking victims in this state. The National Coalition Against Domestic Violence has compiled statistics from many different sources, and what we do know is that more than 80 percent of victims are female, many of the children being trafficked in the U.S. ran away from homes where they were being physically or sexually abused, and roughly 70 percent of trafficked children exhibit suicidal tendencies. Because of the links between domestic and sexual violence, child abuse, and trafficking, we ask that you advance this bill out of committee. [LB255]

SENATOR ASHFORD: Thank you. I don't see any questions. I think Senator McGill, maybe, gave me the statistic that 80 percent of the young women in Geneva are...have mental illness, 80 percent, and much of it derives from these activities and other things in their lives. [LB255]

ROBERT SANFORD: Definitely. [LB255]

SENATOR ASHFORD: So thank you. Next proponent. Hannah. [LB255]

HANNAH BUELL: (Exhibit 11) Thank you again, Senator Ashford. Again, my name is Hannah Buell, B-u-e-l-l, and I am speaking again on behalf of Nebraska Family Council. And I am supportive of LB255 because I believe that this bill will help move Nebraska another step closer to becoming a slave-free state and to bring justice for the women and children that are trapped in the sex industry. This bill will bring our state into alignment with federal legislation on human trafficking. The current federal definition of sex trafficking is when a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not obtained 18 years of age. Therefore, in federal human trafficking cases it is assumed that any minor involved in prostitution is, by definition, a victim of human trafficking. This makes sense because, if a minor cannot legally give consent to have sex, certainly she cannot legally consent to receive money for sex. That makes no sense. This section of the bill is especially important because the average age of entry, like you have heard mentioned before, into prostitution in the United States is 14 years old. This bill also allows human trafficking victims to submit written statements during court proceedings rather than be present in

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the presence of her former captor. Now I know that there have been some questions about how this will legally, you know, be constitutional and all of those sorts of things. The intent of this is to protect and shield the victim. This is an essential protection for women and children coming out of the sex trade because many of them have experienced physical abuse, threats, sexual violence, and psychological torture at the hands of their traffickers. It would be unthinkable to ask them to recount and relive that experience in front of not only an entire court but their trafficker as well, in this case, as Senator McGill mentioned earlier, when the trafficker has actually threatened them in some way against testifying. Without this ability to give written testimony, many women and children are less likely to pursue these charges against their trafficker. And, in fact, we know of one case here in Lincoln where a woman was lured into the sex trade industry and eventually escaped her pimp because she was afraid for her life. She had tried leaving before but, at this point, decided that she was...she was afraid she would die if she didn't get out, yet, because he threatened her and her family, she was unwilling to bring public testimony against him. He is still at large in Lincoln today. This might not have happened if she was guaranteed protections like this. And again, this is just one step in addressing this problem. But we need to keep continuing to send this message to these women and to these children, your voice matters, your voice will be heard. So thank you very much for your time, and I'm now open for questions. [LB255]

SENATOR ASHFORD: Yes, Senator Chambers. [LB255]

SENATOR CHAMBERS: I appreciate the fact that you all are aware of how much pressure, in various forms, can be brought to bear on these victims. It's one thing for those...all of us who want to see something done to say, come forth, without your testimony nothing can be said. [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: I live in a community where a horrendous number of shootings--which result in deaths, injuries, and terrorization of a community--occur. But I have to be frank. We don't trust the police. The police have been known to take individuals, who they can't force to be snitches but they're members of gangs, they'll put them in the territory of another gang and tell that other group, here he is and he's a snitch, just because he's not a snitch. So when the community sees that the police are the ones we have to fear, why would I come forth and tell the police when they'll tell somebody that I'm the one who told? And we have had people who tried to cooperate with the police who subsequently ran into retaliation. Fortunately, they didn't die. [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: But the feeling is that there was no way that anybody would

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have known that they cooperated had not the police told. So I do not trust the police, period. And if that makes me a...well, it can't make me a sympathizer with terrorists because the police are the terrorists and I'm opposed to them. But to get back to the real issue, if there is some way that, at least on occasion, some victims can cooperate and there will be a successful prosecution, conviction, and a sentence of substantial impact,... [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: ...and the impression can be gotten across that there will be apprehension and prosecution, that's where the deterrent is--not just the length and harshness of a sentence, but the feeling that you're going to be caught and you're going to be made to bear the consequences. You all have undertaken a very complex issue, first of all, but these other types of issues that you brought up in your testimony that I'm mentioning now... [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: ...are areas that need to be explored, too, because it's not easy when you're dealing with dangerous people who have no respect for human life. [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: Some of them are not worried about their own safety. It's an extremely difficult issue. So I'll have plenty of time to tell Senator McGill how much I appreciate what she's doing, and I'll probably even write a rhyme for her. Senator Christensen has brought a bill which I'm not going to be able to attack on the floor in the way that I like to go after his bills, so I don't mind being silenced in the way that these bills will silence me, as far as being critical. And if there is anything that I can do along the way, I will do that. But I think the role of the Legislature is to enact wise, just legislation to serve as an instructional force in society, to be teachers and bringers of the truth. And if there has ever been a time when that has occurred in a two-fisted way, I think today will be that instance where the Legislature and also for the people who have testified on these bills today. [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR CHAMBERS: And I've tried to be quiet because there is a tendency that I have to prolong the hearings, and I don't want to do that today. But I didn't want all of these people who came today to think that I was unaware of what they said and the value of it, and especially the young ladies who came up here and spoke. When we can see the generation to come paying attention to issues as serious as this, then that does

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give hope to the ancient of days such as myself. [LB255]

