

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1408

Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Hardin, 48; Hughes, 24; Ibach, 44; Kauth, 31; Lippincott, 34; Lowe, 37; von Gillern, 4.

Read first time January 17, 2024

Committee:

1 A BILL FOR AN ACT relating to human trafficking; to amend section
2 81-1431, Reissue Revised Statutes of Nebraska, and section 81-1430,
3 Revised Statutes Cumulative Supplement, 2022; to change provisions
4 relating to the human trafficking task force and training on human
5 trafficking; to require hotels to have a policy relating to human
6 trafficking and require hotel employees to receive training on human
7 trafficking as prescribed; to limit the liability of hotel owners,
8 operators, and employees relating to human trafficking committed by
9 a third party; to provide powers and duties to the Department of
10 Labor and other state agencies; and to repeal the original sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1430, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 81-1430 (1) A task force is hereby established within the Nebraska
4 Commission on Law Enforcement and Criminal Justice for the purposes of
5 investigating and studying human trafficking, the methods for advertising
6 human trafficking services, and the victimization of individuals coerced
7 to participate in human trafficking.

8 (2) The task force shall examine the extent to which human
9 trafficking is prevalent in this state, the scope of efforts being taken
10 to prevent human trafficking from occurring, and the services available
11 to victims of human trafficking in this state. The task force shall
12 utilize information and research available from the Innocence Lost
13 National Initiative. The task force shall research and recommend a model
14 of rehabilitative services for victims of human trafficking that includes
15 input from the areas of law enforcement, social services, the legal
16 profession, the judiciary, mental health, and immigration. The task force
17 shall also investigate the limitations upon victims who wish to come
18 forward and seek medical attention; investigate the potential to stop
19 human trafficking; and investigate the potential to promote recovery, to
20 protect families and children who may be profoundly impacted by such
21 abuse, and to save lives.

22 (3)(a) The Department of Labor shall work with the task force to
23 develop or select informational posters for placement around the state.
24 The posters shall be in English, Spanish, and any other language deemed
25 appropriate by the task force. The posters shall include a toll-free
26 telephone number a person may call for assistance, preferably the
27 National Human Trafficking Resource Center Hotline (888) 373-7888
28 ~~(888)373-7888~~.

29 (b) Posters shall be placed in rest stops, strip clubs, ~~and~~ casinos,
30 and hotels and similar public lodging establishments. The task force
31 shall work with local businesses and nonprofit entities associated with

1 the prevention of human trafficking to voluntarily place additional signs
2 in high schools, postsecondary educational institutions, gas stations,
3 ~~hotels~~, hospitals, health care clinics, urgent care centers, airports,
4 train stations, bus stations, and other locations around the state deemed
5 appropriate by the task force.

6 (4) The task force shall consist of the following members:

7 (a) The Attorney General or his or her designee;

8 (b) The executive director of the Nebraska Commission on Law
9 Enforcement and Criminal Justice;

10 (c) The Superintendent of Law Enforcement and Public Safety or his
11 or her designee;

12 (d) The Director of Correctional Services or his or her designee;

13 (e) The chief of police or director of public safety of a city of
14 two hundred thousand inhabitants or more as determined by the most recent
15 federal decennial census or the most recent revised certified count by
16 the United States Bureau of the Census;

17 (f) The chief of police or director of public safety of a city of
18 less than two hundred thousand inhabitants as determined by the most
19 recent federal decennial census or the most recent revised certified
20 count by the United States Bureau of the Census;

21 (g) A county sheriff;

22 (h) A county attorney;

23 (i) A county commissioner;

24 (j) A mayor or city manager;

25 (k) A person involved with the control or prevention of juvenile
26 delinquency;

27 (l) A person involved with the control or prevention of child abuse;

28 (m) The Commissioner of Education or his or her designee;

29 (n) The director of the Commission on Latino-Americans or his or her
30 designee; and

31 (o) Six members, at least three of whom shall be women, from the

1 public at large.

2 (5) The Governor shall appoint the members of the task force listed
3 in subdivisions (4)(e) through (l) and (o) of this section for terms as
4 provided in subsection (6) of this section. The membership of the task
5 force shall represent varying geographic areas and large and small
6 political subdivisions. One member from the public at large shall be a
7 professional representing child welfare, and one member of the public at
8 large shall represent juvenile pretrial diversion programs.

9 (6) The members of the task force appointed by the Governor shall
10 serve six-year terms, except that of the members first appointed, four
11 shall serve initial two-year terms, four shall serve initial four-year
12 terms, and six shall serve initial six-year terms from January 1 next
13 succeeding their appointments. Thereafter, all members shall serve six-
14 year terms. A member may be reappointed at the expiration of his or her
15 term. Any vacancy occurring otherwise than by expiration of a term shall
16 be filled for the balance of the unexpired term in the same manner as the
17 original appointment.

18 (7) No member shall serve beyond the time when he or she holds the
19 office, employment, or status by reason of which he or she was initially
20 eligible for appointment. Any member of the task force appointed by the
21 Governor may be removed from the task force for cause upon notice and an
22 opportunity to be heard at a public hearing. One of the causes for
23 removal shall be absence from three regularly scheduled meetings of the
24 task force during any six-month period when the member has failed to
25 advise the task force in advance of such meeting that he or she will be
26 absent and stating a reason therefor.

27 (8) The chairperson of the task force shall be designated by the
28 Governor to serve at the pleasure of the Governor. The chairperson shall
29 be the chief executive officer of the task force but may delegate such of
30 his or her duties to other members of the task force as may be authorized
31 by the task force.

