

## 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 in the commercial sex industry 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			Proposed Reform (LB 289)		
	Felony Class	Penalty		Felony Class	Penalty	
		Min.	Max.		Min.	Max.
Pandering (enticing someone) <sup>1</sup>	Class III	None	4 years in prison and/or \$25,000 fine	Class II	1 year in prison	50 years in prison
Sex trafficking of a minor (includes solicitation under LB 289) <sup>2</sup>	Class IIA	None	20 years in prison	Class IC	5 years in prison	50 years in prison
Trafficking of a minor with use of force OR if minor is under 16 <sup>3</sup>	Class II	1 year in prison	50 years in prison	Class IB	20 years in prison	Life in prison
Trafficking of an adult with use or threat of force <sup>4</sup>	Class IIA	None	20 years in prison	Class ID	3 years in prison	50 years in prison
Otherwise trafficking an adult <sup>5</sup>	Class III	None	4 years in prison, 2 years of supervised release, \$25,000 fine	Class II	1 year in prison	50 years in prison
Solicitation of a trafficked adult <sup>6</sup>	N/A	N/A	N/A	Class II	1 year in prison	50 years in prison



**NEBRASKA COALITION**  
TO END SEXUAL AND DOMESTIC VIOLENCE



**Nebraska**  
**Human Trafficking**  
TASK FORCE



<sup>1</sup> Definition: LB 289 p. 2, line 3-14. Penalties: p. 2, line 15-19.

<sup>2</sup> Definition: LB 289 p. 5, line 1-9. Penalties: p. 5, line 17-18.

<sup>3</sup> Definition: LB 289 p. 5, line 18-20. Penalties: p. 5, line 22.

<sup>4</sup> Definition: LB 289 p. 5, line 23-26. Penalties: p. 5, line 26-27.

<sup>5</sup> Definition: LB 289 p. 5, line 27-28. Penalties: p. 5, line 28.

<sup>6</sup> Definition: LB 289 p. 5, line 29-31 & p. 6, line 1-2. Penalties: p. 6, line 3-4.

## 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 individual is not currently subject to any minimum imprisonment, and those who are caught soliciting often plea down to a minimal fine.<sup>7</sup> Under LB 289, solicitation of any trafficked individual 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:***
  - Sentences imposed under LB 289 would be served consecutively rather than concurrently.
  - Convicted traffickers would be sentenced to at least one year in prison and up to life imprisonment. Convicted buyers would face at least one year in prison and up to 50 years in prison.
- ***Increased protections for minors:***<sup>8</sup>
  - The bill would make clear that sex trafficking of a minor is not dependent on the trafficker knowing that the trafficked individual is a minor. A person can be prosecuted and convicted of trafficking a minor regardless of their knowledge of the trafficked individual's age. The law explicitly states that 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.
  - The crime of solicitation of a minor would be defined as trafficking.
- ***Increased protections for individuals who have been trafficked:***<sup>9</sup>
  - 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 as sex trafficking,<sup>10</sup> and with 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.



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Nebraska  
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Child Advocacy  
Centers



<sup>7</sup> Solicitation of Prostitutes: <http://nebraskalegislature.gov/laws/statutes.php?statute=28-801.01>; misdemeanor penalties: <http://nebraskalegislature.gov/laws/statutes.php?statute=28-106>

<sup>8</sup> LB 289 p. 6, line 12-14.

<sup>9</sup> LB 289 p. 6, line 5.

<sup>10</sup> 18 USC § 1591, <https://www.law.cornell.edu/uscode/text/18/1591>