HANNAH BUELL: Absolutely. You know what you mentioned earlier about women being afraid of the police? That's actually something that we have found is very common, especially with the immigrant communities. There are actually a lot of cases...when you think of human trafficking, most of the time you think of, oh, they're coming from another country, right? And that does happen. There's about 17,000 foreign nationals that are brought into the United States every year, according to the federal government. But, in those cases, a lot of the time what will happen is they will promise them a job, bring them into the U.S., take their passport, and then say, if you report this they will deport you, if you report this, that the police are not trustworthy, they will go after you, you will be the problem. And so, obviously, we can't change federal laws, although that isn't even true anymore because the federal government has been responsive to those sorts of cases. They'll still threaten that, but it isn't the truth, so that's good. But we need to bring our laws in Nebraska to the same level, and this is one part that we can do to try to send that message to these women and children, really, that if they come forward and report what has actually been happening, that they will be protected, that they will be believed, that they will not be given a deaf ear, then, especially, that they will not be charged. [LB255]

SENATOR ASHFORD: Very good. Thank you, Hannah. [LB255]

HANNAH BUELL: Thank you. [LB255]

SENATOR ASHFORD: I don't see any other questions. Good... [LB255]

SENATOR LATHROP: Can I just ask one quick one? [LB255]

SENATOR ASHFORD: Yes, you can. [LB255]

SENATOR LATHROP: Hannah, did I hear you say that this bill had a provision in it that allowed a victim to testify by writing a letter of some kind? [LB255]

HANNAH BUELL: Not... [LB255]

SENATOR LATHROP: Or is that something you were hoping, at some point, for? [LB255]

HANNAH BUELL: Right now what the provision...and correct me if I'm wrong, Senator McGill, but I believe that the provision right now is that the victim can...that they can use written statements that the victim has provided if the victim has been threatened to not testify. [LB255]

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SENATOR LATHROP: Oh. [LB255]

HANNAH BUELL: Is that correct? [LB255]

SENATOR LATHROP: So you're just talking about Section (e) that Senator Seiler was talking about. [LB255]

HANNAH BUELL: Right, right, so... [LB255]

SENATOR LATHROP: Okay, because there is a little confrontation clause issue there. [LB255]

HANNAH BUELL: Right, right. [LB255]

SENATOR LATHROP: And I wanted to make sure I understood what provision you were talking about. [LB255]

HANNAH BUELL: Right. I believe that we do allow that in domestic violence situations, though, correct? When, you know, say a woman is... [LB255]

SENATOR LATHROP: Well, there might be an affidavit that you file to get a restraining order. [LB255]

HANNAH BUELL: Right. [LB255]

SENATOR LATHROP: But that's okay. [LB255]

HANNAH BUELL: Okay. [LB255]

SENATOR LATHROP: I just wanted to make sure it wasn't in the bill and I wasn't missing that. [LB255]

HANNAH BUELL: Right. [LB255]

SENATOR LATHROP: But I get...I know what you're talking about. [LB255]

HANNAH BUELL: Right, yeah. That would probably be something that we would be in favor of because, like that sort of situation, if, you know, you can make the...meet constitutional muster, it would be good if we could make it possible for that girl to not have to give testimony before the entire court about what her attacker had done to her. [LB255]

SENATOR LATHROP: Right, yes. [LB255]

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HANNAH BUELL: That would be beneficial, so. [LB255]

SENATOR LATHROP: We face those requests almost every year in one form or another. [LB255]

HANNAH BUELL: Um-hum. [LB255]

SENATOR LATHROP: And we appreciate it... [LB255]

HANNAH BUELL: Yeah. [LB255]

SENATOR LATHROP: ...because it's a concern when a child gets assaulted or when a woman gets assaulted or threatened and that sort of thing. [LB255]

HANNAH BUELL: Right. [LB255]

SENATOR LATHROP: But we've got to balance it against the constitutional requirement that a person be allowed to cross-examine their accuser. [LB255]

HANNAH BUELL: Right, absolutely, um-hum, absolutely. [LB255]

SENATOR LATHROP: Okay, thank you. [LB255]

HANNAH BUELL: Great. [LB255]

SENATOR ASHFORD: Thank you, Hannah, very much. Any other proponents? Any opponents? Oh. [LB255]

SRIYANI TIDBALL: I'm a proponent, so. [LB255]

SENATOR ASHFORD: Oh, proponents, oh. Come on up. [LB255]

SRIYANI TIDBALL: Sorry. I wasn't paying attention. My name is Sriyani Tidball. I'm a professor at the University of Nebraska, teaching journalism and some other subjects. Right now I've been also a part of a team of professors who have been doing research on human trafficking for the last five years. I'm here to say I hope this bill passes very soon. It's a desperate need in our community for the protection of our victims, the protection of our women, prevention and awareness needed, and also punishment for the johns who really have it quite easy here. So I'm just here to say, please, do this soon, don't wait any longer, Senator Ashford and all of you. And here I am. Any questions for me? (Laughter) [LB255]

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SENATOR ASHFORD: Very, very...that's...of course, very persuasive, and I think we...this committee, with Senator McGill and Senator Christensen in the lead, I think we've passed most every bill that we've been given so far. So it probably won't be any exception here, so. [LB255]

SRIYANI TIDBALL: Okay, well, thank you. [LB255]

SENATOR ASHFORD: But thank you for all...everything you do. [LB255]

SRIYANI TIDBALL: Thank you, sir. [LB255]

SENATOR ASHFORD: Thank you. Any opponents? [LB255]