1 (9) Notwithstanding any provision of law, ordinance, or charter
2 provision to the contrary, membership on the task force shall not
3 disqualify any member from holding any other public office or employment
4 or cause the forfeiture thereof.

5 (10) The members of the task force shall serve on the task force
6 without compensation, but they shall be entitled to receive reimbursement
7 for expenses incurred incident to such service as provided in sections
8 81-1174 to 81-1177.

9 (11) Eleven members of the task force shall constitute a quorum for
10 the transaction of any business or the exercise of any power of the task
11 force. The task force shall have the power to act by a majority of the
12 members present at any meeting at which a quorum is in attendance.

13 (12) Every July 1 and December 1, the task force shall report
14 electronically to the Clerk of the Legislature the results of its
15 investigation and study and its recommendations, if any, together with
16 drafts of legislation necessary to carry its recommendations into effect
17 by filing the report with the clerk.

18 Sec. 2. Section 81-1431, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-1431 (1) It is the intent of the Legislature that law enforcement
21 agencies, prosecutors, public defenders, judges, juvenile detention
22 center staff, and others involved in the juvenile justice system and the
23 criminal justice system and other relevant officials be provided
24 mandatory training regarding issues in human trafficking. The task force
25 established in section 81-1430 shall work with such agencies, persons,
26 and staff to develop a proper curriculum for the training and to
27 determine how the training should be provided. ~~The determination and~~
28 ~~accompanying legislative recommendations shall be made by December 1,~~
29 ~~2012.~~ Such training shall focus on:

30 (a) State and federal law regarding human trafficking;

31 (b) Methods used in identifying victims of human trafficking who are

1 United States citizens and foreign nationals, including preliminary
2 interview techniques and appropriate questioning methods;

3 (c) Methods for prosecuting human traffickers;

4 (d) Methods of increasing effective collaboration with
5 nongovernmental organizations and other relevant social service
6 organizations in the course of investigating and prosecuting a human
7 trafficking case;

8 (e) Methods for protecting the rights of victims of human
9 trafficking, taking into account the need to consider human rights and
10 the special needs of women and minor victims;

11 (f) The necessity of treating victims of human trafficking as crime
12 victims rather than as criminals; and

13 (g) Methods for promoting the safety and well-being of all victims
14 of human trafficking.

15 (2) It is the intent of the Legislature that hotel employees be
16 provided mandatory training regarding issues in human trafficking. The
17 task force established in section 81-1430 shall work with the Department
18 of Labor and such hotels to develop a proper curriculum for the training
19 and to determine how the training should be provided. The determination
20 and accompanying recommendations shall be made by December 1, 2024. Such
21 training shall focus on:

22 (a) The definition of human trafficking and the commercial
23 exploitation of children;

24 (b) Guidance on how to identify individuals at risk for human
25 trafficking;

26 (c) Guidance on how to identify the signs of human trafficking and
27 any individual potentially engaged in human trafficking;

28 (d) Differences between labor trafficking and sex trafficking,
29 specific to the hotel and public lodging sector;

30 (e) Guidance on the role of hospitality employees in reporting and
31 responding to potential or suspected human trafficking; and

1 (f) The contact information for the National Human Trafficking
2 Resource Center Hotline toll-free telephone number and text line and
3 contact information for local law enforcement.

4 (3) ~~(2)~~ The task force shall also seek the input and participation
5 of appropriate nongovernmental organizations and other relevant
6 organizations regarding the provision, preparation, and presentation of
7 the training called for in subsections (1) and (2) of this section.

8 Sec. 3. (1) For purposes of this section:

9 (a) Hotel has the same meaning as in section 81-3707; and

10 (b) Human trafficking means labor trafficking, labor trafficking of
11 a minor, sex trafficking, or sex trafficking of a minor as those terms
12 are defined in section 28-830.

13 (2) Any person, firm, or corporation who owns or operates a hotel
14 shall:

15 (a) Ensure that all employees of such hotel within the State of
16 Nebraska receive the training on human trafficking required pursuant to
17 subsection (2) of section 81-1431 within one hundred eighty days of being
18 employed at such hotel and annually certify to the Department of Labor in
19 a manner prescribed by the department that all employees employed by such
20 hotel for more than one hundred eighty days within the State of Nebraska
21 have completed the training required by this subsection;

22 (b) Implement procedures for the reporting of suspected human
23 trafficking to the National Human Trafficking Resource Center Hotline or
24 to a local enforcement agency; and

25 (c) Implement a human trafficking prevention policy which shall
26 apply to all employees.

27 (3) An owner, operator, or employee of a hotel who complies in good
28 faith with this section shall not be liable for any act or omission
29 arising out of or related to human trafficking committed by a third party
30 occurring at such hotel unless the owner, operator, or employee of the
31 hotel knowingly assists the commission of human trafficking.

1 (4) The Department of Labor shall maintain a list on the
2 department's website of hotels that the department determines are not in
3 compliance with the requirements of this section. The department shall
4 provide a hotel determined to be out of compliance with this section a
5 period of ninety days to cure any violation of this section before
6 placing such hotel on the list of hotels out of compliance.

7 (5) To the extent practicable, a state agency shall ensure that any
8 hotels booked for lodging by a state employee or agency for work purposes
9 that is eligible for reimbursement by the state is not on the list of
10 hotels out of compliance with this section.

11 (6) The Department of Labor may adopt and promulgate rules and
12 regulations to carry out this section.

13 Sec. 4. Original section 81-1431, Reissue Revised Statutes of
14 Nebraska, and section 81-1430, Revised Statutes Cumulative Supplement,
15 2022, are repealed.