



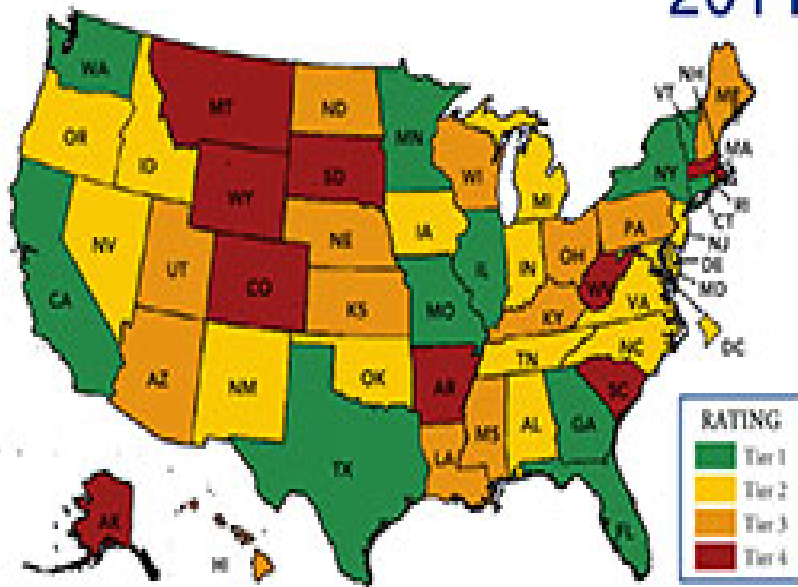
WISCONSIN TRAFFICKING Statutes

§940.302 & §948.051

Wisconsin Act 116 2007

Enacted March of 2008

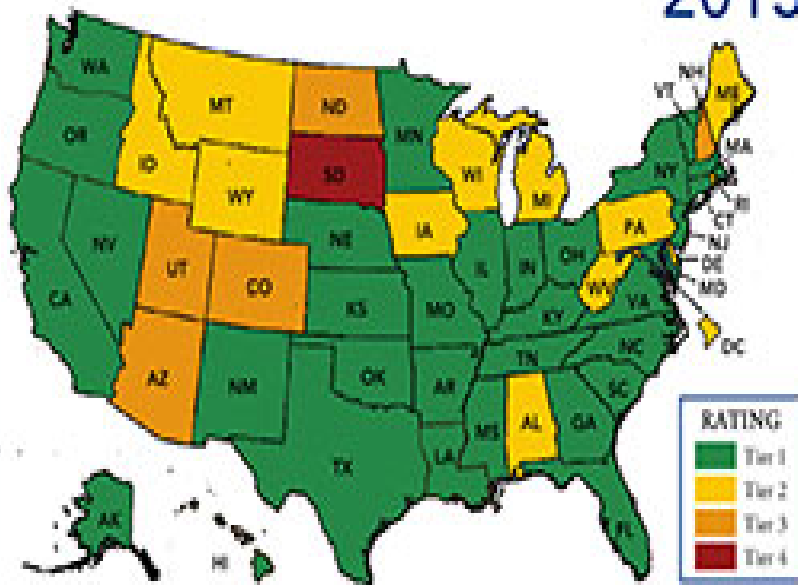
2011



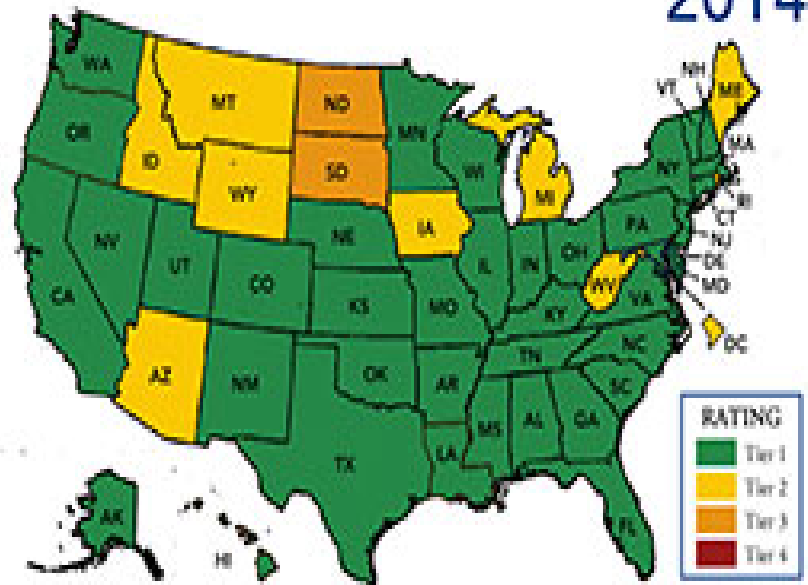
2012



2013



2014



Human Trafficking § 940.302

- 1) **ACTION**- recruit, entice, harbor.... or attempt to
- ****Without consent**
- 2) **MEANS** –fraud, force, coercion
- 3) and **PURPOSE** commercial sex act