DENISE FROST: (Exhibit 12) Good afternoon, committee members. My name is Denise Frost. I'm here on behalf of the Nebraska Criminal Defense Attorneys Association. Handing around...our page is bringing around, I hope, a concise summary. You will find it addresses some of the concerns that Senator Seiler, for example, you've already addressed one. Senator Chambers, you've addressed some others. I understand the emotional appeal and the social objective of the bill. I don't think anyone disagrees with that. But if you're going to pass a bill, you've got to do it in a way that courts are going to say, yes, this meets the constitutional muster. This is a broad, broad bill. You'll see, on the first page of the handout that's been set before you, we've got a specific concern regarding--Senator Chambers, I think you just noted it--the proposed amendment to the hearsay clause. Respectfully, I don't see any way, as this bill is presently drafted, that that will pass constitutional muster. It won't. Giles v. California...I've given you citations to all the legal authority I'm suggesting applies in support of my arguments. You cannot do away with the confrontation clause. You cannot. It cannot be done. There are ways to, certainly, assist a person who is having difficulty testifying, and courts have recognized those. But it's fancy to think that you can just say, well, it just doesn't count. Well, bad news. The U.S. Constitution says that it does. If we want to pass something that's going to help persons who are victims of this, there are other ways to do it. This is really, terrifically broad. I note also, on the bottom of page 1, if you were inclined to entertain something of this sort, if you look at what the Legislature has already done with respect to some other types of what we call "bad acts" evidence, there are specific procedures under the rules of evidence to accomplish that. It tells you the burden of proof. It tells you how to do it out of the jury's presence. This bill doesn't address any of that. And so I think, as drafted, were you to leave this as it is, I think you would, in short order, find convictions on appeal and you would negate the good that prosecution hoped to accomplish. Quickly, I want to move on. Also on page 2, with respect to some of the changes in the penalties that are proposed to the criminal statutes, if you are inclined to do so, it may be more fruitful to go to what the law already says. Specifically, as proposed, this changes a criminal offense from a Class I misdemeanor to a Class II felony. There are no steps in between. I can tell you, as a trial lawyer who is typically on

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the defense side but periodically on the prosecution side as a special prosecutor, you would do far better to give prosecutors and defense lawyers a tool, step it out. If I'm a criminal defense lawyer and I've got somebody who is facing a Class II felony and there's no other place to go, I'm just going to say, try that case. And then you've put the victims of such abuse, assuming they are...and I know there are real victims out there. You've put them in a very difficult position. If you are going to do this, do it in a way that follows the law that's already out there. I mean, we've got statutes in Nebraska that tell us how to proceed in some of these matters. And further, if you look at what the constitutional issues are on the federal side and from the Nebraska Supreme Court, there are some pretty good clues there about how to tighten this bill up, so if you're going to have it you can make it stick. As it is, I understand a laudable purpose. [LB255]

SENATOR ASHFORD: Denise, I'm going to...do we have any questions of Denise? [LB255]

SENATOR CHAMBERS: I do. [LB255]

SENATOR ASHFORD: I'm sorry, Denise. I hesitate to... [LB255]

DENISE FROST: No. [LB255]

SENATOR CHAMBERS: I have a comment. [LB255]

SENATOR ASHFORD: But Senator Chambers. [LB255]

SENATOR CHAMBERS: Ms. Frost, when I said that I won't be opposing the bills as I usually do, that doesn't mean I'm not going to comb through them with a fine-tooth comb... [LB255]

DENISE FROST: Yes, sir. [LB255]

SENATOR CHAMBERS: ...because we've got to make sure that what we have will work. [LB255]

DENISE FROST: Thank you. [LB255]

SENATOR CHAMBERS: And I would like to have conversations with you about some specific areas which will not go to undermining what the aim of the law is. But we've got to do it correctly. And I think my colleagues know that, even if I say I'm not going to fight to kill a bill, it doesn't mean I'm not going to work very hard to try to make it better. And with all due respect to my friend, Senator Christensen, the first thing that raised my concern was that it's patterned after a bill that was passed in another state. They don't have anybody in legislatures in other states like me, and they are not as careful and

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cautious. And I think the people that I worked with in the past on their legislation will invariably say that it's better for that. But I didn't want to say those kind of things without it being in a context of a discussion between two people who are looking at the law and its effectiveness and the question that was raised by Senator Lathrop, not trying to derail what the bill intends to do, but to do it in a way so that it will work, that it will hold water, because if we make a fatal constitutional mistake, then we may not even be able to save it with that clause that I don't even like to mention the name of it where it says if we blunder then everything else is all right... [LB255]

DENISE FROST: Severability. [LB255]

SENATOR CHAMBERS: ...because it could be shown that almost everything in the bill is dependent on everything else in the bill. It's like a seamless web where it all hangs together or it all falls apart, and I don't want to see that happen. There has been too much work in bringing the legislation, in getting the organizations together. But as hard as you're willing to work on this bill, I would like to get your help and offer you my thoughts and see what we can come up with to deal with some of the areas that might need some tightening up, to use your terminology. [LB255]

DENISE FROST: I would welcome the opportunity. [LB255]

SENATOR CHAMBERS: So...and another reason I'm doing this, you had to speak almost in the opponent's role, but that word is a term of art when it comes to this bill. Because of the kind of issues you're raising, you could not testify as a proponent, you couldn't be neutral. And I think, with only the proponent and opponent sides, you did the right thing, because as soon as the Chair said, opponents, and a person stood up, I'm sure everybody wondered, what can be going on here? (Laughter) And I think this is kind of like an object lesson. And I'm appreciative of the fact that you came, that you did speak as an opponent, that you do have some concrete offerings, and I'm willing to work as hard as you will. And although I'm old enough to be your grandfather, I think I'll wear you out before wear me out. (Laughter) [LB255]

DENISE FROST: Game on, game on. [LB255]

SENATOR CHAMBERS: Okay. [LB255]

DENISE FROST: Thank you, thank you. [LB255]

SENATOR ASHFORD: Thanks, Denise, very much, for your... [LB255]

DENISE FROST: Thank you. [LB255]

SENATOR ASHFORD: Next opponent. Neutral? Jerry is always in neutral. (Laughter)

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[LB255]

JERRY SOUCIE: No, I'm not. This time I'm neutral-neutral. [LB255]

SENATOR ASHFORD: Oh, you're really neutral, okay. [LB255]

