

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 517

Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

Read first time January 22, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section
- 2 25-21,299, Reissue Revised Statutes of Nebraska; to change human
- 3 trafficking damage provisions as prescribed; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,299, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,299 (1) Any trafficking victim or his or her parent or legal
4 guardian who suffered or continues to suffer personal or psychological
5 injury as a result of such human trafficking may bring a civil action
6 against any person who knowingly (a) engaged in human trafficking of such
7 victim within this state or (b) aided or assisted with the human
8 trafficking of such victim within this state.

9 (2) A plaintiff who prevails in a civil action brought pursuant to
10 the Human Trafficking Victims Civil Remedy Act may recover his or her
11 actual damages plus any and all attorney's fees and costs reasonably
12 associated with the civil action. The court may, in its discretion,
13 increase the award of damages to an amount which bears a reasonable
14 relation to the actual damages which have been sustained and which
15 damages are not susceptible of measurement by ordinary pecuniary
16 standards. In addition to all other remedies available under the act, the
17 court may also award temporary, preliminary, and permanent injunctive
18 relief as the court deems necessary and appropriate.

19 (3) Actual damages to be awarded pursuant to subsection (2) of this
20 section may include, but are not limited to, the following:

21 (a) Costs of medical and psychological treatment, past, present, and
22 future;

23 (b) Costs of necessary transportation, temporary housing, and child
24 care;

25 (c) The greater of (i) the value of the human trafficking victim's
26 labor as guaranteed under the minimum wage and overtime provisions of the
27 federal Fair Labor Standards Act of 1938; or (ii) the gross income or
28 value to the defendant of the victim's labor servitude or sexual
29 servitude engaged in by the victim while in the sex trafficking
30 situation;

31 (d) Return of property, cost of damage to property, or full value of

1 property, if destroyed or damaged beyond repair;

2 (e) Expenses incurred by a victim and any household member or other
3 family member in relocating away from the defendant or his or her
4 associates, including, but not limited to, deposits for utilities and
5 telephone service, deposits for rental housing, temporary lodging and
6 food expenses, clothing, and personal items;

7 (f) In the case of an offense resulting in death or bodily injury
8 that results in death, the costs and expenses of necessary funeral and
9 related services;

10 (g) Costs and expenses incurred that are related to participation in
11 the investigation or prosecution of the offense or attendance at
12 proceedings related to the offense; and

13 (h) Any and all other losses suffered as a victim of human
14 trafficking and any and all other damages otherwise recoverable by a
15 victim under the law.

16 Sec. 2. Original section 25-21,299, Reissue Revised Statutes of
17 Nebraska, is repealed.