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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2013 Assembly Bill 681</b>	<b>Assembly Amendment 1</b>
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### Background

Under current law, a person who incurs an injury or death as a result of a violation of human trafficking may bring a civil action against the person who committed the violation. 2013 Assembly Bill 681 (hereinafter, “the bill”) creates a civil cause of action for a person who is a victim of commercial sexual exploitation against a person who does any of the following:

- Commits an act of commercial sexual exploitation involving the victim.
- Advertises or publishes advertisements for the purpose of recruiting a victim for an act of commercial sexual exploitation.
- Receives money or other compensation as a result of committing an act of commercial sexual exploitation involving the victim.

The bill defines “**commercial sexual exploitation**” to mean an act that is a violation of one of the following criminal offenses, regardless of whether or not the act resulted in criminal charges, prosecution, or conviction: (1) human trafficking, if the violation involves a commercial sex act<sup>1</sup>; (2) soliciting prostitutes; (3) pandering; (4) keeping a place of prostitution; (5) sexual exploitation of a child; (6) trafficking of a child; (7) soliciting a child for prostitution; or (8) possession of child pornography. It also defines a “**victim**” to mean any of the following:

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<sup>1</sup> For purposes of the crime of human trafficking, a “commercial sex act” is defined as “sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person. [s. 940.302 (1) (a), Stats.]

- A person who was trafficked for the purpose of committing a commercial sex act, if the act of commercial sexual exploitation is a violation of human trafficking.
- A person who committed or was recruited, hired, or paid to commit an act of prostitution, if the act of commercial sexual exploitation is a violation of any of the following crimes: (1) soliciting prostitutes; (2) pandering; or (3) keeping a place of prostitution.
- A person who is or was, at the time of the act of commercial sexual exploitation, the child involved if the act of a commercial sexual exploitation is any of the following crimes: (1) sexual exploitation of a child; (2) trafficking of a child; (3) soliciting a child for prostitution; or (4) possession of child pornography.

### **Assembly Amendment 1**

Assembly Amendment 1 makes the following changes to the definition of a “**victim**,” for purposes of commercial sexual exploitation civil causes of action:

- Clarifies that a person is a “victim” if he or she was trafficked for the purpose of committing a commercial sex act in violation of the crime of human trafficking.
- Deletes the portion of the definition found in the second bullet point listed above so that a “victim” does not include a person who committed or was recruited, hired, or paid to commit an act of prostitution, if the act of commercial sexual exploitation is a violation of any of the following crimes: (1) soliciting prostitutes; (2) pandering; or (3) keeping a place of prostitution.

### **Bill History**

On February 4, 2014, Representative Billings introduced Assembly Amendment 1. On February 20, 2014, the Assembly Committee on Criminal Justice voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 10; Noes, 0; and Absent, 1; and subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 10; Noes, 0; and Absent, 1.

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