

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB518

Hearing Date: Wednesday March 06, 2019
Committee On: Health and Human Services
Introducer: Linehan
One Liner: Adopt the Support for Trafficking Survivors Act

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

Vote Results:

Aye:	6	Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Williams
Nay:		
Absent:	1	Senator Walz
Present Not Voting:		

Oral Testimony:

Proponents:

Senator Lou Ann Linehan
Meghan Malik
Rachel Pointer
Marty Fattig
Anne Boatright
Robert Sanford

Tim Dunning
Crysta Price
Alexis Steele

Representing:

Introducer
Women's Fund of Omaha
Self
Nebraska Hospital Association
Nebraska Attorney General's Office
Nebraska Coalition to End Sexual and Domestic Violence
Douglas County Sheriff's Office
Human Trafficking Initiative
Immigrant Legal Center

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 518 creates the Support for Trafficking Survivors Act. The intent of the Act is to "create a statewide multi-systemic response and provide supportive services that promote safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation" by establishing an Office of Support for Trafficking Survivors, a Support for Trafficking Survivors Advisory Board, and Support for Trafficking Survivors Fund. (Sec. 2(2), page 2, lines 22-28.)

Office of Support for Trafficking Survivors:

Section 4 of the Act creates the Office of Support for Trafficking Survivors. The Office is established within the Department of Health and Human Services (DHHS) and shall be staffed with a program coordinator appointed by the CEO of DHHS and shall also include any other staff deemed necessary. (Sec. 4, page 3, lines 18-21.)

Section 4(2) details the duties of the Office of Support including: providing administrative support to the Board; overseeing and coordinating implementation of the state plan created by the Board; administering the grant program; coordinating DHHS's prevention and support efforts; collaborating with other state agencies to ensure a multi-systemic response to sex trafficking and support of victims; coordinating trauma-informed and victim-centered training for DHHS staff and other state agencies and providers; monitoring and apply for funding; and submitting an annual report regarding the Support for Trafficking Survivors Fund. (Page 3, lines 22-31 and page 4, lines 1-23.)

The Office will be funded through the Support for Trafficking Survivors Fund. (Sec. 4(3), page 4, lines 24-28.)

Support for Trafficking Survivors Advisory Board:

The main purpose of the Board is to award grants and create a state plan for supportive services for victims of sex trafficking and commercial sexual exploitation. The Board will consist of 15 members, 9 voting and 6 non-voting members. The voting members will be appointed by the Governor. (Sec. 5(1), page 4, lines 29-31 and page 5, lines 1-4.)

Section 5 of LB 518 also details the make-up of the members of the Board, including sex trafficking survivors, service providers, law enforcement, a county attorney, and a behavioral health provider. (Sec. 5(2), page 5, lines 5-31 and page 6, lines 1-5.)

The Board is to be appointed by October 1, 2019, (Sec. 5(5), page 6, lines 11-12,) and the program coordinator for the Office shall serve as the Chairperson (Sec. 5(6), page 6, lines 13-15.)

The Board's duties include: meeting quarterly; creating and reviewing annually a state plan to "prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation"; revising the state plan every three years; developing criteria, reviewing applications and approving awards of grants; consulting with relevant state agencies, task forces, etc., to determine need for proposed programs; and identifying barriers to the provision of supportive services and recommending how to remove those barriers. (Sec. 6(2), page 7, lines 1-8 and page 8, lines 1-10.)

The following shall be included in the state plan developed by the Board:

- Strategies to develop and support provision of supportive services;
- Steps to develop and implement a screening tool for DHHS and other state agencies;
- Evaluation of the availability of services through the child welfare and criminal justice systems;
- Accounting of all receipts and disbursement in the Support for Trafficking Survivors Fund, including information regarding the grants awarded or reimbursements made to state or local agencies;
- Data on the number of victims of sex trafficking and commercial exploitation identified or served by DHHS.

