



Wisconsin State Assembly

P.O. BOX 8952 MADISON, WI 53708

TO: SPEAKER ROBIN VOS

FROM: Representative Jerry O'Connor, Chair, and Representative Jodi Emerson, Vice-Chair,
Assembly Speaker's Task Force on Human Trafficking

RE: Report of the Assembly Speaker's Task Force on Human Trafficking

DATE: January 10, 2024

This report details the activities and initial legislative recommendations of the Assembly Speaker's Task Force on Human Trafficking.

INTRODUCTION

On August 24, 2023, you created the Task Force on Human Trafficking and appointed us to serve as the task force's chair and vice-chair. The task force was directed to explore innovative solutions to combat human trafficking through prevention, supporting and empowering survivors, and prosecuting traffickers, with the goal of creating a society where the safety and well-being of every person are paramount and where exploitation has no place.

After your appointment of the 13 additional members, the task force conducted several public hearings throughout the state. The remainder of this report outlines the task force's hearings, describes the recommended legislative proposals that arose from testimony and discussion at those hearings, and acknowledges other legislation introduced in the current biennium relating to human trafficking.

Although perspectives vary regarding policy priorities and solutions, the task force heard a resounding theme: human trafficking is an important statewide issue that requires legislative action. The task force is pleased to submit a slate of recommendations to address human trafficking, many of which have bipartisan support, while others have majority support, as indicated by the anticipated authors identified with each bill draft later in this report.

HEARINGS

The task force held four public hearings throughout the state for the purpose of receiving testimony and recommendations for legislation to address human trafficking in Wisconsin. Though Wisconsin's crime of human trafficking prohibits acts done for the purpose of labor or services, or for the purpose of commercial sex acts, the task force primarily focused on sex trafficking. That said, the task force acknowledges that labor trafficking is also a serious issue and should be studied in depth in the future.

September 27, 2023 – Madison

The task force conducted its first public hearing at the State Capitol on September 27, 2023. The task force first received an overview of current state law regarding human trafficking from Legislative

Council staff. Next, the task force received testimony relating to human trafficking from representatives of the following entities:

- Wisconsin Department of Justice (DOJ).
- Wisconsin Department of Public Instruction (DPI).
- Wisconsin State Public Defender.

October 11, 2023 – Madison

The task force held its second public hearing at the State Capitol on October 11, 2023. First, at the chair's request, Legislative Council staff briefed the task force on examples of recent legislative enactments in other states. Next, the task force heard testimony relating to human trafficking from representatives of the following entities:

- Wisconsin Department of Children and Families (DCF).
- Dane County Sheriff's Office.
- Madison Police Department.
- Project Respect.
- Redeem and Restore.
- Zeteo Community.
- Kids Protection Agency.

October 25, 2023 – Oshkosh

The task force held its third meeting at University of Wisconsin (UW)-Oshkosh and received testimony relating to human trafficking from representatives of the following entities:

- Sheboygan County Police Department.
- Sheboygan County Human Trafficking Task Force.
- Green Bay Police Department.
- Oshkosh Police Department.
- Wisconsin DOJ's Office of Crime Victim Services.
- Manitowoc County District Attorney's Office.
- Damascus Road Project.
- Awaken Wisconsin.

November 8, 2023 – Milwaukee

The task force held its final public hearing at UW-Milwaukee and heard testimony relating to human trafficking from representatives of the following entities:

- Milwaukee Police Department.
- Women and Children Horizons.

- United Migrant Opportunity Services.
- Convergence Resource Center.
- Fight to End Exploitation.
- Inner Beauty Center.
- Sojourner Family Peace Center.

RECOMMENDATIONS FOR NEW LEGISLATION IN THE CURRENT BIENNIUM

Based on information and recommendations received at the public hearings, the task force recommends 11 bill drafts, which are described below and organized by the following general categories: (1) prevention of and coordination to address human trafficking; (2) accountability of traffickers; and (3) support to human trafficking victims. The anticipated lead authors of each bill draft are also identified.

