



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 634

Thank you Mr. Chairman and Committee Members for today's hearing on Assembly Bill 634, which will provide a crucial tool to attack the growing crisis of human trafficking in Wisconsin. This bill is a collaborative effort with Attorney General Brad Schimel and Representative Joel Kleefisch.

Last session, we joined together on a bipartisan basis to pass Alicia's Law, 2015 Act 369 which provided tools and funding to the Wisconsin Department of Justice to protect children from sexual predators online. I am ecstatic to report that due in large part to Act 369, over 400 people have been arrested for crimes ranging from possession of child pornography to sexual assault of a child in 2017 alone. These criminals would likely still be on the street, and more children would have been exploited if not for our efforts.

Alicia's Law has been a tremendous success. There are less children being abused today because of our actions. People who are preying on children are in jail or awaiting trial. Protecting the vulnerable should be one of our top priorities as legislators. Everyone who voted for Act 369 should be very proud. AB 634 builds on the success of Act 369 to track down and arrest human traffickers in our state, and more importantly, rescue their victims.

Act 369 made two crucial changes to allow us to track down and arrest sexual predators of children. One was the \$1 million we provided that allowed Wisconsin to beef up its resources and personnel for hunting these criminals. The other change was the limited use of the administrative subpoena.

An administrative subpoena is a court-enforceable demand to turn over certain evidence. It is similar to a search warrant, but is different in two different ways. First, it is extremely limited in its application and in the information that can be demanded. As under Act 369, this bill only allows the Department of Justice to demand the name, address, and duration of an assigned Internet Protocol, or IP address.

The second difference is that the Department does not need court approval prior to issuing the subpoena or obtaining the desired information. This greatly speeds up the process of obtaining necessary information. That is not to say there is no potential for judicial review, however. If an

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individual wishes to challenge the subpoena, he or she can go to court, and if successful, the information gathered would be discarded. If a subpoena is wrongly issued, for any number of reasons, the recipient or the target can challenge the subpoena after-the-fact, and any evidence gathered via the subpoena, or subsequently, could be considered “fruit-of-the-poisonous-tree” and would be inadmissible.

In the almost two years since Act 369 became law, we have found two ways to improve this successful law.

First, we add human trafficking crimes to the limited child sex crimes for which an administrative subpoena can be used. Like sexual crimes against children, a lot of human trafficking is Internet-based. As such, time is of the essence. Unlike physically following a kidnapping suspect, these Internet-based human traffickers are here one minute, gone the next. The IP information that can be obtained must be obtained quickly to be of any use in preventing a current or future trafficking event. This is where the quick, limited information obtained through the subpoena has been so successful in preventing crime as it occurs.

Secondly, we add “hotels” to Internet Service Providers as the only potential recipients of the subpoena. As you may know, because of the transient nature of their business, many hotels are unwittingly and unwantedly, an integral part of human trafficking schemes. The administrative subpoena going to the Internet Service Provider is of limited use in a hotel setting. Many hotels provide their own Internet Service through a distant third party. Getting access to who is using that hotel’s free wi-fi quickly can prevent another child from being trafficked, moved across state lines, and exploited.

This bill simply allows for the use of subpoenas for human trafficking crimes, and allows them to be served on hotels. It is not some grand snooping scheme. It doesn’t give the DOJ access to hotel room numbers, credit cards, or to guests. To get that information, a search warrant is required.

Assembly Bill 634 improves Act 369 and applies it to a substantially similar crime. Nearly every member of this body supported Act 369 last year, many as co-authors. I hope that you will join with us again, and put these tools to good use to put prevent more victims of human trafficking in Wisconsin.

Thank you.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**BRAD D. SCHIMEL
ATTORNEY GENERAL**

**Paul W. Connell
Deputy Attorney General**

**Delanie M. Breuer
Chief of Staff**

**114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529**

PREPARED TESTIMONY OF ATTORNEY GENERAL SCHIMEL

Testimony on Assembly Bill 634
Assembly Committee on Criminal Justice and Public Safety
Thursday, November 30, 2017

Chairman Spiros and Committee Members,

Thank you for the opportunity to submit written testimony in support of Assembly Bill 634/ Senate Bill 541. Human trafficking is an insidious crime that affects victims in small and large communities, rural and urban, and it is getting worse as demand continues to grow. Human trafficking is often technology-driven. Many trafficking cases begin online, whether through social media websites, online employment websites, backpage sites, through instant messaging apps, or buy/sell and trade websites. The use of these websites makes it difficult to investigate these crimes. Traffickers are quite sophisticated in the use of these online tools. Therefore, it is of utmost importance that DOJ has the ability to move quickly to save human trafficking and sex trafficking victims.

