

LEGISLATIVE BILL 1

Approved by the Governor February 15, 2013

Introduced by Executive Board: Wightman, 36, Chairperson.

FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska; to repeal reporting requirements that are no longer needed; to harmonize provisions; to repeal the original section; and to outright repeal section 28-832, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-830, Reissue Revised Statutes of Nebraska, is amended to read:

28-830 For purposes of sections 28-830 ~~to 28-832~~, and 28-831, the following definitions apply:

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

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

(3) Financial harm means theft by extortion as described by section 28-513;

(4) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

(a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318;

(b) Physically restraining or threatening to physically restrain another person;

(c) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of another person; or

(d) Causing or threatening to cause financial harm to another person;

(5) Labor means work of economic or financial value;

(6) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the victim to perform such type of service;

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

(8) Obtain means, in relation to labor or services, to secure performance thereof;

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

(10) Sexually-explicit performance means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests; and

(11) Trafficking victim means a person subjected to any act or acts prohibited by section 28-831.

Sec. 2. Original section 28-830, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following section is outright repealed: Section 28-832, Reissue Revised Statutes of Nebraska.