



2023 REPORT

NEBRASKA

Report Cards on Child & Youth Sex Trafficking

State Action. National Change.



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IN 2011, SHARED HOPE RELEASED THE NATION’S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

PROTECTED INNOCENCE CHALLENGE

NEBRASKA

Year	Score	Grade	10/10	24/25	12/15	7.5/10	23/27.5	14.5/15
2019	91	A						
2011	52.5	F	5/10	14/25	10/15	3.5/10	10.5/27.5	9.5/15

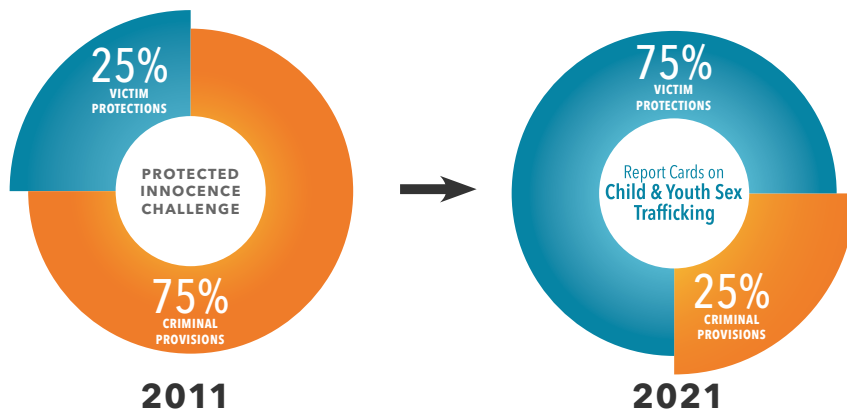
From 2011 to 2019, Nebraska raised their grade under the Protected Innocence Challenge from an “F” to an “A,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Nebraska’s 2019 PIC report, visit sharedhope.org/PICframe9/reportcards/PIC_RC_2019_NE.pdf

A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



ADVANCED LEGISLATIVE FRAMEWORK

6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

40 POLICY GOALS ANALYZED:

110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

FINAL LETTER GRADES ASSIGNED:

A | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

F



NEBRASKA

2023 Report Card

TIER II









GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 11 points.
- Currently ranked 20th in the nation.
- Provides for a specialized child welfare process for responding to non-caregiver cases of child sex trafficking.
- One of only 8 states to require a specialized multi-disciplinary response to cases of child sex and labor trafficking.

SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors under the core prostitution offense; one of only 4 states to expand this protection to adult victims of sex trafficking.

Issue	Grade	Score	Summary
 1. Criminal Provisions	B	15 17.5	Policy goals accomplished related to buyer accountability under the trafficking law, buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gap remains related to financial penalties.
 2. Identification of and Response to Victims	F	15.5 27.5	Policy goals accomplished related to third party control, screening through child welfare, non-criminalization for prostitution offenses, child abuse definitions, and non-caregiver trafficking cases. Gaps remain related to foreign national victims, screening through the juvenile justice system, expanded non-criminalization, and juvenile court jurisdiction.
 3. Continuum of Care	F	6.5 15	Policy goal accomplished related to MDT responses. Gaps remain related to community-based services, services through child welfare and the juvenile justice system, extended foster care services, and appropriations.
 4. Access to Justice for Trafficking Survivors	D	10 15	Policy goals accomplished related to vacatur and civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, restitution, and statutes of limitation.
 5. Tools for a Victim-Centered Criminal Justice Response	F	5.5 10	Policy goal accomplished related to privileged communications. Gaps remain related to hearsay exceptions, alternatives to live, in-court testimony, and victim-witness supports.
 6. Prevention and Training	F	0 15	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	 Youth	3	Protections related to non-criminalization for prostitution offenses, civil remedies, and privileged communications are extended to sex trafficked youth.
	 Child Labor Trafficking	4	Policy goals related to child abuse definitions, non-caregiver trafficking cases, MDT responses, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER II

F 59.5

WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.










WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

SAFE HARBOR LAWS

Comprehensive Safe Harbor laws
**SHOULD PROHIBIT
ARRESTING, DETAINING,
CHARGING, & PROSECUTING**
all minors for prostitution offenses, regardless of whether a finding of trafficking victimization is made, and, instead, require law enforcement to direct child and youth survivors to
SPECIALIZED SERVICES & CARE.

Safe Harbor laws
**SHOULD ALSO PROHIBIT
CRIMINALIZATION**
of child sex trafficking survivors for other crimes committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 Fully met	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and Issue Brief 2.1 for background).
 Fully met	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and Issue Brief 2.3 for background).
 Not met	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and Issue Brief 2.4 for background).
 Fully met	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and Issue Brief 2.5 for background).
 Not met	State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization (see Policy Goal 2.6 for further analysis and Issue Brief 2.6 for background).
 Partially met	State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization (see Policy Goal 2.7 for further analysis and Issue Brief 2.7 for background).
 Not met	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and Issue Brief 2.8 for background).
 Not met	State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems (see Policy Goal 3.1 for further analysis and Issue Brief 3.1 for background).
 Not met	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and Issue Brief 3.6 for background).

STATE SUMMARY:

Nebraska prohibits the criminalization of all minors for prostitution offenses and extends non-criminalization protections to prohibit the criminalization of trafficking victims for participating in, or benefitting from, a venture that has engaged in trafficking, a progressive step toward a survivor-centered, anti-child sex trafficking response. However, child sex trafficking victims may still be prosecuted for other offenses committed as a result of their victimization, and state law does not facilitate access to, or provide funding for, community-based services, potentially leaving some survivors underserved or disconnected from resources that are necessary to promote healing.

SAFE HARBOR RESOURCES: For additional information, visit reportcards.sharedhope.org/safeharbor/.

SAFE HARBOR MAP: To see our map of state Safe Harbor law development, visit reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf.

This report provides a thorough analysis of Nebraska’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.¹ This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

● FULLY MET

Nebraska’s trafficking law can apply to buyers of commercial sex with minors based on the terms “solicit” and, following federal precedent, “obtain.”² Specifically, Neb. Rev. Stat. Ann. § 28-831(1) (Human trafficking; forced labor or services; prohibited acts; penalties) states, “Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IB felony.” Neb. Rev. Stat. Ann. § 28-830(12) (Human trafficking; forced labor or services; terms, defined) defines “sex trafficking of a minor” as follows:

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023.

² See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

[K]nowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity,³ sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws⁴ specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

Nebraska law criminalizes soliciting commercial sex with a minor. Specifically, Neb. Rev. Stat. Ann. § 28-801.01(1), (2)(a) (Solicitation of prostitution) states,

- (1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318 [Terms, defined], in exchange for money or other thing of value, commits solicitation of prostitution.
- (2) Any person convicted of violating subsection (1) of this section shall be punished as follows:
 - (a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars, unless the person solicited is under the age of eighteen years, in which case such person violating this section shall be guilty of a Class IV felony . . .

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws⁵ apply to traffickers and protect all minors under 18.

