



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5214/1
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2023 ASSEMBLY BILL 978

January 19, 2024 - Introduced by Representatives O'CONNOR, PLUMER, S. JOHNSON, MAXEY, GUNDRUM, MURSAU, KITCHENS, CALLAHAN, DITTRICH, BEHNKE, EDMING, SCHRAA and HURD, cosponsored by Senators WIMBERGER, KNODL and TOMCZYK. Referred to Committee on Criminal Justice and Public Safety.

AN ACT *to repeal* 15.257 (3) and 165.29; *to amend* 59.54 (29), 66.0511 (title) and 165.85 (4) (ef); and *to create* 15.257 (3), 59.54 (29), 66.0511 (4), 165.25 (21), 165.29, 165.85 (3m) (d), 165.85 (4) (a) 7. d. and 165.85 (4) (ef) of the statutes; **relating to:** creation of a Human Trafficking Council and requiring the establishment of county sex trafficking task forces.

Analysis by the Legislative Reference Bureau

This bill creates a Human Trafficking Council attached to the Department of Justice. Under the bill, the council consists of the following members: the secretary or a designee of the Departments of Children and Families, Public Instruction, and Transportation; the state public defender, or his or her designee; one district attorney; one chief of police; two sheriffs; four representatives of organizations that provide human trafficking victim support services; one representative of the Office of Crime Victim Services; and one representative of the Internet Crimes Against Children task forces.

The duties of the Human Trafficking Council are to compile an inventory of human trafficking prevention programs and services and maintain an online database to share information about human trafficking; review and assess the efficacy of the expenditure of state funds for human trafficking prevention; compile

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and analyze data about human trafficking arrests and prosecutions; assess sex trafficking activities in each county, track averages across counties, and determine whether a county is experiencing above-average sex trafficking activities; assess the regulation and oversight of facilities that provide residential care in a congregate living environment; assess the use of social media platforms for human trafficking purposes in the state and develop recommendations on how to stop, reduce, or prevent such use; develop a state strategic plan for reducing human trafficking generally; and develop various protocols and training programs relating to human trafficking.

This bill requires any county that is determined by the Human Trafficking Council to be experiencing above-average sex trafficking activities to establish a sex trafficking task force to combat sex trafficking in that county. The bill also requires each law enforcement agency in a political subdivision with a population of 10,000 or more to designate an officer to coordinate the agency's human trafficking prevention and enforcement efforts and requires that designated officer to complete training that must be established by the Law Enforcement Standards Board relating to human trafficking prevention and enforcement.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.257 (3) of the statutes is created to read:

15.257 (3) HUMAN TRAFFICKING COUNCIL. There is created in the department of justice a human trafficking council consisting of the following members:

- (a) The secretary of children and families, or his or her designee.
- (b) The secretary of public instruction, or his or her designee.
- (c) The secretary of transportation, or his or her designee.
- (d) The state public defender, or his or her designee.
- (e) To be appointed by the Wisconsin District Attorneys Association, one district attorney holding office in this state.
- (f) To be appointed by the Wisconsin Chiefs of Police Association, one chief of

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police or chief of a combined protective services department holding office in this state.

(g) To be appointed by the Badger State Sheriffs' Association, one sheriff holding office in this state.

(h) To be appointed by the Wisconsin Sheriffs and Deputy Sheriffs Association, one sheriff holding office in this state.

(i) To be appointed by the attorney general, 4 representatives of organizations that provide human trafficking victim support services. The representatives appointed under this paragraph shall be from organizations that serve different geographic areas of the state, including both urban and rural communities.

(j) One representative of the office of crime victim services.

(k) One representative of the Internet Crimes Against Children task forces.

SECTION 2. 15.257 (3) of the statutes, as created by 2023 Wisconsin Act (this act), is repealed.

SECTION 3. 59.54 (29) of the statutes is created to read:

59.54 (29) SEX TRAFFICKING TASK FORCES. In any county that is determined by the human trafficking council under s. 165.29 (4) to be experiencing above-average sex trafficking activities, the board shall establish a sex trafficking task force that includes representatives from law enforcement agencies, county departments, and local nonprofit groups. A county sex trafficking task force established under this subsection shall coordinate efforts to combat sex trafficking in that county, including identifying and investigating sex trafficking, supporting victims, and raising community awareness.

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SECTION 4. 59.54 (29) of the statutes, as created by 2023 Wisconsin Act (this act), is amended to read:

59.54 **(29)** SEX TRAFFICKING TASK FORCES. In any county that is determined by the ~~human trafficking council under s. 165.29 (4)~~ the department of justice under s. 165.25 (21) to be experiencing above-average sex trafficking activities, the board shall establish a sex trafficking task force that includes representatives from law enforcement agencies, county departments, and local nonprofit groups. A county sex trafficking task force established under this subsection shall coordinate efforts to combat sex trafficking in that county, including identifying and investigating sex trafficking, supporting victims, and raising community awareness.

SECTION 5. 66.0511 (title) of the statutes is amended to read:

66.0511 (title) **Law enforcement agency agencies; certain policies on**
~~**use of force and citizen complaint procedures.**~~

SECTION 6. 66.0511 (4) of the statutes is created to read:

66.0511 **(4)** HUMAN TRAFFICKING PREVENTION AND ENFORCEMENT. (a) In each political subdivision with a population of 10,000 or more, the person in charge of the law enforcement agency for that political subdivision shall designate a law enforcement officer of the law enforcement agency to coordinate the law enforcement agency's human trafficking prevention and enforcement efforts and notify the law enforcement standards board of that officer's designation for the purpose of maintaining the list under s. 165.85 (3m) (d).

