



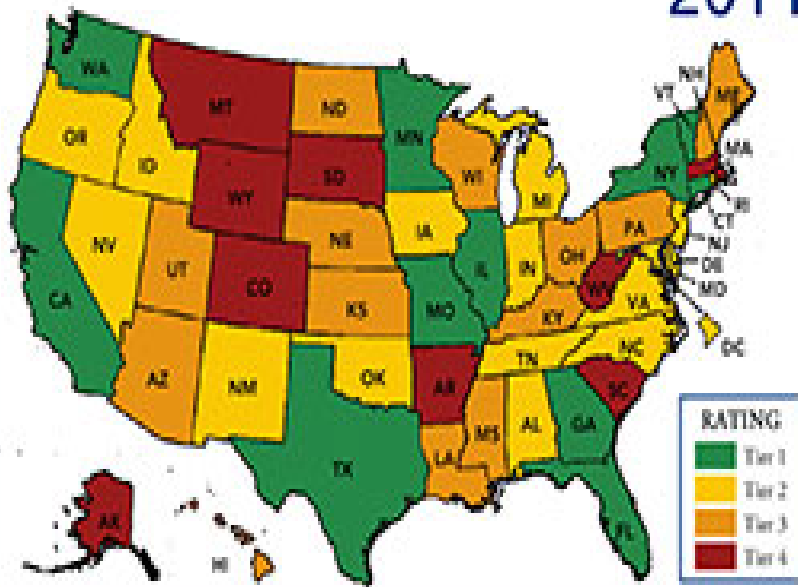
# WISCONSIN TRAFFICKING Statutes

§940.302 & §948.051

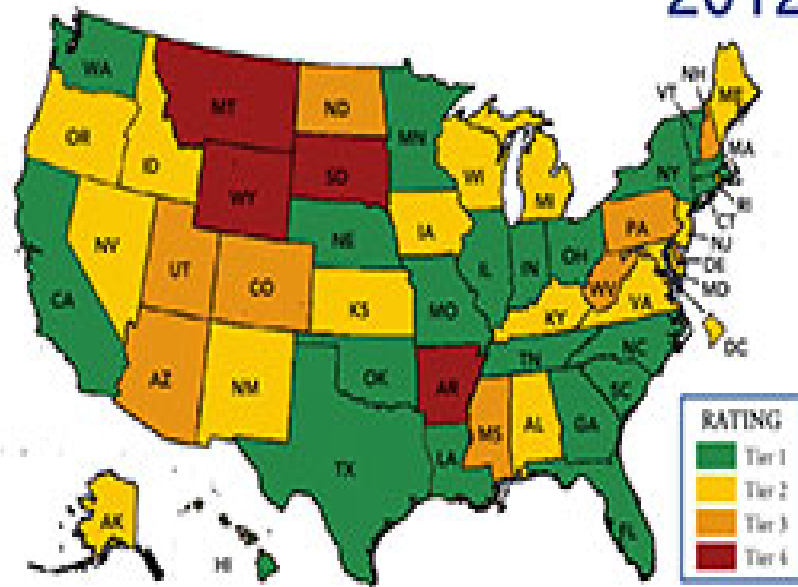
Wisconsin Act 116 2007

Enacted March of 2008

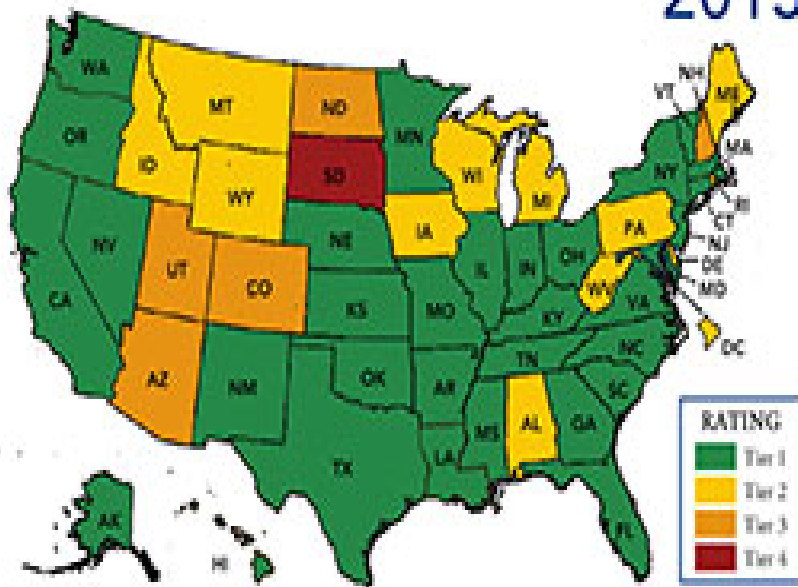
2011



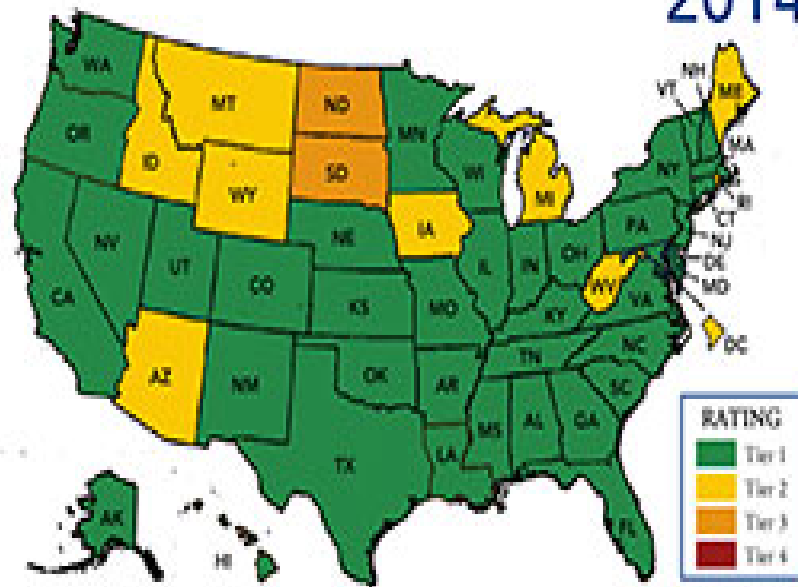
2012



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

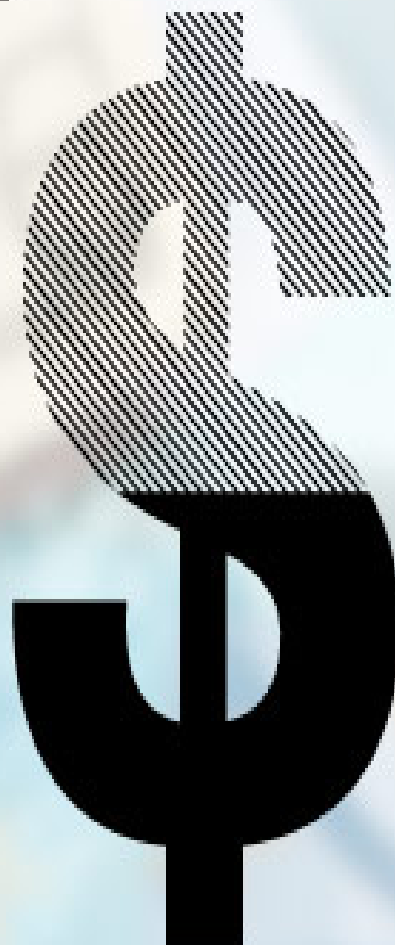
- Expanding the definition of “commercial sex act”
  - Sexual contact & Sexual intercourse
  - Includes sexually explicit performance
  - Includes conduct done for the purpose of:
    - Sexual humiliation
    - Degradation
    - Arousal
    - Sexual gratification

# 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.



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