JERRY SOUCIE: Mr. Chairman and members of the committee, my name is Jerry Soucie, S-o-u-c-i-e. I'm an attorney in private practice. I appear in neutral. I have a few problems with the bills except for the ones mentioned by Senator Chambers. What I'm here to talk about though is the fiscal statement. And the fiscal statement in this bill shows \$31,514, I think. My problem is that this is an expensive bill and it is intended to be an expensive bill. And I think, rather than running from that, you need to embrace it. The Attorney General comes out and says, this bill has no fiscal impact. That's just not true. That's total nonsense. This bill is intended to be used...it is intended to increase prosecutions, it's intended to increase penalties, all of which is true and I think is a noteworthy and commendable goal, given the type of harm that's being done here. When you look at the Legislature as a whole, what you guys really do, men and women, is you set the priorities of spending tax money, and you have to compare what you're going to expend for this bill versus, say, building a road from Holdrege to Wilcox. Is this bill more important than spending that money, or is that road more important? And I know, Senator Ashford, you've talked about how we need to build a new prison. [LB255]

SENATOR ASHFORD: No, I said we'd have to build a new prison if we don't deal with our... [LB255]

JERRY SOUCIE: We may have to build one if we don't... [LB255]

SENATOR ASHFORD: I certainly am not...Jerry, thanks for that comment. [LB255]

JERRY SOUCIE: Right. [LB255]

SENATOR ASHFORD: But I just, for the record,... [LB255]

JERRY SOUCIE: Okay. [LB255]

SENATOR ASHFORD: ...I'm certainly not for building a new prison, as I'm sure you...I hope you know. [LB255]

JERRY SOUCIE: Yeah, but we're sitting at 140 capacity. And when we increase penalties, priorities need to be made in terms of whether or not increased penalties on this bill are more important than increased penalties on other bills. But when the Attorney General comes out and does a fiscal statement saying this has no fiscal impact, that's absolute nonsense. When you... [LB255]

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SENATOR ASHFORD: Well, we have to...Jerry, just for the record...I mean, and I know it. We really do, and it's incumbent on this committee to make those priority decisions, most certainly. But, you know, when we have a number of inmates in our institution that spend...well, 80 percent of our inmates spend less than three years in the system for offenses that are not as serious as are these, then we do have to question and make those priority choices, I agree. [LB255]

JERRY SOUCIE: Yeah. [LB255]

SENATOR ASHFORD: And just... [LB255]

JERRY SOUCIE: But let me give you a system by which you can do this, and it's... [LB255]

SENATOR ASHFORD: How do you do that? So go ahead and tell us. [LB255]

JERRY SOUCIE: Something I've learned recently is that the JUSTICE system, the court information system, can do a search and tell you how many prosecutions there have been for debauching a minor. You can run the offense and you can get a baseline in terms of what the prosecutions have been this year, last year, going back four or five years. This gives you a number of how many prosecutions you have under the existing statutes. Then you can figure out, representatively, what those individuals get. And then you can turn around and say, okay, if we're going to increase prosecutions 10 percent, 15 percent, what have you, you can then...you can work out a number and say what the bill costs. I mean, I think it's a worthy sentiment, but I wouldn't run away from what this bill costs. I'd have that number and say, this is more important than...need a... [LB255]

SENATOR ASHFORD: You know, what's tragic...excuse me. What's tragic, well, and as we've seen here, that the young people of this state, who are...have been tried for offenses, who are spending time in...who are in detention or are being detained when they are, in fact, the victims of adults over and over and over and over and over again. [LB255]

JERRY SOUCIE: And I've been... [LB255]

SENATOR ASHFORD: And we wonder, what are we doing? What...I mean, are we nuts? We are nuts. [LB255]

JERRY SOUCIE: I've been involved in so many homicide cases where you look at the presentence investigation and you see that history of abuse up until when a kid is 18, 19, 20 years old, and then he has a bad day and he kills somebody. I mean, you can take those presentence reports, change the name, and the history of abuse going back

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is the same. [LB255]

SENATOR ASHFORD: Well, you look at NCJIS on every young person--and I've looked at it--going back and the shooting victims, and you wonder, oh, gosh, I wonder why they shot somebody? [LB255]

JERRY SOUCIE: Sure. It's a climate. [LB255]

SENATOR ASHFORD: I mean, you...we have created...we've...well... [LB255]

SENATOR CHAMBERS: And not to be rude, but those of us who live in the community wonder why they haven't shot anybody sooner because these are the issues that we know play into it. And other people want to say, who are on the outside, well, you're soft on crime. They don't live in our community. They don't know the people. I know some of the shooters and I know some of the ones who have been shot, and it's far more complex than anything those in this Legislature realize. But the four years that I'm here, I'm going to raise holy havoc. And I'm going to force the Legislature to at least hear about these things, whether they do anything about it or not. And I will hope that people in my community, geographically speaking, and people in my community, human being speaking, will realize that the seriousness of this problem goes beyond just a gun being shot and somebody being hurt. There are many things that happened before the gun came into the child's hands and before the gun, after coming into the hands, was fired at a person. So we do have complicated issues, and I'm glad you're bringing up what you did about the Attorney General's misleading--you didn't use that word; I'm attaching that word--no cost to the bill because he is a flogger and a hanger and a do anything he can to increase the punishments. But there are other cases I will see that he'll dismiss, for example, housing discrimination, which involved two Iraqis. And he dismissed that because he said he couldn't coordinate the evidence or the witnesses. It always happens that he can find a way to throw something out if it involves a nonwhite person who is the victim. But when it's the other way around he'll move heaven and earth to try to get a conviction and talk to people about how tough he is on crime. And I intend to be tough on him, too, and I serve notice in this community, in this committee, because this is my forum, this is my platform, and they need to know that somebody is here who is going to call their hand and do it publicly. But I won't do it on this bill today because I think you have alerted people to what the problem is on the A bill. But I don't want what I will say about the Attorney General to spill over and make people think that will turn me against the bill because it's not doing that, and that wasn't your intention either. [LB255]