Prevention and Coordination

LRB-5214 – Creation of a Human Trafficking Council (Reps. O’Connor and Johnson)

Background

The task force heard testimony from various stakeholders, including law enforcement and nonprofit agencies providing victim support services, about the need for statewide and local coordination to address human trafficking, and the benefits of establishing local task forces to align the efforts of law enforcement agencies and nonprofit groups. While the task force recognizes the work of DOJ’s ad hoc statewide task force, the task force sees value in creating a council in statute with specified membership, duties, and requirements.

The task force also heard testimony regarding the need for mandatory training for law enforcement regarding human trafficking, and the benefits of local anti-human trafficking task forces, which generally coordinate multi-disciplinary efforts in combating human trafficking in local communities.

Recommendation

The task force recommends LRB-5214/P4, which generally creates a statewide human trafficking council, requires certain law enforcement officers to undergo training related to human trafficking, and requires counties with an above-average level of sex trafficking activity to establish a county task force to combat sex trafficking in that county.

Human Trafficking Council

The bill draft creates a human trafficking council that is attached to DOJ and consists of the following members:

- The Secretary of Children and Families, or his or her designee.
- The Secretary of Public Instruction, or his or her designee.
- The Secretary of Transportation, or his or her designee.
- The State Public Defender, or his or her designee.
- One district attorney, appointed by the Wisconsin District Attorneys Association.

- One chief of a police department or combined protective services department, appointed by the Wisconsin Chiefs of Police Association.
- One sheriff holding office in this state, appointed by the Badger State Sheriffs' Association.
- One sheriff holding office in this state, appointed by the Wisconsin Sheriffs and Deputy Sheriffs Association.
- Four representatives of organizations that provide human trafficking victim support services in geographically diverse areas of the state, appointed by the Attorney General.
- One representative of DOJ's Office of Crime Victim Services.
- One representative of DOJ's internet crimes against children task force.

The bill draft requires the council to do all of the following:

- Compile and maintain an inventory of human trafficking prevention programs and services in Wisconsin, and develop, maintain, and keep current an online database to share information among counties, law enforcement agencies, state agencies that have responsibilities related to sex trafficking, and organizations that provide human trafficking prevention programs and victim support services. The database must include an online portal that is accessible by each such entity.
- Annually review and assess the efficacy of the expenditures of state funds allocated to human trafficking prevention.
- Compile data on human trafficking offenses committed in Wisconsin, including the annual number of arrests, prosecutions, and convictions for human trafficking and child sex trafficking.
- Using the data on human trafficking offenses in Wisconsin, assess sex trafficking activities in each county, track averages across counties, and determine whether a county is experiencing above-average sex trafficking activities.
- Assess the regulation and oversight of facilities that provide residential care in a congregate living environment, including community-based residential facilities (CBRFs) and group homes, as it relates to victims of human trafficking, in consultation with appropriate state agencies.
- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking in Wisconsin; establish a process to detect such use on a consistent basis; and develop recommendations on how to stop, reduce, or prevent social media platforms from being used for human trafficking purposes.
- Develop a strategic plan for preventing human trafficking, providing appropriate resources to law enforcement initiatives and victim support programs, and creating or providing access to training programs targeted for each category.
- Develop, in consultation with DOJ, a model protocol for interviewing and interacting with victims of human trafficking or child sex trafficking.
- Consult with and assist the Law Enforcement Standards Board (LESB) in establishing a training course for law enforcement officers, as described in more detail below.
- Develop a model training program for counties relating to reducing interest in solicitation by individuals who solicit prostitutes.
- Submit an annual report to the Legislature that summarizes the data collected by and activities of the council during the previous year.

The council-related provisions of the bill draft sunset after four years.¹ However, in the council's report for the third year after enactment, the council must include recommendations on whether the sunset should be extended, as well as recommendations relating to moving the council's ongoing initiatives to state agencies.

