



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR
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To: Members of the Wisconsin Legislature
From: Governor's Juvenile Justice Commission (GJJC)
Re: Assembly Bill 79/Senate Bill 73, relating to: prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution
Date: May 14, 2025

As the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice and authorized by state Executive Order #43 and the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the Governor's Juvenile Justice Commission (GJJC) supports Assembly Bill 79/Senate Bill 73 relating to prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution. The legislation will steer young victims of commercial sexual exploitation and sex trafficking away from delinquency or criminal justice system involvement.

The GJJC has reached consensus in their support for this legislative change. The GJJC urges the legislature to adopt this bill and fulfill the vision of a state in which all youth and families are safe, healthy, educated, supported equitably, and provided opportunities to achieve their full potential. The GJJC is a collaborative body made up of professionals and individuals representing a broad swath of the juvenile justice system. Members include a Chief Circuit Court Judge, a licensed psychologist, a Public Defender, a Deputy District Attorney, a social worker, elected officials, victim advocates, youth advocates, and tribal representatives. There are representatives from the Department of Corrections - Division of Juvenile Corrections, and the Department of Children and Families - Bureau of Youth Services. Each Commissioner uses their expertise to identify best practices and advocate for necessary reforms.

In most circumstances, Wisconsin statutes make it a crime for an adult to have sexual contact with a minor.¹ State law criminalizes human trafficking for commercial sex acts regardless of the victim's age² and defines "sex trafficking of a child [as involving] 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."³ These laws place the culpability for child sex trafficking on the trafficker. However, state law also currently allows courts to prosecute or adjudicate delinquent youth under the age of 18 for acts of prostitution.⁴ These conflicting statutes punish Wisconsin youth for being assaulted or exploited.

¹ [948.02 Sexual assault of a child.](#)

² [940.302 Human trafficking.](#)

³ Pg. 3. Wisconsin Department of Justice. 2020. [Human Trafficking A Guide for Criminal Justice Professionals.](#) See also See §§ 939.23 (6) and 939.43 (2).

⁴ [944.30 Prostitution.](#)

Data shows that agencies arrest youth every year on prostitution charges.⁵ Agencies report using a prostitution arrest as justification for taking them into custody and as leverage to get victims into the juvenile system for services.⁶ However, law enforcement have other mechanisms for protective victims than arrest: when there are reasonable grounds of dangerous conditions, law enforcement officers are authorized to take youth into protective custody.⁷ Law enforcement and other frontline workers can report child sex trafficking to Child Protective Services (CPS)⁸ for assessment and refer youth victims to human trafficking services available outside the juvenile justice system.⁹ Instead of prosecuting victims, the Wisconsin Department of Justice reports that addressing human trafficking requires enforcement against traffickers and services that provide for the basic survival needs of victims both in the short and long term.¹⁰ Not only is sanctioning victims to direct them to services counterproductive, it distracts from enforcement activities against the perpetrators—the sexual assailants and human traffickers. Arresting and prosecuting child and teen trafficking victims can validate the threats and psychological manipulation used by traffickers to maintain control over their victims: that victims should fear and distrust the system and instead believe that “protecting the trafficker is the best way to stay safe.”¹¹ A delinquency adjudication can add additional barriers to the victims’ professional and material success later in life.¹² As such, the GJJC supports the proposed legislation that steers young victims of commercial sexual exploitation and sex trafficking away from delinquency or criminal justice involvement.

If this legislation is passed, Wisconsin would join 30 states and the District of Columbia in treating victims of sex trafficking as victims, and protect them from stigmatization and further punishment in the juvenile justice or criminal justice system. The change in statute would provide clear guidance to all law enforcement and criminal justice professionals regarding fair treatment of victims statewide.

The members and leadership of the GJJC thank the bipartisan co-sponsors of this legislation. The GJJC strives to positively impact youth and families by promoting reforms that prevent youth from unnecessarily becoming involved in the juvenile justice system. The Commission advocates for adopting trauma and evidence-informed interventions that invest in families, schools, and diversion-focused community-based programs.

Sincerely,

Diane Rondini

Aidan Raney

GJJC Chair Diane Rondini

GJJC Vice Chair Aidan Raney

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

Attachment – GJJC Membership

⁵ Wisconsin Uniform Crime Reporting Arrest Data for “prostitution/commercial vice” offenses:

<https://www.wisdoj.gov/Pages/DataAndStatistics/arrests-submitted-criminal-history-repository.aspx>.

⁶ Wisconsin Department of Justice. 2020. [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin](#).

⁷ Wisconsin State Statute 48.19(1)(d)5. <https://docs.legis.wisconsin.gov/document/statutes/48.19>.

⁸ “Human Trafficking,” Victim/Survivor Services Information, Wisconsin Department of Children and Families, <https://dcf.wisconsin.gov/victimservices>.

⁹ “Human Trafficking Find Help” Wisconsin Department of Justice, <https://www.wisdoj.gov/Pages/PublicSafety/human-trafficking-find-help.aspx>.

¹⁰ Wisconsin Department of Justice. 2020. [Human Trafficking A Guide for Criminal Justice Professionals](#).

¹¹ Pg. 11-12. Wisconsin Department of Justice. 2020. [Human Trafficking A Guide for Criminal Justice Professionals](#).

¹² [Collateral Consequences of Juvenile Delinquency Proceedings: A Guide for Juvenile Court Professionals](#).