



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 492

January 21, 2014

Mr. Chairman and members of committee, thank you for the opportunity to speak today on bill. The purpose of SB 492 is to not only bring to light the atrocities of human trafficking in Wisconsin, but also aid in eliminating trafficking by enabling more effective enforcement measures.

Human trafficking and other sensitive crimes are a considerable threat to children and adults in Wisconsin. Victims are taken by force, fraud or coercion for labor purposes or sexual exploitation. Human trafficking is a fast growing criminal industry across the globe and Wisconsin is not immune to the problem.

In July of this year, ten children in Wisconsin were rescued from child trafficking as part of a nationwide FBI investigation. The number of children rescued was the second highest state total in the nation.

Significant, bipartisan legislative initiatives related to human trafficking and child trafficking have been enacted into law in prior legislative sessions; however, additional work is needed to continue Wisconsin's fight against human trafficking and other sensitive crimes.

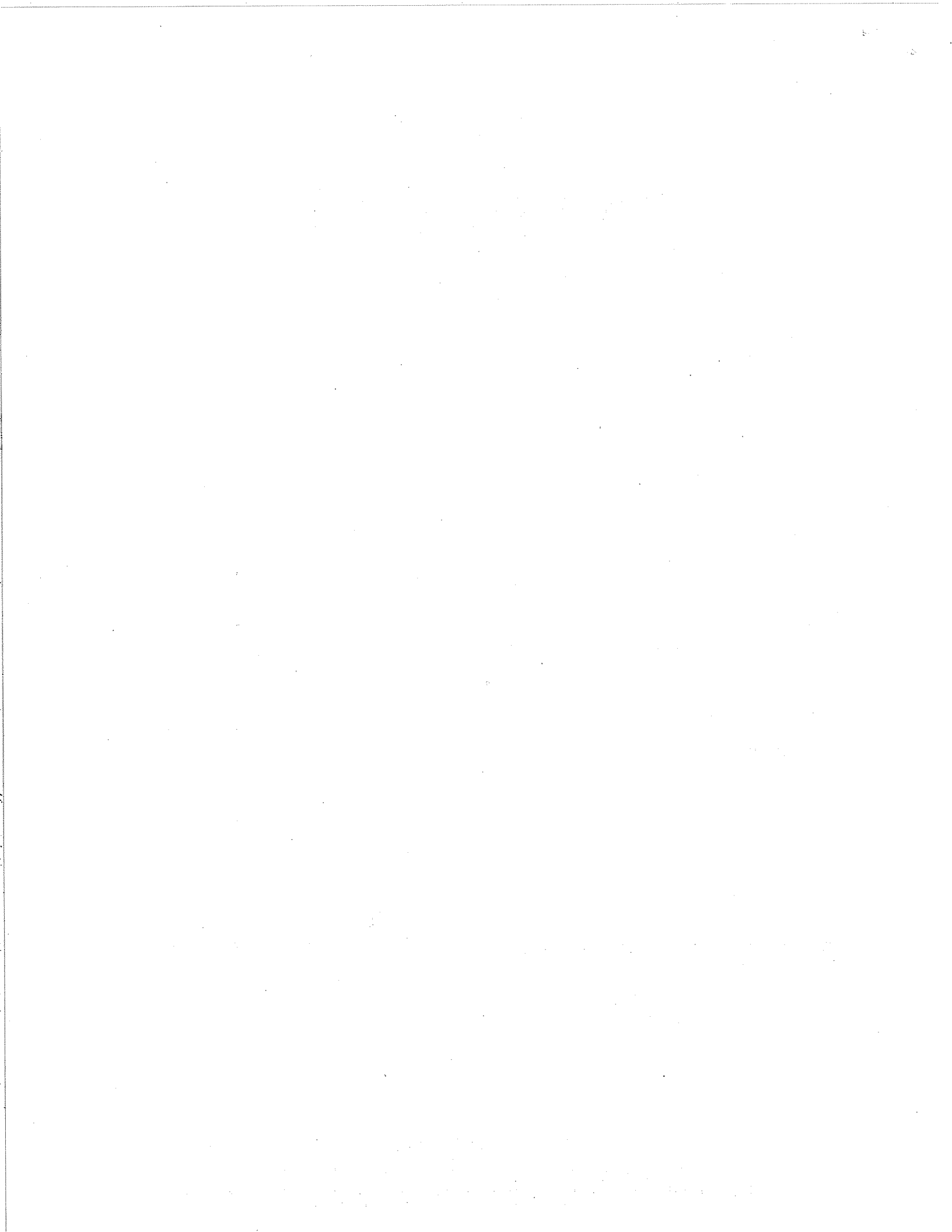
With the help of the Attorney General JB Van Hollen we have drafted a bill aimed at protecting victims of human trafficking and making enforcement tools more effective. Some key changes of SB 492 include:

