



DEVIN LEMAHIEU

STATE SENATOR

Senate Committee on Judiciary & Public Safety Testimony on Senate Bill 396 October 19, 2017

Chairman Wanggaard and Members,

Thank you for hearing my testimony on Senate Bill 396, which will provide law enforcement with another tool to prevent human trafficking. This bipartisan legislation is one of a series of bills supported by the new Human Trafficking Bureau at the Wisconsin Department of Justice.

Generally speaking, the bill increases the penalty from a Class A misdemeanor to a felony if a person engages in either of the following with an individual under 18:

- Enters a place of prostitution with intent to solicit sex
- Commits a sexual act with a prostitute

The bill further stipulates that it is not a defense that the individual did not know that the child was under 18 years of age.

Senate Bill 396 is another way to attack the demand for human trafficking. Unfortunately, human trafficking is a lucrative criminal pursuit because there are terrible people that wish to solicit minors. These perpetrators need to be held accountable.

Senate Bill 396 is supported by a broad array of stakeholders, including all of the following:

- Wisconsin Department of Justice
- End Domestic Abuse Wisconsin
- Wisconsin Coalition Against Sexual Assault
- WI Chiefs of Police Association
- Child Abuse and Neglect Prevention Board

At the request of the Department of Justice, I have also introduced Senate Amendment 1. The original bill makes the crime a Class I felony. The amendment increases the penalty to a Class G felony, which allows for up to 10 years in prison. Senate Amendment 1 more closely aligns the bill with other crimes against children.

The companion legislation (AB 486) already passed the Assembly Committee on Criminal Justice and Public Safety on a bipartisan vote of 8-1.

Thank you for your consideration. I am happy to answer any questions.

Testimony of State Senator Lena C. Taylor
Senate Committee on Judiciary and Public Safety
October 19, 2017
Senate Bill 396

Good afternoon Chairman Wanggaard and fellow committee members. Thank you for the opportunity to speak with you today regarding SB 396.

Having worked with many of you over the years, I think my concern about enhanced or increased penalties is well known. I don't do it often or lightly. However, this is one area, in which we can never do enough to stop the sexual exploitation and abuse of children. The work done in Wisconsin around the issue of Human Trafficking, fighting the normalization of prostitution and raising awareness of the victims of this crime has been intensive. Addressing the demand for commercial sex involving minors is a clear next step to change how we penalize the perpetrators and hopefully reduce this crime.

In an article in the IndyStar on the issue of the sexual exploitation of children, the reporter referenced what she described as a "culture of impunity", involving a cultural stew that includes the lack of political will to aggressively enforce laws that criminalize the purchase of children; the benefit of the doubt given to buyers when they claim they didn't know their victims were underage; and the belief that sex workers are to blame at least in part for their own exploitation. I don't disagree that this had been the pattern for far too long. However, Wisconsin has shown a desire to do things differently.

SB 396 is just such a difference. There has been a national effort to shift responsibility for the sex trade onto those who patronize a person under the age of 18. Nationally, 2014 was the first year patronizing charges outpaced prostitution charges. Whether through stepped up enforcement or an increase in penalties, states must continue this trend. The cost of failure is too high, especially for our children.

The U.S. Department of Health and Human Services' Children's Bureau report *Child Maltreatment 2010* found that 9.2% of victimized children were sexually assaulted. Further studies by Crimes Against Children Research Center, show that:

- 1 in 5 girls and 1 in 20 boys is a victim of child sexual abuse;
- Self-report studies show that 20% of adult females and 5-10% of adult males recall a childhood sexual assault or sexual abuse incident;
- During a one-year period in the U.S., 16% of youth ages 14 to 17 had been sexually victimized;
- Over the course of their lifetime, 28% of U.S. youth ages 14 to 17 had been sexually victimized;
- Children are most vulnerable to CSA between the ages of 7 and 13.

In supporting SB 396, we demonstrate the political will to do more in holding perpetrators accountable and creating a safer Wisconsin for our children.

Senator Lena C. Taylor
4th Senate District