



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR

To: Members of the Wisconsin Legislature

From: Governor's Juvenile Justice Commission

Re: Assembly Bill 48/Senate Bill 55, relating to: prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution.

Date: **May 10, 2023**

The Governor's Juvenile Justice Commission (GJJC) was re-created by Executive Order #43 on September 3, 2019. The GJJC serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and members of non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes justice involved youth members and individuals with lived experience within the juvenile justice system.

The GJJC supports Assembly Bill 48/Senate Bill 55 that relates to prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution. This legislation, also known as Safe Harbor legislation, is primarily designed to steer young victims of commercial sexual exploitation and sex trafficking away from delinquency or criminal justice system involvement.

In Wisconsin, sex trafficking of a child involves the use of a child for commercial sex acts, whether or not any force, fraud or coercion is involved. Any involvement of a minor in sexual acts for money or anything of value, including basic survival needs, is against the law.¹

Children are being sex trafficked in Wisconsin. In 2019, 74.38% of Wisconsin police chiefs and sheriffs believed this to be true.² Of note, twenty-four law enforcement agencies in 16 counties reported arrests of juveniles for prostitution between 2014 and 2018 and zero human trafficking incidents for the same timeframe. Ten of 13 agencies that reported having incidents involving a minor trading sex for something of value recorded zero human trafficking incidents for the same time period. 58% of chief and sheriff respondents reported that their agencies enforce prostitution laws against juveniles. An additional 25% reported it would depend on the circumstances whether they would do so. This data raises the question of whether children are being properly identified and treated as victims of child sex trafficking.

Additional responses to this 2019 law enforcement survey related to human trafficking indicated many agencies consider factors that do not align with statutory elements when deciding whether to charge a juvenile with prostitution (such as: the exact age of the minor, the age of the sex buyer, whether the minor was forced, etc.).

¹ Wisconsin Department of Justice. 2020. [Human Trafficking A Guide for Criminal Justice Professionals](#).

² Wisconsin Department of Justice. 2020. [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin Five Key Takeaways](#).

Some agencies indicated a prostitution arrest might be used as leverage to get victims into the justice system for services.³

Current best practices recommend taking a holistic approach to working with victims of sex trafficking. This includes treating them as victims, using the same interview techniques as those used in child abuse cases, increasing access to victim sensitive and other targeted services, and focusing on more significant penalties for those who recruit, traffic, and abuse children.⁴

These bills would have Wisconsin join 30 plus states that treat victims of sex trafficking as victims and protect them from being further stigmatized and punished in the juvenile justice or criminal justice system. This change in statute would also provide clear guidance to all criminal justice partners so child sex trafficking victims are treated fairly throughout the state.

The GJJC would like to thank the group of bipartisan legislators that have introduced this bill that would eliminate the charging of minors for prostitution by clarifying children cannot legally consent to sex with an adult.

Thank you for the opportunity to provide input and recommendations on AB 48/SB55.

Sincerely,

Carl Ashley

Diane Rondini

Milwaukee County Circuit Court Judge Carl Ashley

Diane Rondini

GJJC Policy, Legislation and Compliance Co – Chairs

cc: Governor Tony Evers
Governor's Juvenile Justice Commission
Wisconsin Legislature

Attachment – GJJC Membership

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³ Wisconsin Department of Justice. 2020. [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin](#).

⁴ Office of Juvenile Justice and Delinquency Prevention. 2002. [Protecting Our Children: Working Together to End Child Prostitution](#).

Governor's Juvenile Justice Commission

Secretary Emilie Amundson, Department of Children and Families

Judge Carl Ashley, Milwaukee Co Circuit Court

Secretary Kevin Carr, Department of Corrections

Jennifer Ginsburg, Executive Director, Safe Harbor Child Advocacy Center

Ben Gonring, Assistant State Public Defender, Madison

Charles Greer, Children's Hospital of Wisconsin, Child Welfare Supervisor

Sharlen Moore, Youth Justice Milwaukee Director

Edjron Pearson, Superintendent, Dane County Juvenile Detention Center

Dorinthia Robinson, Youth Justice Volunteer

Diane Rondini, Former State Public Defender, Juvenile Justice Advocate

JP Rotatori, Youth Member, Youth Counselor and Student

Tweed Shuman, Sawyer Co Board Chairman, Lac Courte Oreilles Tribal Council

Charles Tubbs, Sr., Director of Dane Co Emergency Management

Marcus Williams, Youth Member

Youth Leadership Team Member, Department of Children and Families

Youth Leadership Team Member, Department of Children and Families