JERRY SOUCIE: No. [LB255]

SENATOR CHAMBERS: We just need truth in presentation. As the Attorney General, when he is with his pompous, highfalutin self on his high horse, talk about, we need truth in sentencing. If we say 20 years, it's got to be 20 years, 40 years, 60 years. And

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there are times he himself has been in violation of campaign laws. And who goes after him? Who watches the watchers? Who polices the police? Certainly not the Judiciary Committee. Certainly not the law...legal profession. Certainly not the courts and the judges. But we'll pass laws and stiffen sentences and talk about we're worried because a cop stuck his head from behind a car and got it blown off. That's bad. But I see children dying, and I see police terrifying children in my community. How much can I take? I see how things are done in this society. Guns are what are worshipped. Guns get answers. Guns make politicians pay attention. It backs the President off. It terrorizes Congress. It terrorizes the entire Los Angeles Police Department. So what are you telling me? Stop talking about taking guns from people. Put the right guns in the hands of the right people, and you can change things in America because that's the only thing people will listen to. I've contacted the State Patrol about the source of guns in our community, and they won't do anything, not even a response. I say it because I see people from the Patrol here. I'll mention talking to the Omaha Police Department when they had people here--nothing. I contacted Ben Nelson, Fortenberry, Lee Terry--not even a response--the chief of police, the mayor, the Governor. What am I supposed to do? How far am I supposed to go? And how much am I supposed to bear? Suppose I would snap. Then what? Will I be able to say, as I'm standing in the dock, don't forget all the good things that I did and that I tried to do, don't forget all of those hard days in that Legislature and all of those futile committee hearings, all of those hours on the floor of the Legislature trying to follow white people's rules and apply their laws? And all I'm asking for is to look at what's happening in my community like you looked at the white community when you wanted to fight against methamphetamine, when you wanted to find the source of the liquor going to young, white kids. And then I say, there is a lethality in the guns that exceeds methamphetamines and liquor, and I can't get you to look at that. So you have me now, your honor. I've been delivered into your hands. I couldn't take it anymore. I became a convert to the gun and I used the gun, but I used it in a careful, focused, rational manner. They cannot say it was senseless or purposeless because my goal was to go after the ones who did the harm. I didn't go after a puppet out here on the street in a police cruiser, on a motorcycle. I went after the puppeteer. So am I saying I'm guilty? I don't feel I have any guilt. I don't feel I have culpability. I had adequate provocation, and I had no place else to turn. I pleaded with them, I begged them, I warned them, I threatened them, and I see that all a white man has to do is say, do it, and it's done. And I've sweated away more than half of my life working around these white people who have contempt for me and contempt for my people. And I'm supposed to go to my grave, knowing what should have been done but it was not done. Am I saying that I'm going to take up the gun and kill somebody? I think violence begets violence. But if I ever become a part of it, I'm not the one who started it. The violence of others begot the violence that they might see from people like me. And if people like me decide to do something, you're not going to find us in a cabin where you can burn it up. You'll have something on your hands. I have studied this society. I've studied their history. I've read books on military strategy, military history. I studied the police. I know how they operate. I know where they operate. You don't want somebody like that on the

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other side of the law, do you? That's where the law pushes me. I didn't intend to say all this today. But I'm glad that I said it, I'm glad that it's recorded, and someday it may make some prosecutor's job very easy. But I'll tell you this, if that day comes, I won't run from it, I won't beg for mercy, I will not say I'm sorry, other than to say that if I did it, I'm sorry I didn't do it sooner. We are losing generations. And I'm glad to see that they're talking about trafficking, and I'm going to work to help them. But, see, I can't come to those people and say, come over here and help us, because there's no help coming. And when we cannot get help from the law, what are we to do? Can we become the law? Can we get the guns? Can I become a minion of the NRA and tell them, give me some guns and I'll speak for what you're trying to do? And I'm through now. And, I assure you, I am not mad. I may be angry, but I am not mad. That's all that I have, Mr. President. [LB255]

SENATOR ASHFORD: Thank you, Senator Chambers. Jerry, any other comments? Are you... [LB255]

JERRY SOUCIE: No. [LB255]

SENATOR ASHFORD: Thank you. [LB255]

JERRY SOUCIE: Thank you. (Laughter) [LB255]

SENATOR ASHFORD: Okay, do we have any other neutral testifiers? Senator McGill, would you like to wrap this up? [LB255]

SENATOR MCGILL: Sure. I'll say a few things before my next bill, address a few matters. I knew, coming into this hearing, that the hearsay...that that section was going to be the most controversial part of this bill. My legislative aide, Amy, tells me that it's mirrored on federal language, and so we'll try to get more research on that and share it with the committee and see if there's anything to do with that piece to make that piece better or not. You know, obviously I don't want that to sink this bill overall, but we can have that discussion. Same thing goes with the penalties. I know we had met with the defense attorneys once previously to this and let them know that...that's why in my opening I said, you know, that's up for debate in terms of what we think those penalties should be. I do feel very strongly that they're a joke right now to the perpetrators out there, and so there's hopefully some ground to compromise there on what's appropriate. Since we've been talking about law enforcement I just wanted to let Senator Chambers know that some of those concerns were why, last year, we mandated there be law enforcement training on human trafficking and the task force picked out curriculum. Now will it really sink in and alter some of their behaviors or judgements about some of the women they pick up? Maybe it won't. It probably won't impact all of them. But we know that one of the big barriers is, if a woman is picked up for prostitution, she isn't willing to rat out the person who was her pimp. It takes a more compassionate approach from a