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(b) The person designated under par. (a) shall, on an annual basis, complete the human trafficking training course developed under s. 165.85 (4) (ef).

SECTION 7. 165.25 (21) of the statutes is created to read:

165.25 (21) SEX TRAFFICKING ASSESSMENT. Assess sex trafficking activities in each county, track averages across counties, and determine whether a county is experiencing above-average sex trafficking activities.

SECTION 8. 165.29 of the statutes is created to read:

165.29 Human trafficking council. The human trafficking council shall do all of the following:

(1) Compile and maintain an inventory of human trafficking prevention programs and services in this state and develop, maintain, and keep current an online database to share information among counties, law enforcement agencies, state agencies that have responsibilities relating to sex trafficking, and organizations that provide human trafficking prevention programs and services or victim support programs and services. The database shall include an online portal that is accessible by each such entity. The database shall report information gathered under subs. (1) to (3).

(2) On an annual basis, review and assess the efficacy of the expenditure of state funds allocated to human trafficking prevention.

(3) Compile data on human trafficking offenses committed in this state, including the annual number of arrests, prosecutions, and convictions for human trafficking offenses under s. 940.302 or 948.051.

(4) Using data compiled under sub. (3), assess sex trafficking activities in

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each county, track averages across counties, and determine whether a county is experiencing above-average sex trafficking activities.

(5) In consultation with the appropriate state agencies, assess the regulation and oversight of facilities that provide residential care in a congregate living environment, including community-based residential facilities, as defined in s. 50.01 (1g), and group homes licensed under s. 48.625, as it relates to victims of human trafficking.

(6) Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking in this state; establish a process to detect such use on a consistent basis; and develop recommendations on how to stop, reduce, or prevent social media platforms from being used for human trafficking purposes.

(7) Develop a state strategic plan for preventing human trafficking, providing resources for law enforcement initiatives, providing resources to organizations that provide human trafficking prevention programs and services or human trafficking victim support services programs and services, and creating or providing access to relevant training programs for law enforcement or such organizations.

(8) In consultation with the department of justice, develop a model protocol for interviewing and interacting with individuals who are victims of human trafficking offenses under s. 940.302 or 948.051.

(9) Consult with and assist the law enforcement standards board in establishing a training course for law enforcement officers relating to preventing, recognizing, and investigating human trafficking, apprehending and prosecuting

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human traffickers, and coordinating human trafficking response efforts with other law enforcement agencies and organizations, as required under s. 165.85 (4) (ef).

(10) Develop a model training program for counties relating to reducing interest in solicitation by individuals who solicit prostitutes.

(11) (a) By July 1 of each year, submit to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) and post on the department of justice's website a report that summarizes the data collected by and activities of the council during the previous year.

(b) In the 3rd report submitted under par. (a), include a recommendation as to whether the council should continue to operate after the first day of the 48th month beginning after the effective date of this paragraph [LRB inserts date], and recommendations relating to moving the council's ongoing initiatives to state agencies.

SECTION 9. 165.29 of the statutes, as created by 2023 Wisconsin Act (this act), is repealed.

SECTION 10. 165.85 (3m) (d) of the statutes is created to read:

165.85 (3m) (d) Maintain a list of law enforcement officers designated under s. 66.0511 (4) (a) to coordinate human trafficking prevention and enforcement efforts.

SECTION 11. 165.85 (4) (a) 7. d. of the statutes is created to read:

165.85 (4) (a) 7. d. Hours of training completed by human trafficking coordinating officers required under s. 66.0511 (4) (b) shall count towards the hours of training required under subd. 7. a.

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SECTION 12. 165.85 (4) (ef) of the statutes is created to read:

165.85 (4) (ef) 1. The board shall, in consultation with the human trafficking council, establish a training course for law enforcement officers relating to preventing, recognizing, and investigating human trafficking, apprehending and prosecuting human traffickers, and coordinating human trafficking response efforts with other law enforcement agencies and organizations. The board shall review and, if considered appropriate by the board, revise the training course established under this subdivision not later than June 30 of each odd-numbered year after the training course is established. Notwithstanding s. 227.10 (1), the training course need not be promulgated as rules under ch. 227.

SECTION 13. 165.85 (4) (ef) of the statutes, as created by 2023 Wisconsin Act (this act), is amended to read:

165.85 (4) (ef) The board shall, ~~in consultation with the human trafficking council,~~ establish a training course for law enforcement officers relating to preventing, recognizing, and investigating human trafficking, apprehending and prosecuting human traffickers, and coordinating human trafficking response efforts with other law enforcement agencies and organizations. The board shall review and, if considered appropriate by the board, revise the training course established under this subdivision not later than June 30 of each odd-numbered year after the training course is established. Notwithstanding s. 227.10 (1), the training course need not be promulgated as rules under ch. 227.

SECTION 14. Effective dates. This act takes effect on the day after publication, except as follows:

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(1) The treatment of s. 165.25 (21), the repeal of ss. 15.257 (3) and 165.29, and the amendment of ss. 59.54 (29) and 165.85 (4) (ef) take effect on the first day of the 48th month beginning after publication.

(END)