Changes to Action § 940.302

REMOVAL OF NON-CONSENT

Changes to Means § 940.302

- Controlling **or threatening to control** any individual's access to an addictive controlled substance.
- Using any scheme, pattern or other means to directly or indirectly coerce, threaten or intimidate any individual
- Using or threatening to use force or violence on any individual
- Causing or threatening to cause any individual to do any act against his or her will, without consent

Changes to Purpose § 940.302

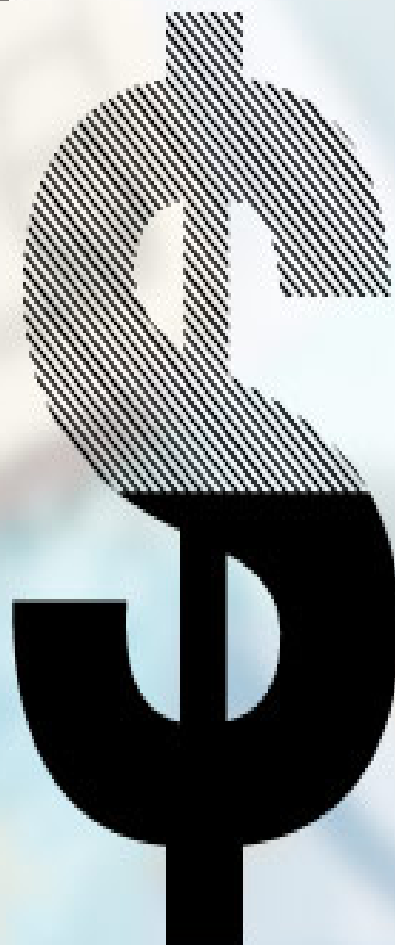
- Expanding the definition of “commercial sex act”
 - Sexual contact & Sexual intercourse
 - Includes sexually explicit performance
 - Includes conduct done for the purpose of:
 - Sexual humiliation
 - Degradation
 - Arousal
 - Sexual gratification

INTERNATIONAL CRIME INDUSTRIES:

1. Illegal drugs

2. Arms trafficking

3. Human trafficking



\$32 billion
generated annually

\$15.5 billion
from industrialized
countries

Forfeitures § 973.075 & § 973.076

- Added property “used in the course of, or intended for use in the course of” the crime as property subject to seizure and forfeiture,
- Added human trafficking and child sex crimes as offenses subject to vehicle forfeiture, and
- Added a criminal forfeiture procedure permitting the court hearing the underlying criminal case to also address the forfeiture proceeding.

Victims: WI Affirmative Defense: §939.46(1m)

939.46 (1m) A victim of a violation of s. 940.302 (2) or 948.051 has an affirmative defense for any offense committed as a direct result of the violation of s. 940.302 (2) or 948.051 without regard to whether anyone was prosecuted or convicted for the violation of s. 940.302 (2) or 948.051.

CHILD VICTIMS

- No Safe Haven
- No Immunity
- Charged
- Prostitution is a crime

Prostitution §944.30

- Limit the ability to prosecute minors
 - 17 year olds are adults
 - §944.30(2m) If under 18, the court can determine that the best interest of the child are served and society is not harmed options of consent decrees or deferred prosecutions

Victim Awareness

- Victims have been convicted/ adjudicated of prostitution.
- § 973.015(2m) Allows a prostitution conviction vacated or expunged
- Vacate:
 - Recognition of factual innocence
- Expungement:
 - Removal from your record

§ 973.015(2m)

- The violation was a result of being a trafficking victim for the purposes of a commercial sex act.
- Motion must contain a statement of facts and, if applicable, the reason they did not raise an affirmative defense/allege it was committed as a result of being a victim, may include:

§ 973.015(2m)

- 1. Certified records of federal or state court proceedings.
- 2. Certified records of approval notices, law enforcement certifications, or similar documents generated from federal immigration proceedings.
- 3. Official documentation from a federal, state, or local government agency.
- 4. Other relevant and probative evidence of sufficient credibility in support of the motion.

§ 973.015(2m)

- Motion to the court and the prosecuting office
- Court gives the district attorney's office an opportunity to respond to the motion.
- The court determines that the person will benefit and society will not be harmed by a disposition.



Karie D. Cattanach
Assistant Attorney General
Criminal Litigation
608-264-6360
cattanachkd@doj.state.wi.us