● FULLY MET

Neb. Rev. Stat. Ann. § 28-707 (Child abuse; privileges not available; penalties) applies to traffickers who cause a minor to be exploited through sex trafficking victimization; it states,

A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

.....

- (d) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] or by allowing, encouraging, or forcing such minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions;

.....

- (f) Placed in a situation to be a trafficking victim as defined in section 28-830.

³ Neb. Rev. Stat. Ann. § 28-830(2) defines “commercial sexual activity” as “any sex act on account of which anything of value is given, promised to, or received by any person.”

⁴ The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Nebraska’s CSEC laws, *see* the appendix located at the end of this report.

⁵ *See supra* note 4 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

Policy Goal 1.4 Mistake of age is not an available defense in child sex trafficking prosecutions.

● FULLY MET

Nebraska law expressly prohibits a mistake of age defense in prosecutions for child sex trafficking. Pursuant to Neb. Rev. Stat. Ann. § 28-831(4)(c) (Human trafficking; forced labor or services; terms defined), “It is not a defense in a prosecution under this section . . . that the defendant believed that the minor victim was an adult.”

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

● FULLY MET

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Nebraska’s criminal attempt statute, Neb. Rev. Stat. Ann. § 28-201 (Criminal attempt; conduct; penalties), could provide prosecutors with an alternative avenue to prosecute those cases. Neb. Rev. Stat. Ann. § 28-201(1)(b) states,

A person shall be guilty of an attempt to commit a crime if he or she:

- (a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he or she believes them to be; or
- (b) Intentionally engages in conduct which, under the circumstances as he or she believes them to be, constitutes a substantial step in a course of conduct intended to culminate in his or her commission of the crime.

Accordingly, Neb. Rev. Stat. Ann. § 28-201 could be used to prosecute trafficking offenders who engage in prohibited conduct believing the intended victim to be a child rather than a law enforcement decoy.

Policy Goal 1.6 Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Nebraska law allows business entities to be held criminally liable for conduct that violates the trafficking law. Pursuant to Neb. Rev. Stat. Ann. § 28-831(1), (3) (Human trafficking; forced labor or services; prohibited acts; penalties),

- (1) Any person who engages in labor trafficking of a minor or sex trafficking of a minor⁶ is guilty of a Class IB felony.
-
- (3) Any person, other than a trafficking victim, who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIA felony.

⁶ Neb. Rev. Stat. Ann. § 28-830(12) (Human trafficking; forced labor or services; terms, defined) defines “sex trafficking of a minor” as follows:

[K]nowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity,⁶ sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography.

Importantly, Neb. Rev. Stat. Ann. § 28-109(17) (Terms, defined) defines “person” as “any natural person and where relevant a corporation or an unincorporated association.” Accordingly, business entities can be held liable for a trafficking violation.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

○ NOT MET

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.⁷

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund. (*See Issue Brief 1.7.*)

⁷ Regarding asset forfeiture, Neb. Rev. Stat. Ann. § 25-21,302(1) (Property used in commission of certain crimes; forfeiture; proceeding; confiscating authority; duties; seizure of property; proceedings; petition; Attorney General; duties; answer; hearing; disposition of proceeds) states,

- (a) In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of . . . 28-831 (Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties) . . . may be forfeited through proceeding as provided in this section.
- (b) The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of . . . 28-831 . . . :
- (i) Conveyances, including aircraft, vehicles, or vessels;
 - (ii) Books, records, telecommunication equipment, or computers;
 - (iii) Money or weapons;
 - (iv) Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange;
 - (v) Negotiable instruments and securities;
 - (vi) Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate;
 - (vii) Any property traceable to proceeds from a violation; and
 - (viii) Any real property, including any right, title, and interest in the whole of or any part of any lot or tract of land, used in furtherance of a violation of . . . 28-831 . . .

Disposition of forfeited property is governed by Neb. Rev. Stat. Ann. § 25-21,302(13)–(15), which provides,

- (13) Unless otherwise provided in this section, all personal property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be remitted to the county treasurer of the county in which the seizure was made. The county treasurer shall remit all such proceeds from property forfeited pursuant to this section to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.⁷
- (14) All money forfeited under this section shall be remitted in the same manner as provided in subsection (13) of this section.
- (15) All real estate forfeited under this section shall be sold to the highest bidder at a public auction for cash, the auction to be conducted by the county sheriff or his or her designee at such place, on such notice, and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens, and encumbrances of record on the property. The remaining proceeds shall be remitted in the same manner as provided in subsection (13) of this section.

However, state asset forfeiture laws do not direct a percentage of a sex trafficking offender’s forfeited assets into a victim services fund nor do those laws apply to CSEC offenders.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1

The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

● FULLY MET

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Neb. Rev. Stat. Ann. § 28-830(14) (Human trafficking; forced labor or services; terms; defined) defines “trafficking victim” as “a person subjected to any act or acts prohibited by section 28-831 [Human trafficking; forced labor or services; prohibited acts; penalties].”

Neb. Rev. Stat. Ann. § 28-831(1) can apply directly to buyers of commercial sex with minors based on the terms “solicit” and, following federal precedent, “obtain,”⁸ meaning a buyer can be charged regardless of whether a trafficker is involved or identified. Accordingly, third party control is not required to establish the crime of human trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Policy Goal 2.2

State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

○ NOT MET

Nebraska law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (*See Issue Brief 2.2.*)

Policy Goal 2.3

State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

● FULLY MET

Nebraska law requires the Department of Health and Human Services to utilize a specialized screening tool in all cases involving a child reported or suspected of experiencing or is at high risk of experiencing sex trafficking victimization. Neb. Rev. Stat. Ann. § 28-713(7)(a)(iii) (Reports of child abuse or neglect; law enforcement agency; department; duties; rules and regulations) states,

In addition to the responsibilities under subsections (1) through (6) of this section, upon receipt of any report that a child is a reported or suspected victim of sex trafficking of a minor or labor trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] and without regard to the subject of the report, the department shall:

.....

- (iii) Use specialized screening and assessment instruments to identify whether the child is a victim of sex trafficking of a minor or labor trafficking of a minor or at high risk of becoming a victim and

⁸ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Neb. Rev. Stat. Ann. § 28-831.

determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation. On or before December 1, 2019, the department shall develop and adopt these instruments in consultation with knowledgeable organizations and individuals, including representatives of child advocacy centers, behavioral health providers, child welfare and juvenile justice service providers, law enforcement representatives, and prosecutors

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.
○ NOT MET

Nebraska law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation. (See [Issue Brief 2.4.](#))

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.
● FULLY MET

Nebraska law prohibits the criminalization of minors for prostitution offenses and establishes a protocol requiring law enforcement to refer impacted children to a child-serving agency. Neb. Rev. Stat. Ann. § 28-801 (Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties) states,

(1) Except as provided in subsection (5) of this section, any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318 [Terms, defined], with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.

. . . .

