

AMENDMENTS TO LB289

(Amendments to E & R amendments, ER39)

Introduced by Pansing Brooks, 28.

1 1. Strike sections 8 and 9 and insert the following new sections:

2 Sec. 8. Section 28-830, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-830 For purposes of sections 28-830 and 28-831, the following
5 definitions apply:

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

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

10 (3) Debt bondage means inducing another person to provide:

11 (a) Commercial sexual activity in payment toward or satisfaction of
12 a real or purported debt; or

13 (b) Labor or services in payment toward or satisfaction of a real or
14 purported debt if:

15 (i) The reasonable value of the labor or services is not applied
16 toward the liquidation of the debt; or

17 (ii) The length of the labor or services is not limited and the
18 nature of the labor or services is not defined;

19 (4) Financial harm means theft by extortion as described by section
20 28-513;

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

24 (a) Inflicting or threatening to inflict serious personal injury, as
25 defined by section 28-318, on another person;

26 (b) Physically restraining or threatening to physically restrain the

1 other person;

2 (c) Abusing or threatening to abuse the legal process against
3 another person to cause arrest or deportation for violation of federal
4 immigration law;

5 (d) Controlling or threatening to control another person's access to
6 a controlled substance listed in Schedule I, II or III of section 28-405;

7 (e) Exploiting another person's substantial functional impairment as
8 defined in section 28-368 or substantial mental impairment as defined in
9 section 28-369;

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

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

16 (6) Labor or services means work or activity of economic or
17 financial value;

18 (7) Labor trafficking means knowingly recruiting, enticing,
19 harboring, transporting, providing, or obtaining by any means or
20 attempting to recruit, entice, harbor, transport, provide, or obtain by
21 any means a person eighteen years of age or older intending or knowing
22 that the person will be subjected to forced labor or services;

23 (8) Labor trafficking of a minor means knowingly recruiting,
24 enticing, harboring, transporting, providing, or obtaining by any means
25 or attempting to recruit, entice, harbor, transport, provide, or obtain
26 by any means a minor intending or knowing that the minor will be
27 subjected to forced labor or services;

28 (9) Maintain means, in relation to labor or services, to secure
29 continued performance thereof, regardless of any initial agreement by the
30 other person to perform such type of service;

31 (10) Minor means a person younger than eighteen years of age;

1 ~~(11) Obtain means, in relation to labor or services, to secure~~
2 ~~performance thereof;~~

3 ~~(12) Services means an ongoing relationship between the actor and~~
4 ~~another person in which the person performs activities under the~~
5 ~~supervision of or for the benefit of the actor. Commercial sexual~~
6 ~~activity and sexually-explicit performances are forms of services under~~
7 ~~this section. Nothing in this subdivision shall be construed to legalize~~
8 ~~prostitution;~~

9 (11) ~~(13)~~ Sex trafficking means knowingly
10 recruiting, enticing, harboring, transporting, providing, soliciting, or
11 obtaining by any means or knowingly attempting to recruit, entice,
12 harbor, transport, provide, solicit, or obtain by any means a person
13 eighteen years of age or older for the purpose of having such person
14 engage without consent, as defined in section 28-318, in commercial
15 sexual activity, sexually explicit performance, or the production of
16 pornography or
17 to cause or attempt to cause a person eighteen years of age or older to
18 engage without consent, as defined in section 28-318, in commercial
19 sexual activity, sexually explicit performance, or the production of
20 pornography;

21 (12) ~~(14)~~ Sex trafficking of a minor means knowingly
22 recruiting, enticing, harboring, transporting, providing, soliciting, or
23 obtaining by any means or knowingly attempting to recruit, entice,
24 harbor, transport, provide, solicit, or obtain by any means a minor for
25 the purpose of having such minor engage in commercial sexual activity,
26 sexually explicit performance, or the production of pornography or
27 to cause or attempt to cause a minor to engage in commercial sexual
28 activity, sexually explicit performance, or the production of
29 pornography;

30 (13) ~~(15)~~ Sexually-explicit performance means a live or public play,
31 dance, show, or other exhibition intended to arouse or gratify sexual

1 desire or to appeal to prurient interests; and

2 ~~(14) (16)~~ Trafficking victim means a person subjected to any act or
3 acts prohibited by section 28-831.

4 Sec. 9. Section 28-831, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 28-831 (1) Any person who engages in labor trafficking of a minor or
7 sex trafficking of a minor is guilty of a Class IB ~~II~~ felony ~~if the actor~~
8 ~~uses overt force or the threat of force or the trafficking victim has not~~
9 ~~yet attained the age of sixteen years. Any person who otherwise engages~~
10 ~~in labor trafficking of a minor or sex trafficking of a minor is guilty~~
11 ~~of a Class IIA felony.~~

12 (2) Any person who engages in labor trafficking or sex trafficking
13 ~~by inflicting or threatening to inflict serious personal injury, as~~
14 ~~defined in section 28-318, on another person or physically restrains or~~
15 ~~threatens to physically restrain another person is guilty of a Class IIA~~
16 ~~felony. Any person who otherwise engages in labor trafficking or sex~~
17 ~~trafficking is guilty of a Class II ~~III~~ felony.~~

18 (3) Any person, other than a trafficking victim, who knowingly
19 benefits from or participates in a venture which has, as part of the
20 venture, an act that is in violation of this section is guilty of a Class
21 IIA ~~IIIA~~ felony.

22 (4) It is not a defense in a prosecution under this section (a) that
23 consent was given by the minor victim, (b) that the defendant believed
24 that the minor victim gave consent, or (c) that the defendant believed
25 that the minor victim was an adult.