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law enforcement officer when he's picking her up and not just, you've made this terrible decision, you're selling yourself, you're a dirty "bleepity-bleep." And so trying to get at that part of the problem with that sensitivity training and what to look for in terms of human trafficking I thought was an important thing to do in that first year. So here we are on this bill. You know, I want to thank the community groups that I've been working with outside of the task force who have done a lot of research, like Rachel Davis and Rachel Lee, who were the ones who called all 2,500 agencies across the state to see what was available or not. And that was outside of the task force. See, these are just volunteers we've helped organize. We know that we have a Web site in the works to...for Nebraska organizations to go to and hopefully be able to pull down presentations. They can go and talk to their church groups or, you know, community organizations about human trafficking. There is a lot going on, on this, that we've been a part of in my office than just what is before us in legislation. So there's a lot of involvement and interest in this, and I believe the heaviest lifting will actually come next year when we are trying to create some services. I mean, that is going to be something that will cost money but I think is a critical part to really, actually solving this problem and getting kids and women and men out of the sex trade and on the right path. [LB255]

SENATOR ASHFORD: Well, and I think Senator Synowiecki and Senator Christensen and you have provided immense leadership. [LB255]

SENATOR MCGILL: Um-hum. [LB255]

SENATOR ASHFORD: (See also Exhibits 13-15) And we're very proud of what you've done. Let's go to the last bill, LB256. [LB255]

SENATOR MCGILL: (Exhibit 16) Yes, Senators, I'm still Amanda McGill, M-c-G-i-l-l, and here today on LB256, which is another bill that I initially had drafted in relation to best practices for human trafficking. I'll admit this is a much larger and broader bill than what I originally conceptualized and so, honestly, I haven't wrapped my mind entirely around it in the consequences. So I would ask the committee sit on it, you know, for the time being. But I'll go ahead and go through the hearing so I can hear feedback and learn from the discussion. It's a bill that would authorize law enforcement to charge offenders for various crimes and seize property related to those violations without obstructing Nebraska's constitutional restrictions on double jeopardy. This moves asset forfeiture proceedings from the criminal code to the civil code. The bill also extends forfeiture proceedings to include additional crimes, such as human trafficking. For two years now I've been working with the Polaris Project, which I've just passed out some information on. It's a national organization on human trafficking legislation. The Polaris Project rates states based on ten categories of law that are critical to a basic legal framework that combats human trafficking, punishes traffickers, and supports victims. Asset forfeiture or the concept outlined in this bill is one of those ten categories identified by the Polaris Project. I know this isn't a colored map, like the one on-line is or how it would look if we

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had color printers here, but Nebraska is now a tier one state due to the laws that we passed last year. We were tier three, and so we've moved up a couple of tiers, thanks to the work that we've done. Human trafficking is a market-based economy that exists on principles of supply and demand. It thrives due to conditions which allow for high profits to be generated at low risk. It is the world's fastest growing criminal enterprise, as you heard earlier, and is second only to drug trafficking. So I originally brought the...well, this bill had the original intent of fulfilling 3(a) on the state ratings, but like I said, it's a bill that goes much farther than that. And so for me this is a learning experience and a learning hearing. [LB256]

SENATOR LATHROP: There's a lot in this bill. [LB256]

SENATOR MCGILL: Yes, there is. [LB256]

SENATOR LATHROP: Yeah. Thanks, Senator McGill. Any questions? Senator Chambers. [LB256]

SENATOR CHAMBERS: Not a question really but so that it's understood, you are not asking us to advance or act on this bill. [LB256]

SENATOR MCGILL: No. [LB256]

SENATOR CHAMBERS: Okay. And that will maybe remove the heartburn of some of the people who were here today. They might still want to say something. But whenever I see "forfeiture" again, and I can be more calm as I speak about this, but I'm offended at law enforcement because they're dishonest. And here's what they will do. They know that if they...if there's a forfeiture in a state proceeding, then the constitution says that some of that goes to the schools. They don't want that. They want to keep it all so they'll call in the federal government to make the forfeiture. Then they give the federal government 10 percent as a payoff, and then the federal government gives that money back to the local police agency. And they didn't do the forfeiture, so they keep all that money and they steal from the public school system. That's what the police are doing right now, the ones we're told are here to protect and serve, the ones whose job it is and they swore to uphold the law, and they are doing an end run around the constitution. The federal government is working with them. So, while I'm saying I don't trust them, why do these other people trust them? Because they don't know anything. They don't know what the police do. And the police do not publicize that, so it's my job to do so. They need to stop using the federal government, which apparently when it comes to things like this is a handle that fits any dirty tool that the dirty police want to apply to end run around the Nebraska Constitution. So on the forfeiture, I have my views about that, and I'm going to bring some legislation but not this year. And I also want it known that the police will try to circumvent the law that I had. They got it repealed while I was gone where they cannot use people in custody, who are on parole or probation as undercover

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snitches for them. So what they would do, would go to the federal government--and the State Patrol has even done this--to get them to circumvent the law by pressing these people into service as snitches. But what the Supreme Court of Nebraska said, because they had dealt with police before, and they said, we will not violate the letter or the spirit of this law. The local and state police made the first contact with the federal government. I won't go through the whole case, but the charges against the defendant were dismissed, because that law had teeth to discourage the violation of the law by saying no evidence seized in violation of this law is admissible for any purpose against anybody for any reason. It was one of those clauses where you can suppress or have it thrown out. So the police need to be watched. They're given a lot of power and they misuse it, and somebody has to watch them. And nobody, Senator Seiler, in this state is watching them except me, not the Attorney General, not the legislators, because they voted to repeal that law. And before it was repealed, I wrote a letter and sent a copy to the Governor, and he signed for the repeal. I'm glad he's term limited out. I feel great bitterness toward these people and I'm not going to let them get away with having the reputation of being heroes just because they wear a uniform. Whenever I see a bunch of them together for any purpose, I say they must be at a doughnut convention. And some people say, you shouldn't say that about the police. Well, if they knew what the police do to us, and all I'm using is words, maybe they'd stop. But when I say these things on the record like this, the message might get back to them that somebody is aware of what they're doing and that somebody is back in the Legislature now. And maybe I won't get done what I want, but I'll bring bill after bill and I will do all I can to embarrass them, embarrass them, embarrass them. And you'll notice, or maybe you didn't, that on some issues where they think I'm going to oppose it, they don't come anymore. They send a letter from the POAN. I think that's Police Officers' Association of...I don't know what the N stands for...Nebraska. They send a letter saying, we don't like that bill, but they won't come here and face the music. I don't carry guns. I don't carry handcuffs. I don't carry a truncheon or a nightstick. I don't carry a Taser. I'm not going to grab anybody. I can't put them in jail. And if they're doing the right thing, why are they afraid to come here? Because they know that they're wrong and they don't want the cover pulled. But I think I may have done them a service today by making it clear that LB256 is not going anywhere. [LB256]