(5) If the law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected or charged with a violation of subsection (1) of this section is (a) a person engaging in those acts as a direct result of being a trafficking victim as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined], such person shall be immune from prosecution for a prostitution offense or (b) a person under eighteen years of age, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under section 43-248⁹ and further disposition under Nebraska Juvenile Code. A law enforcement officer who takes a person under eighteen years of age into custody under this section shall immediately report an allegation of a violation of section 28-831 [Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties] to the Department of Health and Human Services which shall commence an investigation within twenty-four hours under the Child Protection and Family Safety Act.

⁹ Neb. Rev. Stat. Ann. § 43-248(7) (Temporary custody of juvenile without warrant; when) states,

A peace officer may take a juvenile into temporary custody without a warrant or order of the court and proceed as provided in section 43-250 when:

. . . .

(7) The officer has reasonable grounds to believe the juvenile is immune from prosecution for prostitution under subsection (5) of section 28-801; or

Consequently, statutory protections safeguard minors from prosecution for prostitution offenses, establish a services-referral protocol, and provide mechanisms for taking such minors into protective custody.

EXTRA CREDIT



Neb. Rev. Stat. Ann. § 28-801(5) expressly prohibits the criminalization for of sex trafficked youth for prostitution offenses.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.
○ NOT MET

Although Nebraska law prohibits the criminalization of trafficking victims for an eligible alcohol or drug offense, such protection is narrowly applicable to cases where evidence is obtained as a result of the person reporting their victimization to police, the person seeking medical treatment, or a criminal investigation or prosecution of that person's victimization provided that the person cooperates with law enforcement.¹⁰ Consequently, Nebraska law

¹⁰ Pursuant to Neb. Rev. Stat. Ann. § 28-1701 (Witness or victim of sexual assault; eligible alcohol or drug offense; immunity from arrest or prosecution; conditions),

- (1) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if such person witnessed or was the victim of a sexual assault and such person:
 - (a) Either:
 - (i) In good faith, reported such sexual assault to law enforcement; or
 - (ii) Requested emergency medical assistance for the victim of the sexual assault; and
 - (b) Evidence supporting the arrest or prosecution of the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance.
- (2) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if:
 - (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and
 - (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault.
- (3) For purposes of this section:
 - (a) Eligible alcohol or drug offense means:
 - (i) A violation of subsection (3) or (13) of section 28-416 [Prohibited acts; violations; penalties] or of section 28-441 [Drug paraphernalia; use or possession; unlawful; penalty];
 - (ii) A violation of section 53-180.02 [Minor; prohibited acts; exception; governing bodies; powers] committed by a person older than eighteen years of age and under the age of twenty-one years, as described in subdivision (4)(a) of section 53-180.05 [Prohibited acts relating to minors and incompetents; violations; penalties; possible alcohol overdose; actions authorized; false identification; penalty; law enforcement agency; duties];
 - (iii) A violation of a city or village ordinance similar to subdivision (3)(a)(i) or (ii) of this section; or

does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it broadly prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.6.](#))

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

● PARTIALLY MET

Nebraska law prohibits the criminalization of trafficking victims for participating in, or benefitting from, a venture that has engaged in trafficking; however, victims can still be charged as sex trafficking and CSE offenders or as accomplices alongside their exploiters. Pursuant to Neb. Rev. Stat. Ann. § 28-831(3) (Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties), “Any person, other than a trafficking victim, who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIA felony.” Accordingly, victims are protected from criminalization under Neb. Rev. Stat. Ann. § 28-831(3); however, this protection from criminalization does not extend to Neb. Rev. Stat. Ann. § 28-831(1), which prohibits engaging in sex trafficking of a minor, or to CSEC offenses that might be used to charge child sex trafficking victims who are forced to recruit or commit other acts in furtherance of their trafficker’s scheme.

- 2.7.1 Recommendation: Strengthen existing protections to prohibit the criminalization of child sex trafficking victims for commercial sexual exploitation offenses committed as a result of their trafficking victimization. (See [Issue Brief 2.7.](#))

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

○ NOT MET

Nebraska law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.8.](#))

-
- (iv) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this section as the underlying offense; and
- (b) Sexual assault means:
- (i) A violation of . . . sex trafficking or sex trafficking of a minor under section 28-831 [Human trafficking; forced labor or services; prohibited acts; penalties] . . . or subdivision (1)(d), (e), or (f) of section 28-707 [Child abuse; privileges not available; penalties]; or
- (ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses listed in subdivision (3)(b)(i) of this section as the underlying offense.

Policy Goal 2.9

Juvenile court jurisdiction provides for a developmentally appropriate response.

PARTIALLY MET

Nebraska law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Nebraska law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute establishes a minimum age of 11 years for purposes of juvenile court jurisdiction, permits direct file in cases involving minors 14 years of age or older charged with certain offenses, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	11.	17.	Yes. Minors: 14+ years of age charged with a Class I, IA, IB, IC, ID, II, or IIA felony offense.	Yes. Minors 14+ years of age charged with a Class I, IA, IB, IC, ID, II, or IIA felony offense.	No.
Relevant Statute(s)	Neb. Rev. Stat. Ann. § 43-247(1), (2) (Juvenile court; jurisdiction)	Neb. Rev. Stat. Ann. § 43-247(1), (2) (Juvenile court jurisdiction; Neb. Rev. Stat. § 43-245(11) (Terms, defined)	Neb. Rev. Stat. Ann. § 29-1816(1)(a)(ii) (Arrestment of accused; when considered waived; accused younger than eighteen years of age; move court to waive jurisdiction to juvenile court; findings for decision; transfer to juvenile court; effect; appeal); Neb. Rev. Stat. Ann. § 43-246.01(3) (Juvenile court; exclusive original and concurrent original jurisdiction); Neb. Rev. Stat. § 43-274(4) (County attorney; city attorney; preadjudication powers and	Neb. Rev. Stat. Ann. § 43-246.01(3)(c) (Juvenile court; exclusive original and concurrent original jurisdiction); Neb. Rev. Stat. Ann. § 29-1816(1)(a)(ii) (Arrestment of accused; when considered waived; accused younger than eighteen years of age; move court to waive jurisdiction to juvenile court; findings for decision; transfer to juvenile court; effect; appeal); Neb. Rev. Stat. Ann. § 43-274(4), (5) (County attorney; city attorney; preadjudication powers and duties; petition, pretrial	Neb. Rev. Stat. Ann. § 43-276(1) (County attorney; city attorney; criminal charge, juvenile court petition, pretrial diversion, restorative justice, or transfer of case; determination; considerations; referral to community-based resources)

			duties; petition, pretrial diversion, or restorative justice practice or service; transfer; procedures; appeal); Neb. Rev. Stat. § 43-276(1) (County attorney; city attorney; criminal charge, juvenile court petition, pretrial diversion, restorative justice, or transfer of case; determination; considerations; referral to community-based resources)	diversion, or restorative justice practice or service; transfer; procedures; appeal)	
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Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with domestic standards; (2) allow some juvenile cases to be subject to direct file in criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct. (*See Issue Brief 2.9.*)

Policy Goal 2.10 State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● FULLY MET

Nebraska’s Child Protection and Family Safety Act clearly defines “child abuse or neglect” to include child sex trafficking. Neb. Rev. Stat. Ann. § 28-710(2)(b) (Act, how cited; terms, defined) states in part,

Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

.....