- Eliminating non-consent as part of the definition of "trafficking"
- Expanding the definition of "commercial sex act"
- Allowing a victim of human trafficking to have a prostitution conviction vacated or expunged.
- Restricting the prosecution of minor victims for certain sex crimes
- Adding "intimate parts" to the crime of exposing genitals or pubic area to a child
- Giving victims of the crime greater rights to confidentiality
- Allowing evidence of any similar acts by the accused to be admitted in court for pending trafficking and child sex crimes

Under this bill consent would no longer be an element defining "trafficking." Typically in trafficking situations children and adults are taken by coercion, kidnapping, or fraud. Even

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though a person may “consent” to being a part of the trafficking that should not make it legal because of the duress a victim is often under when being recruited or enticed by the perpetrator.

This bill adds threatening to control any person’s access to drugs, or using any other types of coercion to intimidate or threaten, or use violence that causes a person to do an act with or without their consent. This change gets at acts that are just as effective in coercing victims into trafficking that are not included in current law.

Additionally, this bill expands the definition of “commercial sex act.” The current definition is limited to actual sexual contact. SB 492 broadens this definition to include other sexual acts that are often part of human trafficking. These include sexually explicit performance or any other conduct done for the purpose of sexual humiliation or degradation, even if there is not any actual contact.

One very important aspect of its bill is the creation of a process for human trafficking victims who have been prosecuted for prostitution, or other crimes, to have their record cleared. This way, victims are not punished for being victims. Additionally, the bill gives the court discretion to defer prosecution for minor victims which avoids adding insult to injury for our young vulnerable citizens.

This bill allows prior similar acts related to human trafficking, child sex offenses or domestic violence disputes to be admitted into court. Under current law, these prior bad acts are typically not admissible; however in these types of cases the relevance of these bad acts is undeniable and should be admitted.

The overall purpose of this bill is to cast a wider net on activity that may or may not fall under current law. The intent is to enhance enforcement against acts not specifically described under current law that are equally as appalling.

This bill was a direct result from DOJ’s expertise in this area. I applaud the Department of Justice and Representative Amy Loudenbeck for their work on this growing issue. Human trafficking is a fast growing global industry and Wisconsin is no exception to that trend. While there had been previous efforts to eradicate human trafficking in Wisconsin, there is a lot more work to do and this bill goes a long way in doing so. We must protect our most vulnerable citizens.

Thank you for your time and consideration and I look forward to your support of this legislation. I would be happy to answer any questions you may have.

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Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony of Rep. Amy Loudenbeck

Senate Bill 492/Assembly Bill 620

January 21, 2014

Thank you to the Committee Chair and Senators for the opportunity to provide supplemental testimony on Senate Bill 492. Senator Petrowski has already provided substantial information regarding the need for additional legislative action related to human trafficking and has offered detailed information explaining the important provisions included in the bill. Senate Bill 492 was carefully drafted with the assistance of Attorney General JB Van Hollen, and addresses many priorities issues for human trafficking victims and victim advocates as well as those that prosecute and investigate these heinous crimes.

Human Trafficking is one of the fastest growing criminal industries in the world, and one of the most profitable. Traffickers in the U.S. prey on the most vulnerable. Victims include children and adults, U.S. citizens and foreign nationals, men and women. Traffickers exploit their victims for labor or commercial sex. These victims face a horrific life where they are repeatedly threatened, beaten, raped, starved, locked up, and/or psychologically tortured. Traffickers commit these crimes for one reason, profit.

- Traffickers make over \$32 billion in profits each year world-wide.
- In the U.S., sex traffickers (such as pimps and those operating fake massage parlors or brothels) can accrue more than \$500,000 a year, through the sexual exploitation of just three victims.
- Labor traffickers can make between \$50,000 and \$100,000 profit per year from each victim.¹

