

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 517**

Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

Read first time January 22, 2019

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section
- 2 25-21,299, Reissue Revised Statutes of Nebraska; to change human
- 3 trafficking damage provisions as prescribed; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,299, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 25-21,299 (1) Any trafficking victim or his or her parent or legal  
4 guardian who suffered or continues to suffer personal or psychological  
5 injury as a result of such human trafficking may bring a civil action  
6 against any person who knowingly (a) engaged in human trafficking of such  
7 victim within this state or (b) aided or assisted with the human  
8 trafficking of such victim within this state.

9 (2) A plaintiff who prevails in a civil action brought pursuant to  
10 the Human Trafficking Victims Civil Remedy Act may recover his or her  
11 actual damages plus any and all attorney's fees and costs reasonably  
12 associated with the civil action. The court may, in its discretion,  
13 increase the award of damages to an amount which bears a reasonable  
14 relation to the actual damages which have been sustained and which  
15 damages are not susceptible of measurement by ordinary pecuniary  
16 standards. In addition to all other remedies available under the act, the  
17 court may also award temporary, preliminary, and permanent injunctive  
18 relief as the court deems necessary and appropriate.

19 (3) Actual damages to be awarded pursuant to subsection (2) of this  
20 section may include, but are not limited to, the following:

21 (a) Costs of medical and psychological treatment, past, present, and  
22 future;

23 (b) Costs of necessary transportation, temporary housing, and child  
24 care;

25 (c) The greater of (i) the value of the human trafficking victim's  
26 labor as guaranteed under the minimum wage and overtime provisions of the  
27 federal Fair Labor Standards Act of 1938; or (ii) the gross income or  
28 value to the defendant of the victim's labor servitude or sexual  
29 servitude engaged in by the victim while in the sex trafficking  
30 situation;

31 (d) Return of property, cost of damage to property, or full value of

1 property, if destroyed or damaged beyond repair;

2 (e) Expenses incurred by a victim and any household member or other  
3 family member in relocating away from the defendant or his or her  
4 associates, including, but not limited to, deposits for utilities and  
5 telephone service, deposits for rental housing, temporary lodging and  
6 food expenses, clothing, and personal items;

7 (f) In the case of an offense resulting in death or bodily injury  
8 that results in death, the costs and expenses of necessary funeral and  
9 related services;

10 (g) Costs and expenses incurred that are related to participation in  
11 the investigation or prosecution of the offense or attendance at  
12 proceedings related to the offense; and

13 (h) Any and all other losses suffered as a victim of human  
14 trafficking and any and all other damages otherwise recoverable by a  
15 victim under the law.

16 Sec. 2. Original section 25-21,299, Reissue Revised Statutes of  
17 Nebraska, is repealed.