- (v) Placed in a situation to be sexually abused;
- (vi) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] or by allowing, encouraging, or forcing such person to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or
- (vii) Placed in a situation to be a trafficking victim as defined in section 28-830.

EXTRA CREDIT



Child labor trafficking is included in the definition of “child abuse or neglect” under Neb. Rev. Stat. Ann. § 28-710(2)(b)(vii).

Policy Goal 2.11 State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

● FULLY MET

Nebraska’s Child Protection and Family Safety Act allows for a child welfare response in non-caregiver child sex trafficking cases and provides for a specialized response in those cases. Pursuant to Neb. Rev. Stat. Ann. § 28-713(7)–(8) (Reports of child abuse or neglect; law enforcement agency; department; duties; rules and regulations),

(7)

(a) In addition to the responsibilities under subsections (1) through (5) of this section, upon the receipt of any report that a child is a reported or suspected victim of sex trafficking of a minor or labor trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] and without regard to the subject of the report, the department shall:

(i) Assign the case to staff for an in-person investigation. The department shall assign a report for investigation regardless of whether or not the subject of the report is a member of the child’s household or family or whether the subject is known or unknown, including cases of out-of-home child abuse and neglect;

(ii) Conduct an in-person investigation and appropriately coordinate with law enforcement agencies, the local child advocacy center, and the child abuse and neglect investigation team under section 28-729 [Teams; members; training; child advocacy center; duties; meetings];

(iii) Use specialized screening and assessment instruments to identify whether the child is a victim of sex trafficking of a minor or labor trafficking of a minor or at high risk of becoming such a victim and determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation. On or before December 1, 2019, the department shall develop and adopt these instruments in consultation with knowledgeable organizations and individuals, including representatives of child advocacy centers, behavioral health providers, child welfare and juvenile justice service providers, law enforcement representatives, and prosecutors; and

(iv) Provide for or refer and connect the child and family to services deemed appropriate by the department in the least restrictive environment, or provide for safe and appropriate placement, medical services, mental health care, or other needs as determined by the department based upon the department’s assessment of the safety, risk, and needs of the child and family to respond to or prevent abuse, neglect, and exploitation.

(b) On or before July 1, 2020, the department shall adopt rules and regulations on the process of investigation, screening, and assessment of reports of child abuse or neglect and the criteria for opening an ongoing case upon allegations of sex trafficking of a minor or labor trafficking of a minor.

(8) When a preponderance of the evidence indicates that a child is a victim of abuse or neglect as a result of being a trafficking victim as defined in section 28-830, the department shall identify the child as a victim of trafficking, regardless of whether the subject of the report is a member of the child’s household or family or whether the subject is known or unknown. The child shall be included in the department’s data and reporting on the numbers of child victims of abuse, neglect, and trafficking.

EXTRA CREDIT



Neb. Rev. Stat. Ann. § 28-713(7)–(8) expressly allows for child welfare involvement in non-caregiver child labor trafficking cases and provides for an alternative, specialized response in those cases.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

○ NOT MET

Nebraska law does not mandate a process for coordinating access to specialized, community-based services for child sex trafficking victims that does not require involvement in a child-serving system.

3.1.1 Recommendation: Statutorily mandate a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems. (*See Issue Brief 3.1.*)

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

● FULLY MET

Nebraska law requires a multi-disciplinary team response to child sex trafficking cases. Pursuant to Neb. Rev. Stat. Ann. § 28-713(7)(a)(ii) (Reports of child abuse or neglect; law enforcement agency; department; duties; rules and regulations),

In addition to the responsibilities under subsections (1) through (5) of this section, upon the receipt of any report that a child is a reported or suspected victim of sex trafficking of a minor or labor trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] and without regard to the subject of the report, the department shall:

.....
(ii) Conduct an in-person investigation and appropriately coordinate with law enforcement agencies, the local child advocacy center, and the child abuse and neglect investigation team under section 28-729 [Teams; members; training; child advocacy center; duties; meetings];

Membership of the multidisciplinary team is governed by Neb. Rev. Stat. Ann. § 28-729(1)–(3) (Teams; members; training; child advocacy center; duties; meetings), which states,

(1) A child abuse and neglect investigation team shall include a representative from the county attorney's office, a representative from the Division of Children and Family Services of the Department of Health and Human Services, a representative from each law enforcement agency which has jurisdiction within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team.

(2) A child abuse and neglect treatment team shall include a representative from the Division of Children and Family Services of the Department of Health and Human Services, a juvenile probation officer, a representative from each of the mental health profession and the medical profession actively practicing within the county or contiguous group of counties, a representative from each school district which provides services within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team. For purposes of this subsection, more than one school district may be represented by the same individual.

(3) The teams established pursuant to this section and section 28-728 [Legislative findings and intent; child abuse and neglect investigation team; child advocacy center; child abuse and neglect treatment team; powers

and duties]¹¹ shall be encouraged to expand their membership to include the various relevant disciplines which exist within the county or contiguous group of counties

EXTRA CREDIT



Nebraska law requires a multi-disciplinary response to child labor trafficking cases under Neb. Rev. Stat. Ann. § 28-713(7)(a)(ii), which expressly applies to cases involving both sex and labor trafficking.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

● PARTIALLY MET

Although Nebraska law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims, the response is triggered upon receipt of a report alleging trafficking victimization, potentially leaving children who are already system-involved and later disclose or experience commercial sexual exploitation without access to those specialized services if a formal report is not generated. Pursuant to Neb. Rev. Stat. Ann. § 28-713(7)(a) (Reports of child abuse or neglect; law enforcement agency; department; duties; rules and regulations),

In addition to the responsibilities under subsections (1) through (5) of this section, upon the receipt of any report that a child is a reported or suspected victim of sex trafficking of a minor or labor trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] and without regard to the subject of the report, the department shall:

- (i) Assign the case to staff for an in-person investigation. The department shall assign a report for investigation regardless of whether or not the subject of the report is a member of the child's household or family or whether the subject is known or unknown, including cases of out-of-home child abuse and neglect;
- (ii) Conduct an in-person investigation and appropriately coordinate with law enforcement agencies, the local child advocacy center, and the child abuse and neglect investigation team under section 28-729 [Teams; members; training; child advocacy center; duties; meetings];
- (iii) Use specialized screening and assessment instruments to identify whether the child is a victim of sex trafficking of a minor or labor trafficking of a minor or at high risk of becoming such a victim and determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation . . . ; and
- (iv) Provide for or refer and connect the child and family to services deemed appropriate by the department in the least restrictive environment, or provide for safe and appropriate placement, medical services, mental health care, or other needs as determined by the department based upon the department's assessment of the safety, risk, and needs of the child and family to respond to or prevent abuse, neglect, and exploitation.

¹¹ See Neb. Rev. Stat. Ann. § 28-728 for a detailed examination of a child abuse and neglect investigation team's responsibilities.

