

Nebraska law criminalizes child sex trafficking without requiring proof of force, fraud, or coercion or third party control, prohibits the criminalization of minors for prostitution offenses, and provides for a specialized response through child welfare. However, sex offender registration is required for offenders convicted of CSEC offenses, but not sex trafficking.

**Final Score**  
**91**

**Final Grade**  
**A**

<b>10</b>	<b>24</b>	<b>12</b>	<b>7.5</b>	<b>23</b>	<b>14.5</b>
10	25	15	10	27.5	15

## Criminalization of Domestic Minor Sex Trafficking

Nebraska’s human trafficking law separately criminalizes the sex trafficking of a minor under 18 without regard to the use of force, fraud, or coercion. Five commercial sexual exploitation of children (CSEC) laws are available to prosecute offenders: “child abuse,” “pandering,” “solicitation of prostitution,” “keeping a place of prostitution,” and “Child Pornography Prevention Act.” The prostitution law refers to the human trafficking law to provide an affirmative defense to trafficking victims, acknowledging the intersection of prostitution with trafficking victimization. Nebraska’s racketeering law includes human trafficking and CSEC laws in the definition of racketeering.

### Criminal Provisions for Demand



The human trafficking law applies to buyers through the terms “solicit” and “cause” and, following federal precedent, through the term “obtain.” Buyers face prosecution for CSEC under Nebraska’s “pandering” and “solicitation of prostitution” laws; the latter differentiates soliciting sex with adults versus minors. Buyers convicted of child sex trafficking face 20 years to life imprisonment while convictions under the CSEC offenses carry penalties that range from 1–50 years imprisonment. Nebraska’s human trafficking offense expressly prohibits a mistake of age defense, but state CSEC laws do not. Nebraska’s laws relating to use of the Internet to entice or sexually assault a child under 17 criminalize use of the Internet to coax or lure a child for the purpose of committing certain sex offenses. Financial penalties under the trafficking and CSEC offenses include fines and forfeiture, making it difficult for buyers to hide the crime. Restitution may be ordered under general criminal restitution laws but is not mandatory for human trafficking or CSEC offenses. Buyers convicted of “pandering,” “child enticement by means of an electronic communication,” or possessing child sexual abuse material (CSAM) are required to register as sex offenders, but registration is not required upon conviction for “human trafficking” or “solicitation of prostitution.”

### Criminal Provisions for Traffickers



Human trafficking is a felony punishable by 20 years to life imprisonment. “Pandering” of a minor is a Class II felony punishable by 1–50 years. “Child abuse” is a Class I misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$1,000, but the fine may be enhanced to \$10,000 if the offense was committed negligently or knowingly and if serious bodily injury resulted. At most, “child abuse” is a felony punishable by 1–50 years imprisonment. Exploiting a child for the purpose of producing CSAM is a felony punishable by 3–50 years imprisonment. Asset forfeiture is a financial penalty for trafficking or CSEC crimes, but restitution is not mandatory though convicted traffickers may have to pay victim restitution for physical injury or property loss. Victims of CSAM may file civil claims. Laws related to using the Internet to entice or sexually assault a child under 17 may be used to prosecute traffickers who increasingly use the Internet to recruit and sell minors for commercial sex acts. Traffickers convicted of a number of sexual offenses, including “pandering” and “child abuse,” are required to register as sex offenders, but registration is not required for sex trafficking convictions. Convictions for CSEC and human trafficking do not constitute grounds for terminating parental rights.



## Criminal Provisions for Facilitators

The human trafficking law includes the crime of financially benefiting from the sex trafficking of a child, and facilitators convicted under this offense face asset forfeiture and up to 20 years imprisonment. The CSEC offenses of “pandering” and “keeping a place of prostitution” could also reach the actions of some facilitators. Facilitators may be convicted under racketeering laws,

leading to further liability. Distributing CSAM is a Class ID felony punishable by imprisonment for 3–50 years and property forfeiture. Facilitators do not face mandatory restitution, and no asset forfeiture provisions apply to facilitators; however, facilitators who aid in creating or distributing CSAM may face civil liability. No laws in Nebraska address sex tourism.

## Protective Provisions for the Child Victims



All commercially sexually exploited children are defined as juvenile sex trafficking victims. Further, Nebraska’s human trafficking law prohibits a defense based on the willingness of a minor to engage in a commercial sex act. State law prohibits the criminalization of minors for prostitution offenses, mandates the referral of juvenile sex trafficking victims to DHHS, and provides for a response that is specialized to the needs of commercially sexually exploited youth. A child who is sex trafficked or sexually exploited through prostitution or CSAM is considered an abused child by law and may receive a protective response through child welfare, if properly identified, regardless of the child’s relationship to the perpetrator of the abuse. Crime victims’ compensation is available for victims of CSEC offenses; however, participating in the criminal conduct giving rise to the injury, failing to file a claim within two years of the crime, and failing to report the crime within three days of the crime or the time when a report

could reasonably have been made could prevent CSEC victims from receiving compensation. Victim-friendly criminal justice procedures are also limited. While child victims of any crime who are under age 11 may have videotaped deposition admitted in lieu of in-person testimony, Nebraska’s “rape shield” law is limited to victims of non-commercial sexual offenses and does not prevent CSEC victims from testifying or from cross-examination at the trials of their traffickers. Nebraska law provides a mechanism for minors to vacate delinquency adjudications and expunge related records for offenses committed as a result of a minor’s trafficking victimization. Restitution is discretionary and is based on the actual damages of the victim. Victims may bring civil claims under the Human Trafficking Civil Remedies Act. State law eliminates the criminal statute of limitations and lengthens the civil statute of limitations for cases related to child sex trafficking

## Criminal Justice Tools for Investigation and Prosecution



Nebraska law requires the development of human trafficking training curriculum for law enforcement. The state allows single party consent to audiotaping. State law expressly allows law enforcement to receive an order authorizing wiretapping during an investigation under the trafficking law, but not during an investigation under Nebraska’s CSEC laws. The criminal attempt law implicitly prohibits a defense based on the use of a law en-

forcement decoy posing as a minor provided that the offender intentionally engaged in the prohibited conduct, believing the law enforcement decoy to be an actual minor. Use of the Internet is permissible in investigations of online enticement of a child for illegal sexual conduct. Nebraska has established a statewide reporting and response system for missing children, which requires reporting of missing and located missing children.

*The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: [www.sharedhope.org/reportcards](http://www.sharedhope.org/reportcards).*