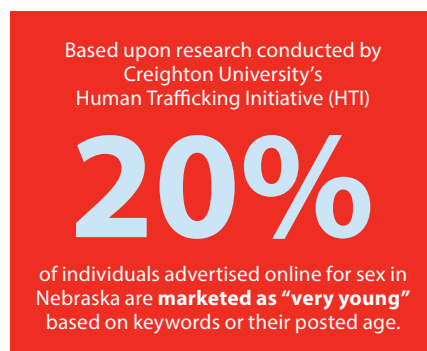
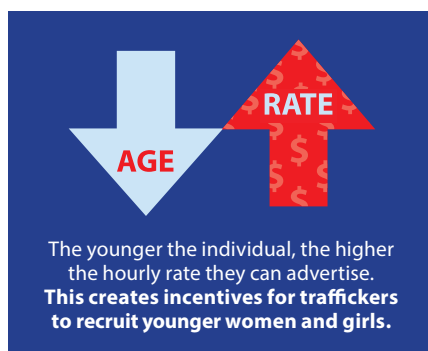
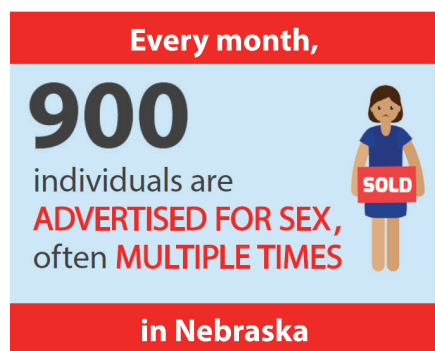


LB 519: Supporting Survivors of Trafficking

LB 519 (as amended by AM 1460) includes provisions of three sex trafficking bills, and the intent of this package is to ensure that:

- All children in Nebraska who are being sold for sex, also known as sex trafficking, are recognized as abused and neglected children and are connected to needed services and supports (LB 516);
- Trafficking victims have increased opportunities for justice by pursuing damages resulting from their victimization (LB 517); and,
- Offenders can be held accountable through lengthened statute of limitations and additional investigative tools for prosecution of traffickers (LB 519).

SEX TRAFFICKING IN NEBRASKA



Source: The Women's Fund of Omaha, "Nebraska's Commercial Sex Market,"
<https://www.omahawomensfund.org/wp-content/uploads/Nebraskas-Commercial-Sex-Market-Report-FINAL.pdf>

CHILD ABUSE AND CHILD SEX TRAFFICKING

- The **average age of a child sex trafficking victim** reported missing to the National Center for Missing and Exploited Children is **15 years old**.ⁱ
- **Between 70 percent and 90 percent of trafficked youth** have a history of **child sexual abuse, physical abuse, neglect, and/or trauma**.ⁱⁱ
- LB 519 (as amended by AM 1460) **includes trafficking of a minor in the definition of child abuse in the Nebraska Criminal Code and the Child Protection and Family Safety Act.**
 - ▷ It requires the Nebraska Department of Health and Human Services (DHHS) to screen and assess reports of child sex or labor trafficking; and,
 - ▷ It requires DHHS to provide or refer for services to prevent further abuse, neglect, and exploitation.
- Currently, not all children in Nebraska who have been trafficked are receiving the help they need—**especially if their trafficker is not a parent or caregiver**.ⁱⁱⁱ
- It is the intent of LB 519 (as amended by AM 1460) to ensure that **all trafficked children are recognized and treated as abused and neglected children, regardless of the identity of their trafficker.**

SUBSTANTIAL HARM FROM COMMERCIAL SEXUAL EXPLOITATION

- Traffickers maintain control of their victims through a variety of violent tactics.
- As a result of this violence, **99% of sex trafficking survivors/victims report negative physical health consequences, and 98% report negative mental health consequences.**^{iv}
- **42% of survivors/victims attempt suicide.**^v
- LB 519 (as amended by AM 1460) **clarifies survivors' ability to recover damages that resulted from their victimization**—such as health care costs, expenses associated with criminal justice proceedings, and relocation costs—through civil action.

PROVIDING A PATH TO JUSTICE FOR SURVIVORS

- LB 519 (as amended by AM 1460) **supports survivors** in their pursuit of justice against their traffickers **by lengthening the statute of limitations** (SOL).
 - ▷ It changes the SOL for trafficking of an adult from 3–7 years and eliminates the SOL for the trafficking of a child.
 - ▷ 23 states have eliminated time limits for criminal trafficking prosecutions.^{vi}
 - ▷ This change will provide survivors the time they need to heal and to overcome their fear of retaliation before they are ready to pursue justice against their traffickers within the legal system.
- The bill also allows for **wiretapping for trafficking investigations** (with district court approval). This is consistent with existing Nebraska statute, which allows for wiretapping in child sexual assault, murder, and kidnapping investigations.

ⁱ National Center for Missing and Exploited Children, retrieved from <http://www.missingkids.com/theissues/trafficking>.

ⁱⁱ U.S. Department of Health and Human Services Administration for Children, Youth, and Families (ACYF) Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States, 2015, retrieved from: https://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf.

ⁱⁱⁱ According to the Nebraska Department of Health and Human Services, Division of Children and Family Services, Protection and Safety Procedure Update, #AM 3-2016, "Sex Trafficking," (Effective Date 2/1/2016), reports of youth being trafficked by someone other than a parent or caretaker are accepted as a "Law Enforcement Only" response. This is in contrast to those allegations of trafficking with parental involvement, which are categorized as a "Child Abuse and Neglect Intake."

^{iv} Lederer, Laura, and Christopher Wetzel. "The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities." *Annals of Health Law*, vol. 23, no. 1, 2014, p. 61-91.

^v Ibid.

^{vi} National State Law Survey: Statute of Limitations, Shared Hope International Center for Law and Policy, 2018, http://sharedhope.org/PICframe8/statesurveycharts/NSL_Survey_StatuteofLimitations.pdf.