In addition to the response outlined above, upon taking a minor engaged in commercial sex into temporary custody as provided for under Neb. Rev. Stat. Ann. § 43-248(7) (Temporary custody of juvenile without warrant; when),¹² law enforcement must deliver the minor to the Department of Health and Human Services, which can authorize necessary emergency treatment and services. Neb. Rev. Stat. Ann. § 43-250 (Temporary custody; disposition; custody requirements) states,

When a juvenile is taken into temporary custody pursuant to subdivision . . . (7) . . . , the peace officer shall deliver the custody of such juvenile to the Department of Health and Human Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the peace officer delivers temporary custody of the juvenile pursuant to this subsection, the peace officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the juvenile shall be returned to the custody of his or her parent, guardian, custodian, or relative.

- 3.3.1 Recommendation: Strengthen existing law by requiring child welfare to provide access to specialized services for all child sex trafficking victims without hinging access on whether or not a formal report has been filed. (See [Issue Brief 3.3](#).)

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

○ NOT MET

Nebraska law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth. (See [Issue Brief 3.4](#).)

Policy Goal 3.5 State law extends foster care services to older foster youth.

● PARTIALLY MET

Nebraska law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹³ Neb. Rev. Stat. Ann. § 43-4503(2) (Terms, defined)

¹² Neb. Rev. Stat. Ann. § 43-248(7) states,

A peace officer may take a juvenile into temporary custody without a warrant or order of the court and proceed as provided in section 43-250 when:

.....

(7) The officer has reasonable grounds to believe the juvenile is immune from prosecution for prostitution under subsection (5) of section 28-801; or

¹³ For more information, see Shared Hope Int'l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/related-resources/#3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

defines “child” as “an individual who has not attained twenty-one years of age.” Under Neb. Rev. Stat. Ann. § 43-4503(6), “young adult” is defined as “an individual who has attained nineteen years of age but who has not attained twenty-one years of age.” Additionally, Neb. Rev. Stat. Ann. § 43-4503(1) defines “bridge to independence program” as “the extended services and support available to a young adult under the Young Adult Bridge to Independence Act other than extended guardianship assistance described in section 43-4511 and extended adoption assistance described in section 43-4512.”¹⁴

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age. (See [Issue Brief 3.5](#).)

Policy Goal 3.6 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

○ NOT MET

The Nebraska state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking. (See [Issue Brief 3.6](#).)

¹⁴ The Bridge to Independence Program is further described in Neb. Rev. Stat. Ann. § 43-4504 (Bridge to independence program; availability) and Neb. Rev. Stat. Ann. § 43-4505 (Extended services and support; services enumerated).



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

○ NOT MET

While civil orders of protection exist under Nebraska law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters. (See [Issue Brief 4.1](#).)

Policy Goal 4.2 Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

● PARTIALLY MET

Although Nebraska’s crime victims’ compensation laws provide child sex trafficking victims with a limited exception to reporting deadlines, other ineligibility factors may still prevent victims of child sex trafficking and CSEC from accessing an award.

For purposes of accessing crime victims’ compensation, Neb. Rev. Stat. Ann. § 81-1801(7) (Terms, defined) defines “victim” as “a person who is injured or killed as a result of conduct specified in section 81-1818 [Personal injury or death; situations for which compensation is permitted].” Under Neb. Rev. Stat. Ann. § 81-1818,

The committee or hearing officer may order the payment of compensation from the Victim’s Compensation Fund for personal injury or death which resulted from:

-
- (2) The commission or attempt on the part of one other than the applicant of an unlawful criminal act committed or attempted in the State of Nebraska.

Neb. Rev. Stat. Ann. § 81-1801 does not define “unlawful criminal act,” but the term should encompass violations of Nebraska’s child sex trafficking and CSEC laws.

Regarding ineligibility factors, Neb. Rev. Stat. Ann. § 81-1822 (Compensation; situations when not awarded) states,

No compensation shall be awarded from the Victim’s Compensation Fund:

- (1) If the victim aided or abetted the offender in the commission of the unlawful act;
-
- (3) If the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death

Further, Neb. Rev. Stat. Ann. § 81-1821(1)–(3)¹⁵ (Application; statute of limitations) provides,

¹⁵ The text of Neb. Rev. Stat. Ann. § 81-1821 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Bill 157 during the 2023-2024 Regular Session of the Nebraska state legislature (effective September 2, 2023).

- (1) Except as provided subsections (3) and (4) of this section, no order for the payment of compensation shall be entered under the Nebraska Crime Victim's Reparations Act unless:
 - (a) The application has been submitted to the committee within the deadline provided in subsection (2) of this section; and
 - (b) The personal injury or death was the result of an incident or offense which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.
- (2) An application shall be submitted to the committee:
 - (a) For a victim who was nineteen years of age or older at the time of the personal injury or death, within two years after the date of the personal injury or death;
 - (b) For a victim who was under nineteen years of age at the time of death, within three years after the date of death; and
 - (c) For a victim who was under nineteen years of age at the time of the personal injury, on or before the victim's twenty-second birthday.
- (3) The committee may evaluate applications submitted beyond the deadline established in this section if the committee finds that good cause existed for missing such deadline.

Notably, Neb. Rev. Stat. Ann. § 81-1821(4) carves out an exception to the reporting deadline, stating,

An application submitted by or for a victim of . . . sex trafficking is not subject to the five-day reporting requirement in subsection (1) of this section if, prior to submitting the application the:

- (a) Applicant or victim has reported such crime to the police;
- (b) Applicant or victim has obtained a protection order related to such incident or offense; or
- (c) Victim has presented for a forensic medical exam.

However, this exception is limited and does not likewise protect victims of Nebraska's CSEC offenses. Further, the other ineligibility factors noted above may still limit a commercially sexually exploited child's ability to seek crime victims' compensation.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from all ineligibility factors for crime victims' compensation. (*See [Issue Brief 4.2.](#)*)

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

● FULLY MET

Nebraska law allows sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization. Pursuant to Neb. Rev. Stat. Ann. § 29-3005(2)–(7) (Victim of sex trafficking; motion to set aside conviction or adjudication; procedure; court; findings; considerations; hearing; order; effect),

(2) At any time following the completion of sentence or disposition, a victim of sex trafficking¹⁶ convicted in county or district court of, or adjudicated in a juvenile court for, (a) a prostitution-related offense¹⁷ committed while the movant was a victim of sex trafficking or proximately caused by the movant's status as a victim of sex trafficking or (b) any other offense committed as a direct result of, or proximately caused by, the movant's status as a victim of sex trafficking, may file a motion to set aside such conviction or adjudication

(3)

(a) If the court finds that the movant was a victim of sex trafficking at the time of the prostitution-related offense or finds that the movant's participation in the prostitution-related offense was proximately caused by the movant's status as a victim of sex trafficking, the court shall grant the motion to set aside a conviction or an adjudication for such prostitution-related offense.

(b) If the court finds that the movant's participation in an offense other than a prostitution-related offense was a direct result of or proximately caused by the movant's status as a victim of sex trafficking, the court shall grant the motion to set aside a conviction or an adjudication for such offense.