SENATOR MCGILL: Yes, sir. [LB256]

SENATOR CHAMBERS: Thank you, Senator McGill. [LB256]

SENATOR MCGILL: (Laugh) Thank you, Senator Chambers. [LB256]

SENATOR LATHROP: I see no other questions. Do you want to stay to close, Senator McGill? [LB256]

SENATOR MCGILL: I have nowhere else to go, Senator Lathrop. [LB256]

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SENATOR LATHROP: All right. Well, then we'll see if you want to close when we get to the end of the hearing. The first proponent may come forward. [LB256]

AL RISKOWSKI: Yes, Al Riskowski, Nebraska Family Council. I just wanted to state the intent behind the bill and a first attempt to try and tackle a difficult problem. And the difficult problem is that these traffickers have so much money that has been accumulated through trafficking or drugs, they continue to appeal using this accumulated money to defend themselves. And the thought was, how do we try and remedy that problem? We had a great deal of discussion really along the lines you are speaking to, Senator Chambers, in that we don't want this abused by law enforcement, and so what do we place in the bill to try and assure that just a little bit of the money goes back to the law enforcement and it's actually distributed other places, like schools. So that was really part of the conversation as well with this. So again, I'm just here to state the intent, not necessarily stating this is the answer but here's the problem and how do we try and remedy some of these problems. And so much money is there, such deep pockets, how do you attack this? So thank you for your time. [LB256]

SENATOR LATHROP: Senator Chambers. [LB256]

AL RISKOWSKI: Yes, sir. [LB256]

SENATOR CHAMBERS: Pastor, I recognize the difficulty of achieving your goal, so it's not the approach, meaning the aim, but the details and the methodology being utilized. And maybe the best way I can get across what I'm trying to say, when the Nebraska Supreme Court struck down the electric chair as being cruel and unusual punishment, it pointed out, the court pointed out, that while we're punishing the most vicious criminal--I'm paraphrasing--we cannot utilize the same torturous methods to punish that the criminal employed in carrying out the crime. So there are provisions of the constitution and even some statutory schemes that require us to be very cautious about how we do certain things. So the rejection or at least the apparent rejection of the details that are utilized to try to make a point does not mean we're saying the point is invalid. So I want you to understand that. I'm not opposing what you're trying to do at all. [LB256]

AL RISKOWSKI: Thank you. [LB256]

SENATOR LATHROP: Seeing no other questions, thanks, Al. [LB256]

AL RISKOWSKI: Okay. Thank you. [LB256]

SENATOR LATHROP: Next proponent. Anyone else here in support of this bill? [LB256]

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GEORGE THOMPSON: Good afternoon, members of the committee. Thank you for this opportunity. My name is George Thompson, G-e-o-r-g-e T-h-o-m-p-s-o-n. I am here as a proponent of LB256. I speak on the behalf of the national, excuse me, the Nebraska County Attorneys Association. With the provisions of LB256, it harkens back to what Senator Chambers was speaking to. It's State v. Franco, and in that case is where the Supreme Court of Nebraska had stated that the double jeopardy principle applies to state forfeiture proceeding. As a prosecutor, we, at this juncture of time it's still the law, we have to pick between prosecution or the forfeiture. Now what LB256 does is it transfers the matter to the civil section. It focuses it on in rem versus in personam jurisdiction and applies civil standards. The reason that I bring that to the committee's light is the concerns addressed in State v. Franco, where this is being criminal in nature, I've seen the provisions of LB256 and it moves it out. But I think one of the most important aspects to note in LB256 is the expansion into other crimes, such as human trafficking, child pornography. Those are found in Section 14. It expands it just beyond the typical, what I think most people think of the forfeitures as involving narcotics cases. Now I think that's important because it goes to the tools of the trade, so to speak. I, personally, have not had to return items such as money, cameras, and computer equipment to people that are now convicted of child pornography, but I know that there's county attorneys that do. You're turning back and giving some of these tools of the trade back to these individuals when they should just be taken, forfeited to the state, and at least the proceeds then used, as underneath LB256, as for the schools, and then it goes in the drug forfeiture fund. That's a couple of the aspects from the County Attorneys Association that...why we're proponents of the LB256. And I can answer any questions. [LB256]

SENATOR LATHROP: I see no questions. Thanks for coming down, George. [LB256]

GEORGE THOMPSON: Thank you, Senator. Uh-huh. [LB256]

SENATOR LATHROP: Next proponent, if any. Anyone here in opposition who cares to testify on LB256? [LB256]

DENISE FROST: It's my day to be a naysayer in front of this committee. [LB256]

SENATOR LATHROP: Or to enlighten us, as the case may be. [LB256]

DENISE FROST: I shall try. I shall try. Members of the committee, again, my name is Denise Frost, D-e-n-i-s-e, last name is Frost, like Jack Frost. I can say that with a storm on the way. I've already submitted to you previously a letter which I prepared giving you the position of the Nebraska Criminal Defense Attorneys Association opposing this bill. (Exhibit 12) Again, I think procedurally it is simply taking the constitution and turning it on its head. State v. Franco, which is still good law, does say that...it reiterates the position of the Nebraska Supreme Court has always been that forfeiture is a criminal