Law Enforcement Training

The bill draft also requires certain law enforcement officers to complete a human trafficking training course developed by the LESB, a 15-member board attached to DOJ that, under current law, certifies, decertifies, and establishes minimum standards of recruitment and training for law enforcement, jail, and juvenile detention officers.

Specifically, the bill draft requires the LESB, in consultation with the council,² to establish a training course for law enforcement officers relating to preventing, recognizing, and investigating human trafficking, apprehending and prosecuting human traffickers, and coordinating human trafficking response efforts with other law enforcement agencies and organizations.

The bill draft further requires the person in charge of the law enforcement agency for each political subdivision with a population of 10,000 or more to designate a lead human trafficking officer and notify the LESB of that officer's designation. In turn, the LESB must maintain a list of the officers designated. A political subdivision's designated trafficking officer must annually complete the LESB's human trafficking training course, the hours of which count toward an officer's annual 24 hours of recertification training required under current law.

Local Anti-Trafficking Task Forces

Finally, the bill draft requires counties experiencing above-average sex trafficking activities, as determined by the council's assessment, to establish a sex trafficking task force. A county sex trafficking task force is directed to combat sex trafficking, including identifying and investigating sex trafficking, supporting victims, and raising community awareness. Each county task force must include representatives from law enforcement agencies, county departments, and local nonprofit groups. After the council's sunset date, the bill draft transfers to DOJ the duties of assessing sex trafficking activities in each county, tracking averages across counties, and determining whether a county is experiencing above-average sex trafficking activities.

LRB-5251 –Education and Training in Public Schools (Reps. O'Connor and Stubbs)

Background

Current law requires certain professionals to report suspected child abuse, including in situations where the professional has reasonable cause to suspect that a child is being trafficked or is being permitted, allowed, or encouraged to engage in prostitution. The task force heard testimony regarding the need for education professionals to be trained on how to identify children who may be at risk of being trafficked or other signs of trafficking. In addition, the task force heard testimony regarding the need for age-appropriate educational instruction to Wisconsin students in order to raise awareness of issues relating to trafficking.

¹ Once the bill draft's council-related provisions have sunsetted, DOJ is tasked with determining whether a county is experiencing above-average sex trafficking activities.

² Upon the council's sunset, the bill draft eliminates the board's requirement to consult with the council when developing the training.

Recommendation

The task force recommends LRB-5251/1, which requires education and training on human trafficking for certain students and school district employees.

First, the bill draft requires DPI, in consultation with DCF, to develop a model curriculum and related instructional materials for grades 7 to 12 on human trafficking prevention. In doing so, DPI is required to ensure that the information is age-appropriate at each grade level and that the curriculum includes instruction related to internet safety. In turn, beginning in the 2024-25 school year, each school board must, in grades 7 through 12, provide age-appropriate instruction in human trafficking prevention that is consistent with DPI's model curriculum or a curriculum that is substantially similar to DPI's model curriculum.

In addition, under the bill draft, school boards must require every full-time school district employee who is required to hold a DPI-issued certificate, license, or permit to receive training, provided by DPI, on identifying children who are or who are at risk of being victims of trafficking. Each employee must receive the training within the first six months of beginning full-time employment and at least once every five years subsequently.

LRB-5359 – Mandatory Trafficking Training for Certain Employees (Reps. Gundrum and Stubbs and Sen. Knodl)

Background

The task force heard testimony that, particularly in Milwaukee, residents of CBRFs are often targeted by traffickers, that CBRFs are sometimes used by traffickers, and that there is not enough local oversight of CBRFs. The task force also heard testimony that state requirements related to CBRFs are unduly burdensome on facilities that work to provide housing and other support services to trafficking victims.

The task force also heard testimony that increased awareness is necessary to help reduce the prevalence of human trafficking and to support victims. To that end, speakers recommended mandatory training on human trafficking for employees in several fields, such as education and the criminal justice system. The task force also heard that human trafficking occurs through establishments like hotels and adult entertainment venues and through transportation corridors.