Assembly Bill 634 is a result of collaborative work between the bill authors and the Wisconsin Department of Justice's newly formed Human Trafficking Bureau. This bureau is staffed by one special agent in charge and six special agents from the DOJ Division of Criminal Investigation (DCI). The bureau promotes public safety through proactive enforcement, specialized training, community outreach and participation in legislative efforts.

Earlier this year, DOJ arrested 16 alleged child predators in 1 week through Operation New Hope, one of many regularly performed stings. Alicia's Law, a bipartisan measure passed last session, has been instrumental to the success of these types of operations. Operation New Hope would not have been possible without its enactment. Since its enactment in the spring of 2016, the Internet Crimes Against Children Taskforce (ICAC), through its utilization of Alicia's Law, is responsible for 397 arrests.

Alicia's law gives DOJ the ability to obtain an administrative subpoena in cases involving online predators, which then results in internet service providers providing

information on the same day. Before this law, the turnaround time was weeks. This timeline is not tenable, especially with regard to human trafficking, given its transient nature.

While the accomplishments of state and local law enforcement are extraordinary, we must do more to protect vulnerable children and adults. This bill will allow the administrative subpoena process to include hotels as possible recipients and include human trafficking crimes as violations for which an administrative subpoena may be issued. These subpoenas can only be used for the crime specified on the subpoena.

This bill provides law enforcement another investigatory tool to combat human trafficking and limits the information that can be obtained in order to balance privacy rights.

Thank you for your consideration of my testimony in support of Assembly 634. I am confident this legislation will make a serious positive impact on Wisconsin's efforts to combat human trafficking and will save lives.

If you have any questions please contact Lane Ruhland, Director of Government Affairs at ruhlandle@doj.state.wi.us .



formerly the
Wisconsin Innkeepers Association

Serving the lodging
industry for more than
100 years

November 30, 2017

To: Assembly Committee on Criminal Justice and Public Safety
Representative Spiros, Chair

From: Trisha A. Pugal, CAE
President, CEO

RE: Support of AB 634 Administrative Subpoenas for Human
Trafficking Crimes

The Wisconsin Hotel & Lodging Association (WH&LA) has worked collaboratively with the Wisconsin Department of Justice and numerous law enforcement agencies since 2014 to assist in preventing the growth of Human Trafficking crimes in our state.

Beginning in early 2017 this collaboration has intensified and now also includes the Wisconsin Department of Children and Families, and non-profits with similar goals of stopping Human Trafficking. We have assisted with the content and approach for an educational video for owners and managers of lodging properties around the state to increase awareness of the crime and what to watch for, which was recently distributed to over 700 lodging properties in our state. More recently, the WH&LA has collaborated with two agencies on the creation of a webinar that will provide training to employees of lodging properties clarifying signs to watch for and steps to take, training that is targeted for distribution in January.

The purpose of outlining these collaborations is to demonstrate our industry's commitment to helping to do our part to prevent Human Trafficking crimes that may unknowingly occur in residential, apartment, and lodging rentals in addition to homes and other locations.

When guests check in at lodging properties, there is an expectation of privacy that owners and operators of lodging accommodations must provide. If an individual or even agency representative requests information jeopardizing this privacy without a subpoena requiring the release of the information, it places considerable potential liability on the lodging owner/operator if they comply, which is why many will require a subpoena.

1025 S. Moorland Road
Suite 200
Brookfield, WI 53005
262/782-2851
fax: 262/782-0550
whla@wisconsinlodging.org
wisconsinlodging.org



The WH&LA supports AB 634 authorizing the DOJ to issue an administrative subpoena to hotels for information relevant to an ongoing investigation of a Human Trafficking crime, with specified conditions and specified information to be released. In addition to helping to prevent Human Trafficking, the addition of this subpoena authority will enable lodging owners/operators to assist in warranted requests without creating the burden of exposure to potential liability.

Thank you for the opportunity to address your Committee.