

# State of Wisconsin



2015 Senate Bill 618

Date of enactment: April 19, 2016  
Date of publication\*: April 20, 2016

## 2015 WISCONSIN ACT 367

AN ACT *to amend* 48.981 (3) (a) 2d., 48.981 (3) (c) 1. a., 938.371 (3) (d) and 948.051 (1); and *to create* 48.02 (1) (cm), 48.355 (2d) (b) 3m., 48.981 (3) (a) 2. bm. and 938.355 (2d) (b) 3m. of the statutes; **relating to:** the crime of child sex trafficking, the inclusion of child sex trafficking in the definition of child abuse, the investigation of a child abuse report in which a person who is not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution or of child sex trafficking for purposes of a commercial sex act, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 48.02 (1) (cm) of the statutes is created to read:

48.02 (1) (cm) A violation of s. 948.051.

**SECTION 2.** 48.355 (2d) (b) 3m. of the statutes is created to read:

48.355 (2d) (b) 3m. That the parent has committed a violation of s. 948.051 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 948.051 if committed in this state, as evidenced by a final judgment of conviction, and that the victim of that violation is a child of the parent.

**SECTION 3.** 48.981 (3) (a) 2. bm. of the statutes is created to read:

48.981 (3) (a) 2. bm. Cases in which a person who is not a caregiver is suspected of abuse, as defined in s. 48.02 (1) (cm) or (d), of a child.

**SECTION 4.** 48.981 (3) (a) 2d. of the statutes is amended to read:

48.981 (3) (a) 2d. The Except when referral is required under subd. 2. bm., the sheriff or police department may refer to the county department or, in a county

having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department a case reported to the sheriff or police department in which a person who is not a caregiver is suspected of abuse or of threatened abuse of a child.

**SECTION 5.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threatened the child with abuse or neglect, or has facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of the child or that a person who is not a caregiver has committed or threatened abuse, as defined in s. 48.02 (1) (cm) or (d), of the child. Except as provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse or neglect ~~or~~ of threatened abuse or neglect ~~of the child, determines that a caregiver is suspected, or~~ of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child; determines that a person who is not a caregiver has committed or threatened abuse, as defined in s. 48.02 (1) (cm) or (d), of the child; or cannot identify

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child, within 24 hours after receiving the report the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. If Except when initiating an investigation is required under this subd. 1. a., if the agency determines that a person who is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in accordance with that authority, initiate a diligent investigation to determine if the child is in need ~~of~~ of protection or services. Within 24 hours after receiving a report under par. (a) of suspected unborn child abuse, the agency, in accordance with that authority, shall initiate a diligent investigation to determine if the unborn child is in need of protection or services. An investigation under this subd. 1. a. shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations.

**SECTION 6.** 938.355 (2d) (b) 3m. of the statutes is created to read:

938.355 (2d) (b) 3m. That the parent has committed a violation of s. 948.051 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 948.051 if committed in this state, as evidenced by a final judgment of conviction, and that the victim of that violation is a child of the parent.

**SECTION 7.** 938.371 (3) (d) of the statutes is amended to read:

938.371 (3) (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the juvenile or for the protection of any person living in the foster home, group home, residential care center for children and youth, or juvenile correctional facility.

**SECTION 8m.** 948.051 (1) of the statutes is amended to read:

948.051 (1) Whoever knowingly recruits, entices, provides, obtains, ~~or~~ harbors, transports, patronizes, or solicits or knowingly attempts to recruit, entice, provide, obtain, ~~or~~ harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts, as defined in s. 940.302 (1) (a), is guilty of a Class C felony.

**SECTION 9. Initial applicability.**

(1) REPORTS OF SUSPECTED CHILD PROSTITUTION OR SEX TRAFFICKING. The treatment of section 48.981 (3) (a) 2. bm. and 2d. and (c) 1. a. of the statutes first applies to a report of suspected child abuse received under section 48.981 (3) (a) 1. of the statutes on the effective date of this subsection.

**SECTION 10. Effective date.**

(1) This act takes effect on May 29, 2017.

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