

## Trafficking Regulation Reform Fact Sheet

Buying and selling other people may seem like a problem of the past, but in Nebraska today, hundreds of people are sold for sex commercially without their consent every month. Most trafficking offenses, including buying a trafficked individual, currently carry no minimum sentences, so the consequences of those crimes can be as little as probation. LB 289, introduced by Senator Pansing Brooks, reflects the reality that Nebraskans are willing to do what it takes to eradicate trafficking.

### Comparing Current & Proposed Regulation

Offense	Current Regulation			Offense	Proposed Reform (LB 289)		
	Felony Class	Penalty			Felony Class	Penalty	
		Min.*	Max.			Min.*	Max.
Pandering (enticing someone)	Class III	None	4 years in prison	Pandering	Class II	1 year in prison	50 years in prison
Sex trafficking of an adult with use or threat of force	Class IIA	None	20 years in prison	Sex trafficking of an adult (includes solicitation)	Class II	1 year in prison	50 years in prison
Sex trafficking of an adult	Class III	None	4 years in prison				
Others who participate in trafficking ventures	Class IIIA	None	3 years in prison	Others who participate in trafficking ventures (excludes victims)	Class IIA	None	20 years in prison
Sex Trafficking of a minor with use of force OR if minor is under 16	Class II	1 year in prison	50 years in prison	Sex trafficking of a minor (includes solicitation)	Class IB	20 years in prison	Life in prison
Sex trafficking of a minor	Class IIA	None	20 years in prison				



\*Minimums are not mandatory.

## What does this all mean?

LB 289 aligns Nebraska law with Nebraska values, imposing tougher penalties on sex traffickers and buyers of trafficked individuals. Buying a trafficked adult is not currently subject to any minimum imprisonment, and those who are caught soliciting often plea down to a minimal fine. Under LB 289, solicitation of a commercial sex act with any individual without consent is a felony. In addition, this bill would allow those who purchase sex with a minor (solicitation) to be prosecuted as traffickers.

- **Changed class of crime and increased sentences:**
  - Convicted traffickers, including buyers (defined as solicitation), will be subject to one year in prison and up to life in prison (for trafficking of minors).
- **Increased protections for minors:**
  - The law explicitly states that the belief that a minor consented to engage in commercial sexual activity or belief that the child was an adult are not admissible defenses in prosecution of traffickers or buyers. A minor bought and sold for a commercial sex act is presumed a victim of sex trafficking.
  - The crime of solicitation of a minor for a commercial sex act would be defined as trafficking.
- **Increased protections for individuals who have been trafficked:**
  - Current law does not protect victims of trafficking who are coerced into participating in the trafficking of other victims. This law gives explicit exception to victims of trafficking from being prosecuted as participants in other's trafficking ventures.

With this bill, Nebraska will be aligned with federal law which defines the crime of the solicitation of a minor and the solicitation of an adult for a commercial sex act without consent as sex trafficking. Additionally, Nebraska will join 26 other states who have specific trafficking laws applicable to solicitation. Our penalties will also reflect federal law and, more importantly, better reflect Nebraska's commitment to ending human trafficking in our state.