(4) Official documentation of a movant's status as a victim of sex trafficking at the time of the prostitution-related offense or other offense shall create a rebuttable presumption that the movant was a victim of sex trafficking at the time of the prostitution-related offense or other offense

(5) In considering whether the movant is a victim of sex trafficking, the court may consider any other evidence the court determines is of sufficient credibility and probative value, including an affidavit or sworn testimony

. . . .

(7) An order setting aside a conviction or an adjudication under this section shall have the same effect as an order setting aside a conviction as provided in subsections (5) and (6) of section 29-2264 [Probation; completion; conviction may be set aside; conditions; retroactive effect].

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

❶ PARTIALLY MET

Restitution is discretionary in child sex trafficking and CSEC cases. Pursuant to Neb. Rev. Stat. Ann. § 29-2280 (Restitution; order; when),

A sentencing court may order the defendant to make restitution for the actual physical injury or property damage or loss sustained by the victim as a direct result of the offense for which the defendant has been convicted. With the consent of the parties, the court may order restitution for the actual physical injury or property damage or loss sustained by the victim of an uncharged offense or an offense dismissed pursuant to plea negotiations. Whenever the court believes that restitution may be a proper sentence or the victim of any offense or the prosecuting attorney requests, the court shall order that the presentence investigation

¹⁶ Neb. Rev. Stat. Ann. § 29-3005(1)(c) defines "victim of sex trafficking" as "a person subjected to sex trafficking or sex trafficking of a minor, as those terms are defined in section 28-830 [Human trafficking; forced labor or services; terms, defined]."

¹⁷ Neb. Rev. Stat. Ann. § 29-3005(1)(a) defines "prostitution-related offense" to include the following:

(i) Prostitution under section 28-801, solicitation of prostitution under section 28-801.01, keeping a place of prostitution under section 28-804, public indecency under section 28-806, or loitering for the purpose of engaging in prostitution or related or similar offenses under local ordinances; and

(ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses in subdivision (1)(a) of this section as the underlying offense;

report include documentation regarding the nature and amount of the actual damages sustained by the victim.

The court determines the amount of restitution “based on the actual damages sustained by the victim.” Neb. Rev. Stat. Ann. § 29-2281(1) (Restitution; determination of amount; manner of payment). Further, Neb. Rev. Stat. Ann. § 29-2282 (Property damage; bodily injury; death; relief authorized) states, “If the offense results in bodily injury, the court may require payment of necessary medical care, including, but not limited to, physical or psychological treatment and therapy, and payment for income lost due to such bodily injury.”

- 4.4.1 Recommendation: Statutorily mandate restitution in child sex trafficking and CSEC cases. (See [Issue Brief 4.4.](#))

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

● FULLY MET

Nebraska’s Human Trafficking Victims Civil Remedies Act allows victims of child sex trafficking to pursue civil remedies against their exploiters. Neb. Rev. Stat. Ann. § 25-21,299(1)–(3) (Civil action authorized; recovery; attorney’s fees and costs; injunctive relief) states,

- (1) Any trafficking victim, his or her parent or legal guardian, or personal representative in the event of such victim’s death, who suffered or continues to suffer personal or mental injury, death, or any other damages proximately caused by such human trafficking may bring a civil action against any person who knowingly (a) engaged in human trafficking of such victim within this state or (b) aided or assisted in the human trafficking of such victim within this state.
- (2) A plaintiff who prevails in a civil action brought pursuant to the Human Trafficking Victims Civil Remedy Act may recover his or her damages proximately caused by the actions of the defendant plus any and all attorney’s fees and costs reasonably associated with the civil action.
- (3) Damages recoverable pursuant to subsection (2) of this section include all damages otherwise recoverable under the law and include, but are not limited to:
 - (a) The physical pain and mental suffering the plaintiff has experienced and is reasonably certain to experience in the future;
 - (b) The reasonable value of the medical, hospital, nursing, and care and supplies reasonably needed by and actually provided to the plaintiff and reasonably certain to be needed and provided in the future;
 - (c) The reasonable value of transportation, housing, and child care reasonably needed and actually incurred by the plaintiff;
 - (d) The reasonable value of the plaintiff’s labor and services the plaintiff has lost because he or she was a trafficking victim;
 - (e) The reasonable monetary value of the harm caused by the documentation and circulation of the human trafficking;
 - (f) The reasonable costs incurred by the plaintiff to relocate away from the defendant or the defendant’s associates;
 - (g) In the event of death, damages available as in other actions for wrongful death; and
 - (h) The reasonable costs incurred by the plaintiff to participate in the criminal investigation or prosecution or attend criminal proceedings related to trafficking the plaintiff.

EXTRA CREDIT



Nebraska law provides sex trafficked youth with a trafficking-specific civil remedy under Neb. Rev. Stat. Ann. § 25-21,299, which allows a victim of human trafficking to bring a civil action against their exploiter. Importantly, Neb. Rev. Stat. Ann. § 28-830(14) (Human trafficking; forced labor or services; terms; defined) defines “trafficking victim” as “a person subjected to any act or acts prohibited by section 28-831 [Human trafficking; forced labor or services; prohibited acts; penalties],” which criminalizes sex trafficking of both minors and adults.



Nebraska law provides child labor trafficking victims with a trafficking-specific civil remedy under Neb. Rev. Stat. Ann. § 25-21,299, which allows a victim of human trafficking to bring a civil action against their exploiter. Importantly, Neb. Rev. Stat. Ann. § 28-830(14) (Human trafficking; forced labor or services; terms; defined) defines “trafficking victim” as “a person subjected to any act or acts prohibited by section 28-831 [Human trafficking; forced labor or services; prohibited acts; penalties],” which criminalizes both sex trafficking and labor trafficking.

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

● **PARTIALLY MET**

Child sex trafficking prosecutions may commence at any time; however, prosecutions for CSEC offenses are subject to a statute of limitation as are civil actions. Pursuant to Neb. Rev. Stat. Ann. § 29-110(3)–(4), (11) (Prosecutions; complaint, indictment, or information; filing; time limitations; exceptions),

(3) Except as otherwise provided by law, no person shall be prosecuted for . . . child abuse under section 28-707 [Child abuse; privileges not available; penalties]. . . when the victim is under sixteen years of age at the time of the offense (a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim’s sixteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim’s sixteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.

(4) Except as otherwise provided by law, no person shall be prosecuted for a violation of subsection (2) or (3) of section 28-831 [Human trafficking; forced labor or services; prohibited acts; penalties] (a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim’s eighteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim’s eighteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.

.....

(11) There shall not be any time limitations for prosecution or punishment for . . . labor trafficking of a minor or sex trafficking of a minor under subsection (1) of section 28-831 . . .

In general, Neb. Rev. Stat. Ann. § 29-110(1) establishes a 3-year statute of limitation for felonies, stating,

Except as otherwise provided by law, no person shall be prosecuted for any felony unless the indictment is found by a grand jury within three years next after the offense has been done or committed or unless a complaint for the same is filed before the magistrate within three years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.

