



## 2019 ASSEMBLY BILL 228

May 21, 2019 - Introduced by Representatives BOWEN, RAMTHUN, HAYWOOD, BROSTOFF, CROWLEY, DITTRICH, EMERSON, FIELDS, HORLACHER, KULP, SINICKI, SNYDER, SORTWELL, SPREITZER, STUBBS, C. TAYLOR, THIESFELDT, VINING and VRUWINK, cosponsored by Senators BERNIER, JOHNSON, CARPENTER, JACQUE, KOOYENGA, RINGHAND, RISSER, SMITH and WANGGAARD. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to create** 939.48 (1p) of the statutes; **relating to:** self-defense for victims  
2 of sex trafficking.

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### *Analysis by the Legislative Reference Bureau*

Under current law, there are several defenses to criminal liability, including self-defense. One such defense allows a person to intentionally use force that is intended or likely to cause death or great bodily harm if the person reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.

This bill provides that a victim of sex trafficking has a privilege of self-defense for the use of force against a sex trafficker if the victim believed that the use of force was necessary to prevent or terminate an unlawful interference with his or her person or that the use of force was necessary to escape from sex trafficking.

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

3 **SECTION 1.** 939.48 (1p) of the statutes is created to read:  
4 939.48 (1p) (a) In addition to the affirmative defense under s. 939.46 (1m) and  
5 notwithstanding sub. (1), a victim of sex trafficking under s. 940.302 (2) or 948.051  
6 is privileged to threaten or intentionally use force against another, including force

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1 that was intended or likely to cause death or great bodily harm, if all of the following  
2 apply:

3 1. The person believed that the use of force was necessary to prevent or  
4 terminate an unlawful interference with his or her person or that the use of force was  
5 necessary to escape from sex trafficking.

6 2. The force was used against a person who was trafficking against the actor  
7 or who was the patron of a commercial sex act, as defined in s. 940.302 (1) (a), to be  
8 performed by the actor.

9 (b) The privilege of self-defense under par. (a) applies without regard to  
10 whether anyone was prosecuted or convicted for the violation of s. 940.302 (2) or  
11 948.051.

12 (END)