



LB 745 : SUPPORTING LAW ENFORCEMENT & VICTIMS OF VIOLENT CRIMES

Our communities are safer when survivors are supported in coming forward to report crimes and offenders are held accountable. LB 745 supports local law enforcement in their investigations and prosecutions of offenders of trafficking, sexual assault and other violent crimes.

The federal Victims of Trafficking and Violence Prevention Act (VTVPA) of 2000¹ created T visas (for victims of trafficking) & U visas (for victims of qualifying violent crimes), available when victims cooperate with law enforcement and prosecutors. This cooperation strengthens the ability of law enforcement agencies to investigate and prosecute trafficking and other violent crimes, thus promoting public safety and community relationships with law enforcement.

The federal application for T & U visas relies on certification by local agencies that the victim has been cooperative. However, current practice of responding to certification requests is inconsistent across Nebraska. Many agencies are unaware of this federal tool, have long delays in response or do not respond at all. **In a 2017 survey of Nebraska law enforcement agencies, a significant number reported they had never heard of or never used this tool available to them.**



LB 745 CREATES A UNIFORM CERTIFICATION PROCESS FOR T & U VISAS

Based on existing federal guidelines, this bill creates a uniform process for certification. **Certification requires that state and local law enforcement, prosecutors or other certifying agencies verify the following information:**

For victims of trafficking T VISA CERTIFICATION CRITERIA²:

- That the victim is, or was, a victim of trafficking; and
- The victim has complied with any reasonable requests from law enforcement in an investigation or prosecution of human trafficking.

For victims of sexual assault and other violent crimes U VISA CERTIFICATION CRITERIA³:

- That a qualifying criminal activity has occurred;
- That the victim has information about the criminal activity; and
- That the victim was helpful, is being helpful, or is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing of criminal activity.

- LB 745 would require agencies to either complete or deny certification requests within 90 business days.
- LB 745 maintains the discretion of law enforcement agencies to determine whether a victim meets the federal certification criteria for T and U visas.
- LB 745 maintains the discretion of law enforcement agencies to revoke or disavow the certification at any time after completion, if an applicant is no longer compliant with certification criteria.

¹ Pub. L. No. 106-386, 1114 Stat. 1464-1548 (2000).

² "U and T Visa Law Enforcement Resource Guide," United States Department of Homeland Security, (May 2017).

https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf

³ Ibid.