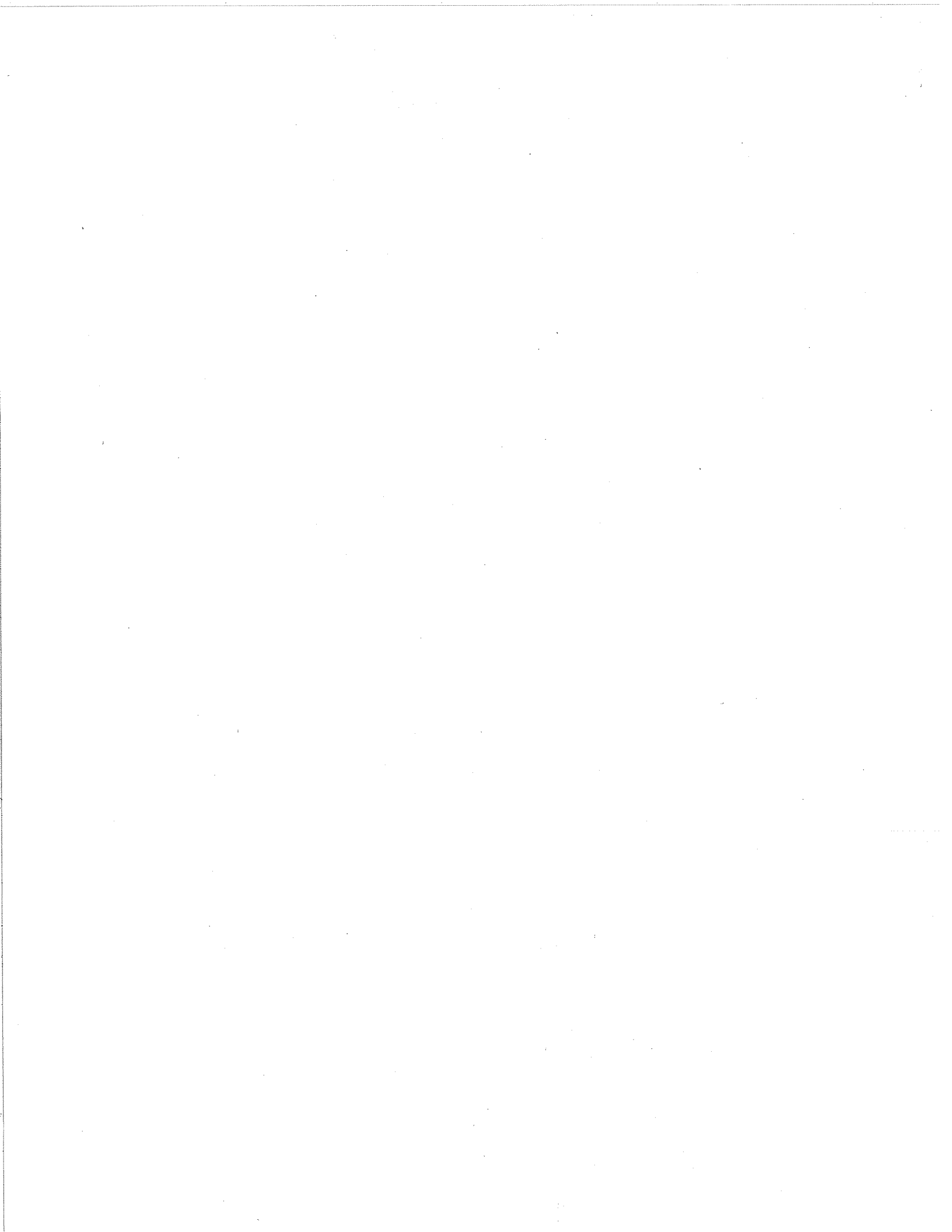
Asset forfeiture is an important tool for combating trafficking in persons. Senate Bill 492 provides a unified process to incorporate the forfeiture of property into a human trafficking case, allowing for the seizure of vehicles and other assets. Specifically, SB 492 modifies the forfeiture statutes by adding property "used in the course of, or intended for use in the course of" the crime as property subject to seizure and forfeiture, adding human trafficking and child sex crimes as offenses subject to vehicle forfeiture, and adding a criminal forfeiture procedure permitting the court hearing the underlying criminal case to also address the forfeiture proceeding.

Asset forfeiture can serve as a deterrent for human traffickers, since the end goal for human traffickers is profit. While lengthy jail time can provide a first step in deterring the crime, traffickers can often plea down their sentences; furthermore, traffickers are often willing to serve the time as long as they have their money waiting for them. Asset forfeiture is a strong penalty because it hits the trafficker where it hurts, providing ample risk to doing business in the state, and sending a clear message that the brutal crime is not tolerated and profits will be taken.

Asset forfeiture is a just punishment. It ensures that traffickers will not financially benefit from the exploitation, abuse, and enslavement of people.

Senators, I thank you for your time today and for allowing Senator Petrowski and I to share the details of this important bill. I am happy to answer any questions at this time.

¹ <http://www.polarisproject.org/what-we-do/policy-advocacy/prosecuting-traffickers/asset-forfeiture>



testimony



To: Members of the Senate Committee on
Transportation, Public Safety, and Veterans and
Military Affairs

Wisconsin Coalition Against Domestic Violence
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Date: January 21, 2014

From: Tony Gibart, Public Policy Coordinator

Chairman Petrowski, Members of the Committee, thank you for the opportunity to offer testimony today. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. End Domestic Abuse Wisconsin strongly supports Senate Bill 492 and thanks Senator Petrowski, Representative Loudenberg and the Wisconsin Department of Justice for bringing this critical legislation forward. Senate Bill 492 will significantly advance Wisconsin's response to one of the most under-recognized and inhumane crimes—human trafficking, the modern-day form of slavery.

