

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB843**

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**Hearing Date:** Wednesday February 10, 2016  
**Committee On:** Judiciary  
**Introducer:** Pansing Brooks  
**One Liner:** Change provisions relating to prostitution

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

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**Vote Results:**

**Aye:** 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams

**Nay:**

**Absent:**

**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

SEN. PATTY PANSING BROOKS  
AL RISKOWSKI

**Representing:**

INTRODUCER  
NE FAMILY ALLIANCE

**Opponents:**

**Representing:**

**Neutral:**

STEPHEN PATRICK O'MEARA  
TRICIA FREEMAN

**Representing:**

ATTORNEY GENERAL'S OFFICE  
COUNTY ATTORNEY'S ASSOCIATION

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

Section 1 would amend 28-801 to change the elements of the offense of prostitution. As amended, a person who was subjected to certain types of human trafficking as defined in 28-830 would be excluded from the definition of the offense.

The bill would strike subsection (3), which provides an affirmative defense for victims of trafficking.

Section 2 would amend 43-248 to update internal references.

Section 3 would amend 43-1303 to update internal references.

Section 4 would repeal the sections amended by this act.

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**Explanation of amendments:**

AM2335 to LB843 would change provisions relating to prostitution, and would also incorporate provisions of LB1097 relating to sexual assault forensic testing.

Section 1 would amend 28-801. Instead of changing the elements of the offense of prostitution, the amendment would

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provide immunity from prosecution for a prostitution offense, in subsection (5), for trafficking victims. The amendment would also restore the affirmative defense for victims of trafficking in subsection (3).

The amendment would strike the changes to section 43-248 and 43-1303.

Section 2 through Section 5 would incorporate the provisions of LB1097, with changes to address issues raised at the hearing on the bill.

Section 2 would amend 81-2010.03 to create a Sexual Assault Payment Program, which would include a cash fund and an administrator.

Subsection (1) would provide that the Sexual Assault Payment Program Cash Fund would pay for forensic medical examinations, not the patient, their insurance, or the State Patrol.

Subsection (2) would strike a reference to the National Forensic Science Technology Center.

Subsection (3) would describe the authorized uses for funds from the Sexual Assault Payment Program Cash Fund. As amended, this subsection would include examination facility fees at a child advocacy center in the approved costs to be paid from the Sexual Assault Payment Program Cash Fund.

Subsection (4) would state the purpose of the Sexual Assault Payment Program, and would create the position of a program administrator. The program administrator position would be established in the Attorney General's office. As amended, the administrator would coordinate payments from the Sexual Assault Payment Program Cash Fund, instead of directly administering the fund.

Subsection (5) would create the Sexual Assault Payment Program Cash Fund. The fund would be used to purchase forensic medical examination kits, in addition to the uses described in subsection (3), for the purposes described in subsection (4). As amended, the fund shall be administered by the Crime Commission, instead of the Attorney General's office.

This subsection would place a limit of up to \$200 on payments for examiner's fees, and up to \$300 for examination facility fees. Payment of charges in excess of such amounts may be allowed, if additional documentation is provided. The fund may also be used for programming to reduce particular crimes. The green copy of the bill listed domestic violence, dating violence, sexual assault, and stalking. The amendment would add child abuse, child sexual assault, human trafficking, labor trafficking, and sex trafficking.

Section 3 would amend 81-1415 to update internal references.

Section 4 would amend 81-1416 to update internal references.

Section 5 would amend 81-1423 to update internal references.

Section 6 would provide an operative date of July 1, 2017 for the sections that came from LB1097.

Section 7 and Section 8 would repeal the sections amended by this bill.

Section 9 would outright repeal two sections, 13-607 and 13-608, regarding payment of expenses relating to forensic medical examinations.