Regarding civil actions, Neb. Rev. Stat. Ann. § 25-21,300 (Time for bringing action; limitation) provides,

Notwithstanding any other provision of law, any action to recover damages under the Human Trafficking Victims Civil Remedy Act shall be filed within ten years after the later of:

- (1) The conclusion of any related criminal prosecution against the person or persons from whom recovery is sought;
 - (2) The receipt of actual or constructive notice sent or given to the trafficking victim or his or her parent or legal guardian by a member of a law enforcement entity informing the victim or his or her parent or legal guardian that the entity has identified the person who knowingly (a) engaged in human trafficking of such victim or (b) aided or assisted with the human trafficking of such victim;
 - (3) The time at which the human trafficking of the trafficking victim ended if he or she was eighteen years of age or older; or
 - (4) The victim reaching the age of majority if the victim was under eighteen years of age at the time he or she was a victim of human trafficking.
- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for CSEC offenses to commence at any time and eliminate the statute of limitation for filing trafficking-specific civil actions. (*See [Issue Brief 4.6.](#)*)



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

○ NOT MET

Nebraska law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child’s testimony.

5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age. (See [Issue Brief 5.1](#).)

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

● PARTIALLY MET

Nebraska law allows for in camera testimony by a child under 12 years of age or admission of a videotaped deposition in lieu of the child’s live testimony during the prosecution of any felony but specifically allows the defendant to be present, which can be a highly traumatic experience. Specifically, Neb. Rev. Stat. Ann. § 29-1926(1) (Child victim or child witness; video deposition and in camera testimony; conditions; use; findings by court; release; procedure; violation; penalty) states,

- (a) Upon request of the prosecuting or defense attorney and upon a showing of compelling need,¹⁸ the court shall order the taking of a video deposition of a child victim of or child witness to any offense punishable as a felony. The deposition ordinarily shall be in lieu of courtroom or in camera testimony by the child
- (b) Unless otherwise required by the court, the deposition shall be conducted in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court
-
- (d) If the child testifies at trial in person rather than by video deposition, the taking of the child’s testimony may, upon request of the prosecuting attorney and upon a showing of compelling need, be conducted in camera.

¹⁸ Pursuant to Neb. Rev. Stat. Ann. § 29-1926(1)(h),

In deciding whether there is a compelling need that child testimony accommodation is required by pretrial video deposition, in camera live testimony, in camera video testimony, or any other accommodation, the court shall make particularized findings on the record of:

- (i) The nature of the offense;
- (ii) The significance of the child’s testimony to the case;
- (iii) The likelihood of obtaining the child’s testimony without modification of trial procedure or with a different modification involving less substantial digression from trial procedure than the modification under consideration;
- (iv) The child’s age;
- (v) The child’s psychological maturity and understanding; and
- (vi) The nature, degree, and duration of potential injury to the child from testifying.

- (e) Unless otherwise required by the court, the child shall testify in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court
 - (f) If deemed necessary to preserve the constitutionality of the child’s testimony, the court may direct that during the testimony the child shall at all times be in a position to see the defendant live or on camera.
-

Neb. Rev. Stat. Ann. § 29-1926(1)(g) defines “child” as “a person eleven years of age or younger at the time the motion to take the deposition is made or at the time of the taking of in camera testimony at trial.” Accordingly, child victims who are 12 years of age or older are not afforded protection under Neb. Rev. Stat. Ann. § 29-1926, thereby increasing their risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged. (See [Issue Brief 5.2](#).)

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.
● PARTIALLY MET

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Sexual assault victims, including child sex trafficking victims, may request an advocate of the victim’s choosing to be present during forensic medical exams, defense depositions, and law enforcement or prosecutor interviews.	Not statutorily required.	Not statutorily required. ¹⁹
Relevant Statute(s)	Neb. Rev. Stat. Ann § 29-4311 (Medical evidentiary or physical examinations; rights of victim); Neb. Rev. Stat. Ann § 29-4312 (Interview or deposition; rights of victim); Neb. Rev. Stat. Ann § 29-1917 (Deposition of witness or sexual assault victim; when; procedure use at trial)	None.	None.

¹⁹ Although Neb. Rev. Stat. Ann. § 29-4316(2) (Criminal justice agencies and attorneys; maintain confidentiality of victim of sexual assault or sex trafficking) requires criminal justice agencies and attorneys “involved in the investigation or prosecution of an alleged . . . sex trafficking violation [to] maintain the confidentiality of the identity and personal identifying information of the alleged victim,” subsection (3)(b) states that confidentiality does not apply “[i]f criminal charges involving the alleged . . . sex trafficking are filed.” Accordingly, Neb. Rev. Stat. Ann. § 29-4316 does not protect a child sex trafficking victim’s identifying information from being disclosed in court records.

- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims are provided courtroom supports when testifying against their exploiter and their identifying information is protected from disclosure in court records. (See *Issue Brief 5.3.*)

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

● FULLY MET

Nebraska law provides for privileged communications between caseworkers and child sex trafficking victims specifically. Additionally, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

For purposes of protections contained under the Sexual Assault Victims’ Bill of Rights Act, codified under Neb. Rev. Stat. Ann. § 29-4308 through Neb. Rev. Stat. Ann. § 29-4315, “sexual assault” is defined in Neb. Rev. Stat. Ann. § 29-4309(3) (Terms, defined) to include:

[A] violation of . . . sex trafficking or sex trafficking of a minor under section 28-831 [Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties] . . . or subdivision (1)(d), (e), or (f) of section 28-707 [Child abuse; privileges not available; penalties].

Neb. Rev. Stat. Ann. § 29-4310 (Privileged communication; presence of others; effect; prosecutor; duty) provides, “Any communication with a victim which is privileged, whether by statute, court order, or common law, shall retain such privilege regardless of who is present during the communication so long as the victim has a privilege with respect to each individual present.” Finding that communications between sexual assault victims and victim advocates are confidential pursuant to Neb. Rev. Stat. Ann. § 29-4303 (Confidential communications; disclosure; when) and “victim” is defined under Neb. Rev. Stat. Ann. § 29-4302 (Terms, defined) to include “sexual assault” without defining the offenses amounting to “sexual assault,” it can be deduced that the enumerated offense outlined in the definition of “sexual assault” under the Sexual Assault Victims’ Bill of Rights is applicable in this context.

Pertaining to privileged communications between certain mental and behavioral health professionals, the following protections may be available to child sex trafficking survivors:

Statute	Profession	Relevant Limitations
Neb. Rev. Stat. Ann. § 38-2136 (Mental health practitioners; confidentiality; exception)	Certified professional counselor, certified master social worker, certified social worker	None.
Neb. Rev. Stat. Ann. § 38-3131 (Confidentiality; privilege; exceptions)	Psychologist	None.

EXTRA CREDIT



Nebraska law prevents disclosure of confidential communications made between a sex trafficking victim and their caseworker under Neb. Rev. Stat. Ann. § 29-4303 regardless of the victim’s age.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

○ NOT MET

Nebraska law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking. (See [Issue Brief 6.1](#).)

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

○ NOT MET

Nebraska law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.²⁰

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking. (See [Issue Brief 6.2](#).)