I will also note that End Domestic Abuse Wisconsin is a member of the Wisconsin Statewide Anti-Human Trafficking Consortium. Last week, the Legislative and Policy Committee of the Consortium recommended that the Consortium support the legislation.

Over the last decade, law enforcement, victim service providers, child welfare officials and legislators have increasingly recognized human trafficking as a distinct and pernicious form of criminal activity. Through this increased awareness, Wisconsin has begun to grow its capacity to respond. However, our understanding of the scope of human trafficking nationally and in Wisconsin is still developing. Calls for help to the National Human Trafficking Resource Center Hotline increased approximately 260% from 2008 to 2012, suggesting that we are still in the process of reaching out to victims and uncovering the full extent of human trafficking in our country. Late last year in Wisconsin, our Department of Justice released its *Baseline Assessment of Human Trafficking*, which constitutes a first attempt to more systemically measure the problem. This initial data confirms anecdotal knowledge; human trafficking is a major problem throughout various regions of Wisconsin. Therefore, it is very appropriate that the Legislature continue to improve Wisconsin's legal framework for grappling with this issue. When enacted into law, Senate Bill 492 will represent a significant advancement in our state's ability to hold traffickers accountable and help free victims from the dehumanizing bondage of human trafficking.

I would like to point out a few aspects of the bill that we believe are especially essential elements to addressing human trafficking in the state:

- Following the trend in other states, SB 492 provides a process for a court to vacate or expunge prostitution convictions of trafficking victims who incurred the charges as a result of their victimization. The bondage of human trafficking should not follow survivors for a lifetime; however, when survivors were not initially recognized as victims of trafficking and instead prosecuted as criminals, it can become difficult, if not impossible, for them to rebuild their lives. SB 492 would give these survivors hope and opportunities at new beginnings.
- SB 492 makes the state definition of human trafficking more consistent with the federal definition by eliminating unnecessary redundancies that perpetrators currently use to confuse juries and escape accountability.
- SB 492 moves Wisconsin in the right direction by providing mechanisms to divert child trafficking victims from punitive criminal justice sanctions. Many times, child sex trafficking victims are


- convicted of prostitution. This result is almost always wrongheaded. The law holds that children are not able to consent to sexual activity. This principle should mean that not only is the crime of prostitution committed by a child a legally dubious concept; but also, children involved in prostitution are—and should be recognized as—victims. These children need services, not criminal sentences.

Thank you for allowing me to provide testimony today. Please support SB 492. I would be happy to answer any questions.



WISCONSIN CATHOLIC CONFERENCE

TO: State Senator Jerry Petrowski, Chair
Members, Senate Committee on Transportation, Public Safety, and Veterans and
Military Affairs

FROM: Barbara Sella, Associate Director 

DATE: January 21, 2014

RE: SB 492 – Human Trafficking

The WCC strongly supports Senate Bill 492 and Assembly Bill 620, which would strengthen Wisconsin's human trafficking laws, as well as protect the reputation, privacy, and civil liberties of Wisconsin residents.

Human trafficking constitutes one of the gravest offenses against the human family. It preys upon the most vulnerable women, children, and men who are frequently tricked or coerced into performing uncompensated work or degrading and dangerous activities. It denies everything that a civilized society stands for and that Catholic social teaching espouses: the protection of human dignity and human rights; the preferential option for the poor; the call to family and community; the rights of workers; and solidarity.

The Catholic Church, along with other religious and secular institutions, has been involved in combating human trafficking both nationally and internationally for some time. In the U.S., the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations, was one of the groups that helped draft the federal Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations.

This past December, Pope Francis addressed the issue of human trafficking in a speech for new ambassadors to the Vatican:

Human trafficking is a crime against humanity. We must unite our efforts to free the victims and stop this increasingly aggressive crime which threatens not only individuals but the basic values of society and of international security and justice, to say nothing of the economy, and the fabric of the family and our coexistence.

What is called for, then, is a shared sense of responsibility and firmer political will to gain victory on this front. Responsibility is required towards those who have fallen victim to trafficking in order to protect their rights, to guarantee their safety and that of their families, and to prevent the corrupt and criminals from

escaping justice and having the last word over the lives of others. Suitable legislative intervention in the countries of origin, transit and arrival, which will also facilitate orderly migration, can diminish this grave problem. (December 12, 2013)

The WCC, therefore, applauds Attorney General J.B. Van Hollen and the sponsors of Senate Bill 492 and Assembly Bill 620 for taking this legislative action. We strongly urge the Committee to pass these bills.