



DAVID STEFFEN

STATE REPRESENTATIVE • 4th ASSEMBLY DISTRICT

January 24, 2024

Testimony to the Assembly Committee on Criminal Justice and Public Safety

Chairman Spiros and Committee Members,

Thank you for the opportunity to testify in favor of Assembly Bill 974 relating to civil action in cases of child trafficking. This bipartisan bill is a result of the Speaker's Task Force on Human Trafficking and will expand options for victims of child trafficking to pursue civil action.

AB 974 makes two statutory changes:

1. This proposal increases the civil action-related statute of limitations for child trafficking victims to age 35. This change brings into alignment the statute of limitations for child trafficking with the current statute of limitations for sexual assault of a child (age 35). Under current law, victims of child trafficking are limited to a three-year period to bring forth a civil action. Extending the statute of limitations provides victims additional time to heal and establish the critical support network needed in order to pursue a civil case.
2. AB 974 also allows child trafficking victims to pursue civil action regardless of whether someone has been criminally convicted in their case. Under current law, a victim of child trafficking may only pursue civil action if there has been a criminal prosecution or conviction. AB 974 removes this barrier to civil action—allowing for victims to pursue civil action independent of a criminal case. Throughout the Task Force's hearings, committee members heard testimony regarding steps taken in other states to help combat trafficking and empower victims. This component of AB 974 mirrors state law in Texas and provides victims with an additional avenue to pursue justice.

During the Task Force's hearings, I truly was shocked to learn the scope of trafficking in our state, particularly in my region. The Green Bay Police Department provided data showing that from 2017-2023 they identified 229 traffickers, 401 victims, and 124 trafficking networks. Green Bay Detective Pakkala remarked that Green Bay is "flourishing" with this type of criminal activity.

Child trafficking is undoubtedly a complex and heartbreaking issue without a simple solution. Expanding legal options for victims is one important part of that solution.

I hope you will join me in supporting this legislation.

A handwritten signature in black ink, appearing to read "David Steffen".

David Steffen
4th Assembly District



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Testimony for the Assembly Committee on Criminal Justice and Public Safety

Assembly Bill 974

Relating to: the civil causes of action for human trafficking and trafficking a child

Wednesday, January 24, 2024

Thank you to the Committee Chair and committee members for allowing us this opportunity to address the background for this bill.

Human trafficking is a global crisis. It affects countless lives, including many individuals right here in Wisconsin. According to the National Human Trafficking Hotline, since the program's inception in 2007, Wisconsin has had 796 human-tracking cases involving 1,640 victims. While those statistics are striking, a 2019 DOJ study found that sex-trafficking data is under-reported, so the true number of victims is likely much higher.

As Chair of the Speaker's Task Force on Human Trafficking, I would like to share a few thoughts on this bill. This bill is a product of the hearings held during the past four months where our Human Trafficking Task Force attempted to better understand how trafficking is affecting our society, especially young people. We learned from agency representatives, DOJ, County DA offices, multiple speakers from local law enforcement, and not-for-profit victim support organizations what a challenge it is to turn the tide of human trafficking in Wisconsin.

This exercise gave us a clear pathway to several bills we could introduce that would have an effective influence and help reduce the level of sex and child sex trafficking in Wisconsin. This is one of those bills and the Task Force recommends it for passage.

The proposal raises the statute of limitations for civil actions related to child trafficking victims to the age of 35, aligning it with the existing limit for sexual assault of a child. Currently, child trafficking victims have a restricted three-year timeframe under the law to initiate civil actions. The statute of limitations extension grants victims more to heal and establish support networks before pursuing civil action.

In addition, AB 974 allows victims to pursue civil action regardless of whether someone has been criminally charged or convicted of trafficking. This component of AB 974 mirrors a Texas state law. By lifting a barrier, trafficking victims can pursue civil action independently of a criminal case, enabling them an additional opportunity to seek justice and accountability from their trafficker and those who profited from it.

I thank Rep. Steffen and Sen. Ballweg for authoring this bill and testifying on its behalf.

AB 974 – Civil Cause of Action Based on Violation of Child Trafficking (Rep. Steffen)

Background

Current law allows any person who incurs an injury or death as a result of a violation of the crime of trafficking of a child¹ to bring a civil action against the person who committed the violation. In addition to actual damages, the court may award punitive damages to the injured party, not to exceed treble the amount of actual damages incurred, and reasonable attorney fees. Current law does not provide a limitations period specific to this cause of action and, therefore, the default three-year limitations period for claims based on injury or death would apply. In comparison, certain causes of action are subject to a specialized limitations period; for example, an action to recover damages for injury caused by an act that would constitute a violation of sexual assault of a child may be commenced any time until the injured party reaches the age of 35 years.

Recommendation

The task force recommends LRB-5315/1, which makes two changes affecting the civil cause of action based on child trafficking. First, the bill draft creates a specialized limitations period and allows an injured party to commence a claim at any time until reaching the age of 35 years. Second, the bill draft clarifies that a person who incurs an injury or death as a result of a violation of child trafficking may bring the cause of action regardless of whether anyone was prosecuted or convicted for the violation of child trafficking.

¹ The crime of trafficking of a child prohibits a person from knowingly recruiting, enticing, providing, obtaining, harboring, transporting, patronizing, or soliciting a child, or knowingly attempting to do any of those acts, for the purpose of commercial sex acts. The crime of trafficking of a child also prohibits any person from benefiting in any manner from doing one of the above for the purpose of commercial sex acts, if the person knows that the benefits come from an act of trafficking of a child. The penalty for violating the crime of trafficking of a child is a Class C felony. [s. 948.051, Stats.]



January 24, 2024

Assembly Bill 974—Relating to: the civil causes of action for human trafficking and trafficking a child.

Assembly Committee on Criminal Justice and Public Safety

Good morning, Chairman Representative John Spiros, Vice Chairwoman Representative Ellen Schutt, and Members of the Assembly Committee on Criminal Justice and Public Safety. Thank you for the opportunity to testify in support of Assembly Bill 974—Relating to: the civil causes of action for human trafficking and trafficking a child.

I would like to first thank Representative David Steffen for his work on this bipartisan bill, which comes as one of the 8 bipartisan bill recommendations from the Assembly Speaker's Task Force on Human Trafficking.

Today I stand in full support of this bill because it would increase access to civil recourses for people who were trafficked as children. Under current law, a victim of human or child trafficking may bring a civil cause of action against their trafficker, but only within three years from the date of the injury incurred by trafficking. However, under current law a person who was sexually assaulted or subjected to incest as a child may seek a civil cause of action so long as that action commences before the person turns 35.

Assembly Bill 974 would permit a victim of child trafficking to bring a cause of civil action until the age of 35, as well as clarify that this civil action may proceed regardless of whether the perpetrator was prosecuted or convicted of child trafficking. This change is important for empowering survivors of child trafficking, especially when we consider the intense amount of trauma associated with escaping trafficking. By extending the period of time in which a child trafficking survivor can bring a civil cause of action, we will allow survivors to seek extensive help and heal from their experiences before they need to seek legal action. It is crucial that our approach to ending human trafficking includes not only mechanisms for appropriately punishing perpetrators of this heinous crime, but also includes elements that provide for the emotional protection and healing of survivors.

Thank you for giving me the opportunity to testify in favor of Assembly Bill 974. I hope that you all are now better informed about the current limitations surrounding civil courses of action for child trafficking victims and understand how this bill would lessen the burden on survivors seeking justice. I am happy to answer any questions.



WISCONSIN CATHOLIC CONFERENCE

TO: Members, Committee on Criminal Justice and Public Safety
Members, Committee on Workforce Development & Economic Opportunities
Members, Committee on Jobs, Economy, and Small Business

FROM: David Earleywine, Associate Director

DATE: January 24, 2024

RE: Support for AB-970, AB-971, AB972, AB-973, AB-974, AB-976, AB-978,
AB-979, AB-980, AB-981, Human Trafficking

On behalf of the Wisconsin Catholic Conference, the public policy voice of the bishops of Wisconsin, I would like to thank you for the opportunity to testify in support of the following bills being heard in this and other Assembly committees today:

AB-970, Sex Offender Registration for Certain Crimes
AB-971, Human Trafficking of Adults at Risk for the Purpose of Commercial Sex Acts
AB-972, Solicitation for Prostitution and Providing a Penalty
AB-973, Mandatory Training Regarding Human Trafficking
AB-974, Civil Cause of Action for Human Trafficking and Trafficking a Child
AB-976, Testimony of a Child in a Criminal Proceeding for a Human Trafficking Crime
AB-978, Creation of a Human Trafficking Council
AB-979, Human Trafficking Victim Services Grant Program
AB-980, Displaying a Human Trafficking Resource Center Hotline Poster
AB-981, Instruction on Human Trafficking in Certain Specialty Schools (Barbering)

Human trafficking constitutes one of the gravest offenses against basic human rights and dignity. It preys upon the most vulnerable men, women, and children, who are frequently coerced into performing the most degrading forms of human labor. 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.

As of 2022, it is estimated that over 27 million people are victims of human trafficking.¹ This can take the form of sexual exploitation, forced marriage, coerced and forced labor, child soldiers, and more. That number includes more than 3.3 million children. In

¹ International Labour Organization, *Global Estimates of Modern Slavery*, (September 2022)
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf



WISCONSIN CATHOLIC CONFERENCE

Wisconsin specifically, the National Human Trafficking Hotline reports nearly 800 cases involving over 1,600 victims with the vast majority suffering from sex trafficking.²

The Catholic Church, along with other religious and secular institutions, is involved in combating human trafficking both nationally and internationally. 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.³ Catholic women religious have been at the forefront of anti-trafficking work.⁴ They and countless other lay Catholics reach out directly to persons who are being trafficked to help with housing, transportation, childcare, employment, etc. In Milwaukee, the newly established St. Bakhita House, in partnership with Franciscan Peacemakers Clare Community, provides supportive community housing for women who are seeking to escape sex trafficking. Across Wisconsin, among people of every faith, awareness is growing that sex trafficking is destroying lives and wreaking havoc on families and communities.

The WCC, therefore, applauds the Speaker and those involved with the bipartisan task force for bringing forward these bills. These bills strive to give victims of human trafficking some hope that they will be delivered from their bondage and help prevent others from being ensnared in this violent and degrading world. We strongly urge the Legislature to pass these bills.

² Spectrum News 1, *How big of a problem is sex trafficking in Wisconsin?* (April 24, 2023) <https://spectrumnews1.com/wi/milwaukee/news/2023/04/19/part-1--how-big-of-a-problem-is-sex-trafficking-in-wisconsin->

³ The Coalition of Catholic Organizations Against Human Trafficking (CCOAH) <https://www.usccb.org/offices/anti-trafficking-program/coalition-catholic-organizations-against-human-trafficking>

⁴ U.S. Catholic Sisters Against Human Trafficking: <https://sistersagainstrafficking.org>