²⁰ While not statutorily mandated, Neb. Rev. Stat. Ann. § 81-1431 (Training regarding issues in human trafficking; task force; duties) does clarify the legislature's intent that trafficking-specific training be provided. It states,

(1) It is the intent of the Legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, and others involved in the juvenile justice system and the criminal justice system and other relevant officials be provided mandatory training regarding issues in human trafficking. The task force established in section 81-1430 [Task force; established; members; terms; duties; quorum; report; department of labor; posters] shall work with such agencies, persons, and staff to develop a proper curriculum for the training and to determine how the training should be provided. The determination and accompanying legislative recommendations shall be made by December 1, 2012. Such training shall focus on:

- (a) State and federal law regarding human trafficking;
 - (b) Methods used in identifying victims of human trafficking who are United States citizens and foreign nationals, including preliminary interview techniques and appropriate questioning methods;
 - (c) Methods for prosecuting human traffickers;
 - (d) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;
 - (e) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of women and minor victims;
 - (f) The necessity of treating victims of human trafficking as crime victims rather than as criminals; and
 - (g) Methods for promoting the safety and well-being of all victims of human trafficking.
- (2) The task force shall also seek the input and participation of appropriate nongovernmental organizations and other relevant organizations regarding the provision, preparation, and presentation of the training called for in this section.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.
○ NOT MET

Nebraska law does not mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.²¹

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement. (See [Issue Brief 6.3.](#))

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.
○ NOT MET

Nebraska law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.²²

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors. (See [Issue Brief 6.4.](#))

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.
○ NOT MET

Nebraska law does not mandate training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel. (See [Issue Brief 6.5.](#))

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.
○ NOT MET

Nebraska law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools. (See [Issue Brief 6.6.](#))

²¹ See *supra* note 20 regarding legislative intent.

²² See *supra* note 20 regarding legislative intent.

State Laws Addressing Child Sex Trafficking

1. Neb. Rev. Stat. Ann. § 28-831(1), (3) (Human trafficking; forced labor or services; prohibited acts; penalties) states,

(1) Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IB felony.

....

(3) Any person, other than a trafficking victim, who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIA felony.

Neb. Rev. Stat. Ann. § 28-830(12) (Human trafficking; forced labor or services; terms, defined) defines “sex trafficking of a minor” as follows:

knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity,²³ sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography.

A Class IB felony is punishable by imprisonment for 20 years to life. Neb. Rev. Stat. Ann. § 28-105(1) (Felonies; classification of penalties; sentences; where served; eligibility for probation). A Class IIA felony is punishable by imprisonment for up to 20 years. Neb. Rev. Stat. Ann. § 28-105(1).

²³ Neb. Rev. Stat. Ann. § 28-830(2) defines “commercial sexual activity” as “any sex act on account of which anything of value is given, promised to, or received by any person.”

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Neb. Rev. Stat. Ann. § 28-707 (Child abuse; privileges not available; penalties)²⁴ states,

(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

.....
(d) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 [Human trafficking; forced labor or services; terms, defined] or by allowing, encouraging, or forcing such minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions;

.....
(f) Placed in a situation to be a trafficking victim as defined in section 28-830.

.....
(3) Child abuse is a Class I misdemeanor if the offense is committed negligently and does not result in serious bodily injury as defined in section 28-109 [Terms, defined] or death.

(4) Child abuse is a Class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109 or death.

(5) Child abuse is a Class IIIA felony if the offense is committed negligently and results in serious bodily injury as defined in section 28-109.

(6) Child abuse is a Class IIA felony if the offense is committed negligently and results in the death of such child.

(7) Child abuse is a Class II felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.

(8) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.

(9) For purposes of this section, negligently refers to criminal negligence and means that a person knew or should have known of the danger involved and acted recklessly, as defined in section 28-109, with respect to the safety or health of the minor child.

A Class I misdemeanor is punishable by imprisonment for up to 1 year, a fine up to \$1,000, or both. Neb. Rev. Stat. Ann. § 28-106(1) (Misdemeanors; classification of penalties; sentences; where served). A Class IIIA felony is punishable by imprisonment for up to 3 years, a fine up to \$10,000, or both. Neb. Rev. Stat. Ann. § 28-105(1) (Felonies; classification of penalties; sentences; where served; eligibility for probation). A Class IIA felony is punishable by imprisonment for up to 20 years. Neb. Rev. Stat. Ann. § 28-105(1). A Class II felony is punishable by imprisonment for 1–50 years. Neb. Rev. Stat. Ann. § 28-105(1). A Class IB felony is punishable by imprisonment for 20 years to life. Neb. Rev. Stat. Ann. § 28-105(1).

2. Neb. Rev. Stat. Ann. § 28-801.01(1), (2)(a) (Solicitation of prostitution) states,

(1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318 [Terms, defined], in exchange for money or other thing of value, commits solicitation of prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars, unless the person solicited is under the age of eighteen years, in which case such person violating this section shall be guilty of a Class IV felony . . .

²⁴ Notably, this offense is located within Chapter 28, Article 7 of the Nebraska Code, which criminalizes “offenses involving the family relation.”

A Class IV felony is punishable by imprisonment up to 2 years, a fine up to \$10,000, or both. Neb. Rev. Stat. Ann. § 28-105(1) (Felonies; classification of penalties; sentences; where served; eligibility for probation).

3. Neb. Rev. Stat. Ann. § 28-804 (Keeping a place of prostitution) states,

(1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who knowingly grants or permits the use of such place for the purpose of prostitution commits the offense of keeping a place of prostitution.

(2) Keeping a place of prostitution is a Class IV felony, unless any person using such place for the practice of prostitution is under the age of eighteen years, in which case any person convicted of keeping a place of prostitution shall be guilty of a Class III felony.

A Class III felony is punishable by imprisonment up to 4 years, a fine up to \$25,000, or both. Neb. Rev. Stat. Ann. § 28-105(1) (Felonies; classification of penalties; sentences; where served; eligibility for probation).

RESOURCES

REPORT CARDS PROJECT: For more information on the Report Cards Project, visit reportcards.sharedhope.org.

TOOLKIT: To see how your state compares, visit reportcards.sharedhope.org/toolkit.

RELATED RESOURCES: To better understand a policy goal or to see where the nation stands as a whole on a particular issue, visit reportcards.sharedhope.org/related-resources and click on the corresponding issue brief or survey chart, respectively.

HIGHLIGHTED RESOURCES

Community-Based Services White Paper



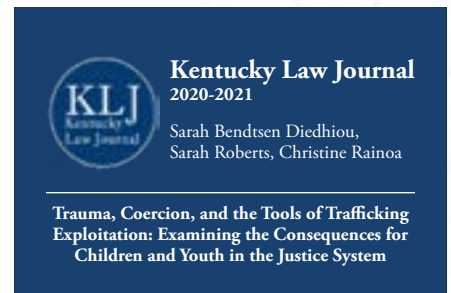
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at sharedhope.org/legislative-technical-assistance. We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit act.sharedhope.org/actioncenter.



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.