The Board is also directed to establish a competitive grant program. (Sec. 7, page 8, lines 11-17.) The grants shall be awarded to programs providing supportive services to survivors of sex trafficking and commercial sexual exploitation as long as the programs meet the requirements of LB 518, such as (a) utilizing trauma informed approach; (b) using a victim-centered approach; (c) providing linguistically and developmentally appropriate services; (d) providing case management; (e) informing victims about options to work through the criminal justice system; and (f) providing services without discrimination. (Sec. 7(2), page 8, lines 25-31 and page 9, lines 1-27.) Programs are not eligible for grants if the services are coercive, do not allow for the free practice of religion or promote or require the practice of a particular religion, or if services are conditioned on participation in a criminal prosecution. (Sec. 7(3), page 8, lines 28-31 and page 9, lines 1-8.)

The first grants are to be awarded in calendar year 2020. (Sec. 7(5), page 10, line 13.) The funding for the grants would come from the Support for Trafficking Survivors Fund. (Sec. 7(6), page 10, lines 14-15.)

Section 8 directs the Board to contract for an independent evaluation of the state plan and the grant program. (Page 10, lines 16-29.)

Support for Trafficking Survivors Fund:

Section 9 creates the Support for Trafficking Survivors Fund and directs the State Treasurer to credit to the fund any money appropriated or donated or contributed to the Fund. The Fund will be administered by DHHS. (Sec. 9, page 10, lines 30-31 and page 11, lines 1-5.)

Under Section 10, \$450,000 is appropriated from the General Fund into the Support for Trafficking Victims Fund in both FY 20 and FY 21. Another \$50,000 is appropriated to the Human Trafficking Investigation Assistance Fund in both FY 20 and FY 21. (Sec. 10, page 11, lines 14-21.)

Section 11 amends the name of the previously created Human Trafficking Victim Assistance Fund by replacing "Investigation" for "Victim." (Page 11, lines 24-16.) That Investigation Fund is administered by the Nebraska Commission on Law Enforcement and Criminal Justice. LB 518 requires the Department of Justice to approve and coordinate payments from this fund. (Page 11, line 31.) The Investigation Fund is meant to support state and local law enforcement in conducting victim-centered and trauma-informed investigations, operations, and prosecutions. (Page 12, lines 2-4.) But these funds may not be used in the investigation, operations or prosecution of prostitution arrests. (Page 12, lines 4-6.)

Explanation of amendments:

AM 899 replaces the green copy and becomes the bill.

AM 899 strikes the appropriations for the two Funds in section 10 of the green copy.

Without the appropriations, the competitive grant program for supportive services for victims and all related requirements are contingent on public or private funding becoming available and language is inserted in several sections accordingly. (AM 899, sec. 7, page 7, lines 4-5; sec. 4, page 2, line 31; sec. 5, page 3, lines 27-28; sec. 6, page 6, lines 13-14 and 27-28.) The reference to the start of the grant program from LB 518, sec. 7(5) is also removed.

The reporting requirement in section 6(2)(e) and the requirement that the board contract with an independent consultant to evaluate the state plan are also made contingent on funding. (AM 899, sec. 6(2)(e), page 6, lines 18-19 and sec. 8, page 9, lines 5-6).

The Funds created in LB 518 are also amended. Under AM 899, the existing Human Trafficking Victim Assistance Fund would become the fund for supportive services and treatment for victims of human trafficking. (Sec. 10, page 10, lines 7-20.) (This replaces the Support for Trafficking Survivors Fund that was newly created under the green copy of LB 518 for supportive services.)

Under AM 899, the Sex Trafficking Investigation Assistance Fund would be newly created to reimburse state or local law enforcement for expenses associated with victim-centered, trauma-informed investigations, operations or prosecutions. It will be administered by the Nebraska Commission on Law Enforcement and Criminal Justice. (Sec. 9, page 9, lines 18-31 and page 10, lines 1-4.)

AM 899 removes the anti-discrimination provision for grantees in the green copy section 7(2)(f). It also amends the language in Sec. 7(3)(b) to require that grantees allow the free practice of the religion of choice. (AM 899, page 8, lines 23-24.)

Finally, there is no coordinator required for the Office of Support for Trafficking Survivors as previously required under LB 518 section 4(1) and that position is removed from list of Advisory Board members and as the chairperson of the Advisory Board (LB 518, sec. 5(3)(f) and sec. 5(6)). Under AM 899 the board will elect a chairperson. (AM 899, page 5,

Sara Howard, Chairperson