



JILL BILLINGS

STATE REPRESENTATIVE

Rep. Billings Testimony in Support of Sexually Exploited Children Protection Act (AB 186)

Good morning Chairperson Kitchens and members of the committee. I thank you for holding a public hearing on AB 186. This bill would move our state further in protecting sexually exploited children by treating them as child-victims, rather than criminals. AB 186 prohibits the charging of a minor with the crime of prostitution.

Sexually exploited children exist in my district and in your district – this is an urban and rural, state-wide problem. Sexually exploited children tend to be at-risk, vulnerable youths with troubled backgrounds; many are homeless or drug dependent, according to the U.S. Department of Justice’s Anti-Human Trafficking Task Force. An estimated 70 to 90 percent of youth victims of sex trafficking have histories of sexual abuse.

Currently, children who are forced into commercial sex practices can be prosecuted for the crime of prostitution, causing victimization and burdening a child with a criminal record. Sexually exploited children are often vulnerable to criminal charges, incarceration or detention for actions taken while under the emotional and physical control of their traffickers. AB 186 can alleviate the harm caused by criminalizing sexually exploited children by prohibiting the practice of charging minors with prostitution.

AB 186 is the next step we can now take in Wisconsin after the passage of legislation last session, authored by Rep. Loudenbeck, (2015 Act 367) that went into effect in May, which mandates a Child Protective Service (CPS) agency initiate an investigation into all cases of alleged child sex trafficking by a caregiver or non-caregiver. The law also requires law enforcement to report suspected cases of a minor to the local CPS agency. This law is a vital piece in ensuring trafficked kids are treated as victims and are provided the services they need.

Our neighboring states, including Illinois and Minnesota, have found success in passing similar “Safe Harbor” legislation. By passing this legislation we would be joining 20 other states and the District of Columbia that have adopted some type of immunity for trafficked youth, according to a 2017 National Conference of State Legislatures (NCSL) report. Other states have found that decriminalizing child prostitution along with providing services, has helped to identify and rehabilitate child sex trafficking victims, while also helping to bring the real criminals to justice. By treating children as victims, the adversarial relationship between minors and legal system intent on prosecuting them erodes. Instead it can create a reformative and therapeutic environment in which child victims speak candidly about their traffickers to law enforcement.

In Minnesota, convictions of sex traffickers have shown a dramatic increase since passing its hallmark “Safe Harbor” legislation in 2011. According to the *Human Trafficking in Minnesota: A Report to the Minnesota Legislature January 2017*, prior to this legislation, Minnesota had 8 people convicted of sex trafficking. After passage in 2012, that number quadrupled to 32 convicted. By 2016, 45 traffickers were convicted. Legal officials in Minnesota credit the increase in convictions to the passage of Safe Harbor. Trafficked children are one of the most vulnerable groups in our state, and it is imperative that these children see law enforcement and the court system as allies and a means of liberation from their traffickers.



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AB 186 will put Wisconsin's criminal laws into alignment with both federal law, neighboring states laws and Wisconsin's own laws. By adopting AB 186, Wisconsin law will no longer conflict with the Federal Trafficking Victims Protection Act, which treats coerced children as victims, even if they have engaged in criminal prostitution activity. It also aligns our own state statutes. The 2015 Wisconsin Act 367 also included "sex trafficking" as child abuse under Wisconsin Chapter 48 (the Children's Code). Therefore, currently our statutes are misaligned by defining a child as a victim under Chapter 48, while still being considered a criminal under Chapter 944. Furthermore, the Wisconsin statutes include many laws that make it a crime to have sex with a child. It therefore stands to reason that if *some* Wisconsin laws treat minors as victims of sexual predation, *all* Wisconsin laws should treat minors as victims of prostitution, not criminals.

Each year Wisconsin does more to protect sexually exploited youth. I believe this is the next step in a process of bringing awareness and changing our approach to addressing this serious issue. I ask you to join me in protecting our vulnerable youth by supporting AB 186. Thank you.