Recommendation

The task force recommends LRB-5359/1, which requires certain employees to receive training on identifying and preventing human trafficking crimes.

Training for CBRF Employees

Under the bill draft, each employee of a CBRF who has regular and direct contact with residents is required to obtain training on identifying and preventing human trafficking. The training must include at least all of the following components: (1) the definitions of human trafficking and the commercial exploitation of children; (2) guidance on how to identify individuals who are most at risk for human trafficking; and (3) the difference between labor trafficking and sex trafficking. An employee must complete the training within 60 days after the beginning date of employment and at least every two years thereafter.

Training for Other Employees Likely to Interact With Public

Under the bill draft, every employer³ must provide training on identifying and preventing human trafficking crimes to every employee⁴ who is likely to interact with the public and vulnerable individuals, as determined by the Department of Workforce Development (DWD), but including at least private security officers, hotel and motel managers, public transit managers, and adult entertainment establishment managers. Owners of hotels, motels, and adult entertainment establishments are required to undergo the same training at the same intervals as managers employed at those entities.

The training must include at least all of the following components: (1) the definitions of human trafficking and the commercial exploitation of children; (2) guidance on how to identify individuals who are most at risk for human trafficking; (3) as relevant, the difference between labor trafficking and sex trafficking specific to the hotel and motel sector; (4) as relevant, guidance on the role of hospitality employees in reporting and responding to human trafficking; and (5) the contact information of appropriate agencies, including the toll-free telephone number of the National Human Trafficking Hotline and the telephone numbers of the appropriate local law enforcement agencies. The training must be at least 20 minutes in length, in person or interactive, and be provided within 60 days of an individual becoming an owner of a hotel, motel, or adult entertainment establishment or an employee being hired, and at least every two years thereafter.

The bill draft specifies that, except for individuals who are legally required to report suspected human trafficking to a law enforcement agency, the failure to report a human trafficking case by an employer or employee who underwent the required training does not, by itself, result in civil liability of any employer or employee to the human trafficking victim or to any other party. The bill draft also requires DWD to promulgate rules to implement the bill draft.

LRB-5375 – Trafficking Hotline Posters (Reps. Stubbs and Gundrum)

Background

The task force was also informed that DOJ is required to design or obtain a poster that provides information, in English and Spanish, regarding a human trafficking resource center hotline. DOJ must encourage that the poster be displayed at the following locations: (1) gas stations with signs visible from an interstate or state highway that offer amenities to commercial vehicles; (2) hotels; (3) adult entertainment establishments; (4) salons at which hair or nail services are provided; (5) places at which employers engage some employees to perform agricultural labor; (6) hospitals or other medical centers; (7) places at which athletic or sporting events occur; (8) establishments that operate as a massage parlor or spa, alternative health clinic, or similar entity; (9) expositions conducted by a county or agricultural society; (10) courthouses; (11) rest areas maintained by the Department of Transportation; and (12) public and private transit stations.

³ For the purposes of ch. 103, Stats., “employer” means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, long-term care district, and other public or quasi-public corporations as well as any agent, manager, representative, or other person having control or custody of any employment, place of employment, or employee.

⁴ For the purposes of ch. 103, Stats., “employee” means any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment, except for an independent contractor.

Recommendation

The task force recommends LRB-5375/2, which requires, rather than recommends, that various locations display the DOJ poster related to human trafficking. The bill draft also adds the following to the list of locations where the poster must be displayed:

- Premises operated under a Class “A” beer, Class “B” beer, “Class B” liquor, or “Class C” wine license, or a “Class B” liquor permit (generally, places such as package stores, liquor stores, bars, and taverns).
- Tattoo establishments.
- Job recruitment centers.
- Public and private elementary and secondary schools.
- CBRFs.

DOJ also must monitor the compliance with the requirement to display the poster, and if an operator of a business or establishment fails to comply with the requirement, notify the operator that it must correct the violation within 30 days from the date the notice was sent.

LRB-3999 – Instruction in Licensed Schools of Barbering, Schools of Cosmetology, and Specialty Schools (Reps. Stubbs and Goeben)

Background

The task force heard testimony that increased awareness is necessary to help identify and prevent human trafficking and to support victims. To that end, various stakeholders recommended mandatory training for employees in certain fields. The task force also heard testimony that human trafficking may be more prevalent within the cosmetology industry.

Recommendation

The task force recommends LRB 3999/1, which requires instruction on human trafficking in licensed schools of barbering, schools of cosmetology, and specialty schools.⁵ Specifically, the bill draft requires DOJ, in consultation with the Wisconsin Technical College District Board, the Department of Safety and Professional Services (DSPS), and the Cosmetology Examining Board, to identify and establish industry-specific materials for use in providing instruction to students in those schools in the recognition and reporting of human trafficking, including both sex trafficking and labor trafficking.

The Cosmetology Examining Board must require that schools of cosmetology and specialty schools provide instruction on the dynamics of exploitation including vulnerabilities that put people at risk of being trafficking and how to recognize and report suspected human trafficking, as identified by DOJ. DSPS must require the same for schools of barbering.

⁵ A specialty school is an establishment that offers instruction in aesthetics, electrology, or manicuring.

Accountability

LRB-5059 – Penalties for Soliciting Prostitution (Rep. Gundrum)

Background

The task force heard testimony about the importance of reducing demand for sex services to help limit the frequency of sex trafficking. The task force also received testimony about the importance of funding for investigating trafficking and related crimes and of providing support services for victims.

Recommendation

The task force recommends LRB-5059/P7, which does the following: increases criminal penalties related to solicitation, including establishing a mandatory minimum term of confinement; and amends certain requirements of DOJ’s poster related to human trafficking.

Solicitation Penalties

The bill draft increases the penalties for crimes related to the purchase of sex services and establishes a mandatory minimum sentence for solicitation.

First, the bill draft increases the penalty for solicitation from a Class H felony to a Class G felony. Second, the bill draft establishes a mandatory minimum penalty for an adult who is convicted of soliciting a prostitute or patronizing a child. A person convicted of such an offense must be sentenced to a bifurcated sentence that includes a term of confinement in prison and may not be placed on probation. A person is subject to the following minimum periods of confinement:

- For a first offense of soliciting a prostitute or patronizing a child, either six months or, if the person completes a court-approved treatment and education program, three months.
- For a second offense, either 12 months or, if the person served a reduced sentence for a prior offense due to the completion of a court-approved program, one year, or if the person served no more than three months for a prior offense, 12 months plus the amount by which the prior sentence was reduced from the six-month minimum.
- For a third offense, two years.
- For a fourth or subsequent offense, three years.

Required Content on DOJ’s Trafficking Poster

The bill draft modifies what must be included in DOJ’s poster that provides information regarding a human trafficking resource center hotline. The bill draft requires that the poster also include the penalties for committing human trafficking, solicitation, or soliciting a child.

LRB-5315 – Civil Cause of Action Based on Violation of Child Trafficking (Rep. Steffen)

Background

Current law allows any person who incurs an injury or death as a result of a violation of the crime of trafficking of a child⁶ to bring a civil action against the person who committed the violation. In addition

⁶ The crime of trafficking of a child prohibits a person from knowingly recruiting, enticing, providing, obtaining, harboring, transporting, patronizing, or soliciting a child, or knowingly attempting to do any of those acts, for the purpose of commercial sex acts. The crime of trafficking of a child also prohibits any person from benefiting in any manner from doing one of the above for the purpose of commercial sex acts, if the person knows that the benefits come

to actual damages, the court may award punitive damages to the injured party, not to exceed treble the amount of actual damages incurred, and reasonable attorney fees. Current law does not provide a limitations period specific to this cause of action and, therefore, the default three-year limitations period for claims based on injury or death would apply. In comparison, certain causes of action are subject to a specialized limitations period; for example, an action to recover damages for injury caused by an act that would constitute a violation of sexual assault of a child may be commenced any time until the injured party reaches the age of 35 years.

Recommendation

The task force recommends LRB-5315/1, which makes two changes affecting the civil cause of action based on child trafficking. First, the bill draft creates a specialized limitations period and allows an injured party to commence a claim at any time until reaching the age of 35 years. Second, the bill draft clarifies that a person who incurs an injury or death as a result of a violation of child trafficking may bring the cause of action regardless of whether anyone was prosecuted or convicted for the violation of child trafficking.

LRB-5212 – Sex Offender Registry Requirement (Rep. Tittl)

Background

Under current law, a person is required to register as a sex offender if he or she is convicted of, adjudicated delinquent for, found not guilty or not responsible by reason of mental disease or defect, or placed in institutional care for a “sex offense,” such as felony forms of sexual assault, using a computer to facilitate a child sex crime, and soliciting a child for prostitution. Additionally, a court may order any person convicted of certain other crimes, including violations of chs. 940, 944, and 948, Stats., to register as a sex offender, if the court determines that the person’s conduct was “sexually motivated” and that it would be in the interest of public protection to require the person to report.

Recommendation

The task force recommends LRB-5212/P4, which adds the crime of “keeping a place of prostitution” to the list of “sex offenses” for which registration is mandatory. A person commits the crime of keeping a place of prostitution when the person intentionally keeps a place of prostitution or grants the use or allows the continued use of a place as a place of prostitution. A place of prostitution is defined as any place where a person habitually engages, in public or private, in certain, specified sexual acts for anything of value.

LRB-5314 – Trafficking of Adults at Risk (Reps. Emerson and O’Connor)

Background

Current law prohibits various acts that constitute the crimes of human trafficking and trafficking of a child, including not only the trafficking itself but also certain acts of benefiting from an act or scheme of human trafficking or a violation of child trafficking. Current law also allows victims of human trafficking and child trafficking who incur an injury or death as a result of trafficking to bring a civil action against the person who committed the violation.

from an act of trafficking of a child. The penalty for violating the crime of trafficking of a child is a Class C felony. [s. 948.051, Stats.]

The task force heard testimony noting that vulnerable adults are more susceptible to being trafficking victims and recommending creation of a more specific mechanism for prosecuting trafficking when the victim is considered an “adult at risk,” similar to the crime of trafficking of a child under current law.

Recommendation

LRB-5314/1 creates a new crime of “trafficking of an adult at risk,”⁷ the elements of which are similar to the crime of trafficking of a child under current law. Specifically, the bill draft prohibits a person from knowingly recruiting, enticing, providing, obtaining, harboring, transporting, patronizing, or soliciting an adult at risk for the purpose of commercial sex acts, as well as knowingly attempting to do any of those actions.

As with trafficking crimes under current law, the bill draft also: (1) prohibits a person from benefiting in any matter from a violating of trafficking of an adult at risk, if the person knew that the benefits came from such an act; and (2) allows a victim who incurs an injury or death as a result of a violation to bring a civil action against the person who committed the violation. The bill draft also treats the new crime of trafficking of an adult at risk identically to the other trafficking crimes in various cross references throughout the statutes.

Victim Support

LRB-5216 – Human Trafficking Victim Services Grant Program (Reps. O’Connor and Emerson)

Background

The task force heard testimony from numerous nonprofit organizations that provide services to victims of human trafficking, including organizations that provide emergency housing for victims and their children. Representatives of these organizations described the services they provided, such as mental health treatment, food, and assistance with accessing other services, and several organizations described a cooperative relationship with their local law enforcement agencies to protect victims. Representatives from several of the organizations described a substantial reduction in federal funding they receive and requested that the state provide grants for organizations that provide services to victims.

Recommendation

The task force recommends LRB-5216/P5, which establishes a grant program for nonprofit organizations to provide support services for trafficking victims, with “support services” defined as any combination of direct victim advocacy, safety planning housing, substance use disorder treatment, medical and behavioral health, job training, and employment support services.

The bill draft directs DOJ to administer the grant program by awarding grants to nonprofit organizations and appropriates \$1,250,000 in fiscal years 2023-24 and 2024-25 for this purpose. To be eligible for the grant, a nonprofit organization must: (1) submit an application that describes the organization’s efforts to coordinate with local law enforcement agencies and includes a proposed expenditure plan for the moneys; and (2) provide matching funds, from private funding sources, of at least 50 percent of the grant amount.

⁷ The bill draft defines “adult at risk” using the following current law definition: “any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.” [s. 55.01 (1e), Stats.]

The bill draft specifies that DOJ may award grants up to \$125,000 per fiscal biennium to a nonprofit organization that provides housing services and up to \$50,000 per fiscal biennium to a nonprofit organization that provides only support services other than housing services. When awarding grants, DOJ must give preference to applicants, as follows:

- To those applicants with a well-established relationship with local law enforcement agencies.
- To those applicants that are capable of providing licensed services with licensed in-house staff or under a contract with a third-party provider that oversees provision of licensed services.
- Of those providing housing services, to those applicants with the ability to provide services to the greatest number of trafficking victims.

Finally, the bill draft requires DOJ to promulgate rules for administering the grant program and distributing the grants, including developing any additional criteria on which grant awards may be based.

LRB-5453 – Closed Circuit Testimony (Reps. Billings and O’Connor)

Background

In certain circumstances, current law allows a child witness in a criminal trial to testify in a room other than the courtroom with testimony simultaneously televised in the courtroom by means of closed-circuit audiovisual equipment. Specifically, current law requires the following conditions to be met:

- The court finds both of the following:
 - That the presence of the defendant during the taking of the child’s testimony will result in the child suffering serious emotional distress such that the child cannot reasonably communicate.
 - That taking the testimony of the child in a room other than the courtroom and simultaneously televising the testimony in the courtroom by means of closed-circuit audiovisual equipment is necessary to minimize the trauma to the child of testifying in the courtroom setting and to provide a setting more amenable to securing the child witness’s uninhibited, truthful testimony.
- The trial in which the child may be called as a witness will commence:
 - Prior to the child’s 12th birthday.
 - Prior to the child’s 16th birthday, if the court finds, in addition to the findings above, that the interests of justice⁸ warrant that the child’s testimony be taken in a room other than the courtroom and simultaneously televised in the courtroom by means of closed-circuit audiovisual equipment.

If a court orders the testimony of a child to be taken in this manner, the court must follow certain steps, such as attempting to place the child at ease, explaining to the child the purpose of the testimony, and identifying to the child all persons attending.

Recommendation

The task force recommends LRB-5453/P2, which allows the testimony of a child witness to be taken by means of closed-circuit audiovisual equipment. Under the bill draft, a child’s testimony may be taken in

⁸ The statute identifies several factors that a court may consider when determining the interests of justice, such as the child’s behavior and whether the events about which the child will testify constituted criminal or antisocial conduct against the child or a person with whom the child had a close emotional relationship. [See, s. 972.11 (2m) (b), Stats.]

this manner in a trial for the crimes of human trafficking or trafficking of a child that commences prior to the child witness's 18th birthday, and the court makes both of the findings discussed above related to the child witness otherwise suffering serious emotional distress and the need to minimize trauma to secure the child witness's uninhibited, truthful testimony.

ACKNOWLEDGMENT OF EXISTING LEGISLATION

Beyond the bill drafts recommended by the task force, the task force acknowledges legislation introduced in the current biennium relating to human trafficking, as follows and in numerical order:

- **Assembly Bill 48**, which provides that a person may not be prosecuted for acts that constitute the crime of prostitution if the person is under 18 years of age at the time he or she commits the offense.
- **Assembly Bill 60**, which regulates “adult-entertainment establishments,” as defined under the bill, by generally: (1) prohibiting ownership and employment based on age and criminal history; (2) prohibiting establishments from knowingly allowing violations of certain offenses; (3) requiring use of an anti-human trafficking poster; (4) granting law enforcement access to an establishment's list of employees upon request; and (5) creating penalties applicable to such establishments, as well as to certain persons with an interest in such establishments.
- **Assembly Bill 615**, which creates a task force on missing and murdered African American women and girls that, among other requirements, is required to examine the systemic causes behind violence experienced by African American women and girls and submit an annual report to the Legislature that includes recommendations to eliminate such violence.
- **Assembly Bill 794**, which creates a new crime that generally prohibits a person from receiving a child runaway into his or her living quarters and failing to notify the police or the appropriate county department of the child's presence immediately after the child arrives, if the person knows or reasonably should know that the child is a runaway upon the child's arrival or discovers or reasonably should have discovered that the child is a runaway after the child's arrival.

TOPICS RECOMMENDED FOR FURTHER STUDY

As explained below, the task force recommends further study of the following topics: (1) the labor trafficking aspect of the crime of human trafficking; (2) the regulation and oversight of certain congregate living environments and their relationship to trafficking; (3) the effect of social media on trafficking; and (4) increased victim supports within the criminal justice system.

Labor Trafficking

Though Wisconsin's crime of human trafficking prohibits acts done for the purpose of labor or services, or for the purpose of commercial sex acts, the task force primarily focused on sex trafficking. That said, the task force acknowledges that the use of force, fraud or coercion to exploit another person for labor is also a serious issue and should be studied in depth in the future.

Regulation and Oversight of Certain Congregate Care Settings

The task force heard testimony that, particularly in Milwaukee, residents of CBRFs are often targeted by traffickers, that CBRFs are sometimes used by traffickers, and that there is not enough local oversight of CBRFs. The task force also heard testimony that state requirements related to CBRFs are unduly burdensome on facilities that work to provide housing and other support services to trafficking victims.

Acknowledging the complexity and far-reaching effect of any legislation related to CBRFs, and that the statutes provide a measure of local oversight of CBRFs, the task force recommends that the Legislature consider further study of CBRFs and their intersection with human trafficking victims.

Relationship Between Social Media and Human Trafficking

The task force heard testimony that social media is frequently used to facilitate human trafficking and that other states have enacted legislation that attempts to address this issue. In recognition of the breadth and complexity of this issue, the task force recommends further study of the extent to which social media platforms are used to assist, facilitate, or support human trafficking in Wisconsin.

Increased Support for Victims in Criminal Justice System

The task force heard testimony about the importance of providing support to trafficking victims, given the sensitive nature of their testimony and the complicated relationship that victims may share with those being prosecuted for human trafficking. The task force also heard testimony regarding the difficulty in prosecuting cases of human trafficking with respect to victim cooperation. The task force recommends further study of ways in which victims can be better supported within the criminal justice system, such as being provided with additional courtroom supports or the assurance of identifying information being prohibited from public disclosure.

APPENDIX

Chair:

Rep. Jerry O'Connor (R - Fond du Lac)

Vice Chair:

Rep. Jodi Emerson (D - Eau Claire)

Members:

Rep. Ty Bodden (R - Hilbert)

Rep. Barbara Dittrich (R - Oconomowoc)

Rep. Joy Goeben (R - Hobart)

Rep. Rick Gundrum (R - Slinger)

Rep. Scott Johnson (R - Jefferson)

Rep. Jeffrey Mursau (R - Crivitz)

Rep. Jon Plumer (R - Lodi)

Rep. David Steffen (R - Green Bay)

Rep. Paul Tittl (R - Manitowoc)

Rep. Jill Billings (D - La Crosse)

Rep. Sue Conley (D - Janesville)

Rep. Darrin Madison (D - Milwaukee)

Rep. Shelia Stubbs (D - Madison)