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remedy, criminal. That means constitutional protections attach to it. As LB256 is written, it makes it civil and pitches out the window all of the constitutional protections that are in there. And as I note in there, this bill is so broad as drafted, you can't find anything like this anywhere else in the law. For example, other types of forfeitures or takings in Nebraska law--eminent domain condemnation--if you applied the rationale in those cases that we apply under LB256, they could just come in and say, Senator, I'm taking your house. I don't need probable cause. I don't like you; I'm taking your house, I'm taking your car, I'm taking whatever. I don't need a warrant, I don't need judicial process; I'm just taking it. That is what this bill does. Again, respectfully, I don't see how this could possibly withstand constitutional muster. I also note in there, as set forth in my presentation to you, to the extent that the bill purports to instruct the Nebraska Supreme Court that it doesn't violate federal law or state law, we've already been down that road--Jaksha v. State. This is a separation of powers argument. The Legislature cannot dictate to a court what is constitutional and what is not, and so I would point that out to you. And I would note quickly also, Senator Chambers, you are correct that the way forfeitures tend to happen right now in this state is that once assets are seized, the federal government typically takes over. And then the money gets split and sent back to law enforcement. I had a case a couple of years ago exactly on point with what you are saying, and I was contacted by The Wall Street Journal , a reporter, who advised me that they were researching this and they found that Nebraska actually leads the nation. We are number one in forfeited dollars that go back, not to schools but back in, just as you suggested, Senator Chambers. And I'll be happy to get that information and disseminate it to the committee if you like. Again, I understand there may be a laudable intent, but this is not the way to do it. Constitutionally, we're shooting ourselves in the foot. Thank you. [LB256]

SENATOR LATHROP: Very good. [LB256]

DENISE FROST: I said it for you, Senator. [LB256]

SENATOR CHAMBERS: Thank you. [LB256]

DENISE FROST: You're welcome. [LB256]

SENATOR LATHROP: Apparently. [LB256]

SENATOR CHAMBERS: Thank you. [LB256]

DENISE FROST: Thank you. [LB256]

SENATOR LATHROP: Thank you, Denise. Anyone else here in opposition? [LB256]

DAVID SANKEY: (Exhibit 17) Senator Lathrop and members of the Judiciary

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Committee, my name is David Sankey, D-a-v-i-d S-a-n-k-e-y, and I serve as the superintendent of the Nebraska State Patrol. I'm here today to appear in opposition to LB256. I, too, serve on the human trafficking committee. I find it very educational and very important work. I commend Senator McGill for her efforts in this endeavor. I won't read to you the testimony that we're passing out. I'm here simply to explain the fiscal note that our agency placed on this bill. We were asked by the Legislative Fiscal Office to provide a fiscal note. It's a rather large fiscal note. It has a significant impact, significant negative impact to the Public Safety Cash Fund. That cash fund is a fund that we receive authorization from the Legislature to use the appropriations in that fund. And so I wanted to appear in front of you to be able to answer any questions you might have about that fiscal note and just to be here for that purpose. So that's all I have. [LB256]

SENATOR LATHROP: Very good. Thanks, Colonel. Any questions for the Colonel? [LB256]

SENATOR CHAMBERS: He is such a fresh-faced youngster, he reminds me of my son. I don't have any questions for him today. (Laughter) [LB256]

DAVID SANKEY: Thank you, Senator. [LB256]

SENATOR LATHROP: Then we'll let you get out of here... [LB256]

DAVID SANKEY: All right. Thank you. [LB256]

SENATOR LATHROP: ...before somebody changes their mind. (Laughter) [LB256]

SENATOR CHRISTENSEN: Yeah. [LB256]

SENATOR SEILER: Run! [LB256]

SENATOR LATHROP: Thanks, Colonel. We appreciate your willingness to come down here to answer a \$1.3 million fiscal note. Anyone else here in opposition to this particular bill? [LB256]

GREG GONZALEZ: Good afternoon, members of the Judiciary Committee. My name is Greg Gonzalez. The last name is spelled G-o-n-z-a-l-e-z. I'm assistant police chief, city of Omaha, and I would like to basically echo some of those comments of the State Patrol. The Omaha Police Department generates, like the State Patrol, a contingency, a large contingency and surplus of proceeds, from drug trafficking in particular. And this bill would hurt us in that capacity. Those funds are particularly specifically spent for police-related items. We have a seized asset committee, and those monies could range from a quarter of a million dollars to a million dollars a year that are designated specifically for police-related items. We have to follow federal regulations on those

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expenditures. And I'm just saying that we are opposed to this as it would...we would absorb a large financial impact due to those funds for police-related items. And that's all I have today. [LB256]

SENATOR ASHFORD: Thanks, Chief. [LB256]

GREG GONZALEZ: Yeah. [LB256]

SENATOR CHAMBERS: Chief, after allowing the head of the State Patrol to leave because he reminds me of my son,... [LB256]

GREG GONZALEZ: (Laugh) And I don't. [LB256]

SENATOR CHAMBERS: ...you're young enough to be my grandson... [LB256]

GREG GONZALEZ: Yeah, I hear you. [LB256]

SENATOR CHAMBERS: ...so I'm going to carry it over and apply it to you,... [LB256]

GREG GONZALEZ: All right. [LB256]

SENATOR CHAMBERS: ...because you and I are...we have a relationship where we can discuss things and they don't have to be discussed here and take additional time. So I have no questions today. [LB256]

GREG GONZALEZ: I appreciate your time. Take care. [LB256]

SENATOR ASHFORD: Thanks, Chief. I don't have any other questions. We don't have any other questions. Anybody else? We're on the opponents, I guess, aren't we? Any other opponents? Neutral? Senator McGill waives. That concludes the hearings for today. Thank you. (See also Exhibits 18 and 19) [LB256]