

Nebraska State Legislature

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Senator Pansing Brooks Joins with Attorney General Peterson to Increase Penalties for Traffickers

LINCOLN, NE: Senator Patty Pansing Brooks introduced legislation today (LB 289) aimed at significantly increasing the penalties for human trafficking in Nebraska.

The legislation is the result of collaboration between Senator Pansing Brooks, Attorney General Doug Peterson, members of the Nebraska Human Trafficking Task Force, and the Women's Fund of Omaha. It is being introduced in conjunction with President Obama's 2010 designation of January 11th as National Human Trafficking Awareness Day, and the Governor's recent proclamation of January 2017 as Human Trafficking Awareness Month. The Nebraska Family Alliance is also supporting this legislation.

"The traffickers and purchasers who prey upon and enslave vulnerable individuals and children should be on notice. Nebraska will no longer tolerate their heinous conduct," said Senator Pansing Brooks. "The chance of persecution and the severity of penalties will be increased should anyone contemplate abusing Nebraska's most vulnerable again. Not in Nebraska. Not ever."

Under the proposed legislation, the penalty for the trafficking of a minor is increased to a Class IC felony from a Class II, and the penalty for using force or the threat of force to coerce minors into human trafficking has increased from a IIA to a IB felony. The bill also increases penalties for anyone engaged in sex trafficking by inflicting physical harm or the threat thereof from a Class IIA to a ID felony, while the penalties for engaging in sex trafficking will increase from a Class III to a Class II felony. Further, the penalty for anyone who solicits a victim of sex trafficking will be guilty of a Class II felony, up from a Class III felony.

"As Nebraskans recognize the existence of human trafficking in our state, increasing protections is a critical next step," said Attorney General Doug Peterson, "This bill provides substantial progress in our commitment to fight human trafficking."

Last year, Senator Pansing Brooks introduced LB 843, a bill that granted victims of human trafficking immunity from prosecution for prostitution. That bill made clear that those who are trafficked are victims and not criminals. The Governor signed the bill into law on April 13th, 2016.

Attached are the Felony classifications under the Nebraska Criminal Code

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28-105. Felonies; classification of penalties; sentences; where served; eligibility for probation.

(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into ten classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony	Death
Class IA felony	Life imprisonment
Class IB felony	Maximum — life imprisonment Minimum — twenty years imprisonment
Class IC felony	Maximum — fifty years imprisonment Mandatory minimum — five years imprisonment
Class ID felony	Maximum — fifty years imprisonment Mandatory minimum — three years imprisonment
Class II felony	Maximum — fifty years imprisonment Minimum — one year imprisonment
Class IIA felony	Maximum — twenty years imprisonment Minimum — none
Class III felony	Maximum — four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed
Class IIIA felony	Maximum — three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed
Class IV felony	Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed