

## Wisconsin Human Trafficking Statutes

### *Human Trafficking*

*See Wis. Stat. § 940.302*

Human trafficking is recruiting, enticing, harboring, transporting, providing or obtaining an individual (or attempting to do so)...



...For the purposes of a commercial sex act or labor or services...



By means of causing or threatening to cause bodily or financial harm to any individual; or restraining or threatening to restrain any individual; or by violating or threatening to violate a law; or by extortion or fraud or deception or debt bondage; or destroying, concealing, removing, confiscating or possessing or threatening to do so with any actual or purported passport or any other actual or purported official identification document of any individual; or controlling or threatening to control any individual's access to an addictive controlled substance; or using any scheme or pattern or other means to directly or indirectly coerce, threaten or intimidate any individual; or to use or threaten to use force or violence against any individual; or to cause or threaten to cause an individual to do any act against the individual's will or without the individual's consent.

*Wis. Stat. § 940.302 (2)(a) 2.*

### ***Human Trafficking of a Child (Wis. Stat. § 948.051 )***

- (1) Whoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts, as defined in s. 940.302 (1) (a), is guilty of a Class C felony.
- (2) Whoever benefits in any manner from a violation of sub. (1) is guilty of a Class C felony if the person knows that the benefits come from an act described in sub. (1).

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### Affirmative Defense



- A victim of labor, sex or child sex trafficking has an affirmative defense for any offense committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted for the human trafficking violation. *Wis. Stat. § 939.46(1m)*

### Record Clearing



- A victim of trafficking for the purpose of a commercial sex act may request a court to vacate a conviction, adjudication, or finding, or to expunge the record for a violation of prostitution. *Wis. Stat. § 973.015 (2m)*

### Pre-trial Diversion



- In prostitution cases, if the person charged has not attained the age of 18 years and if the court determines that the best interests of the person are served and society will not be harmed, the court may enter a consent decree or a deferred prosecution agreement. *Wis. Stat. § 944.30 (2m)*

### Access to Civil Damages



- Any person who incurs an injury or death as a result of a violation of sex, labor or child sex human trafficking may bring a civil action against the person who committed the violation. In addition to actual damages, the court may award punitive damages and reasonable attorney fees. *Wis. Stat. § 940.302(3)*