

# Nebraska



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*The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact [policy@polarisproject.org](mailto:policy@polarisproject.org).*

## GOOD FOR SURVIVORS:

### Offenses Covered:

Nebraska does not limit offenses eligible for relief. This is ideal as many survivors are arrested for and convicted of a variety of offenses resulting from their trafficking experience, and not creating a barrier to offenses eligible means that more survivors can access record relief.

### Legal Effect:

In Nebraska, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

### Alternate Hearing Methods Allowed:

It can be financially draining and endanger the safety of survivors to travel to a location where they may have been trafficked and where their trafficker may be located. Therefore, Nebraska allows survivors who are required to attend a hearing to appear by alternate methods such as telephone, video, written statements, or by attorney substitute. This is both safer and helpful for survivors who may not live in the state where their criminal record is located.

## NEEDS IMPROVEMENT:

### Only Applies to Sex Trafficking Survivors:

Nebraska's statute is explicitly only for sex trafficking survivors and completely ignores the experience and victimization of labor trafficking survivors. The statute should apply to all survivors of human trafficking.

### Trafficking Nexus:

Survivors in Nebraska must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in Nebraska would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

### Burden of Proof:

Nebraska is silent on the issue of burden of proof. Nebraska should include a burden of proof in the statute, specifically "preponderance of the evidence", which is the most clear and most helpful to trafficking survivors.

### Arrests and Adjudication Relief:

Relief in Nebraska only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [Neb.Rev.St. § 29-3005](#)