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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2015 Assembly Bill 737**

**Assembly Amendments 1 and 2**

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### **2015 ASSEMBLY BILL 737**

Assembly Bill 737 (the bill) expands what constitutes a crime of child sex trafficking to include child sex trafficking under the definition of abuse in the Children’s Code, require the reporting and investigation of certain suspected child abuse cases involving prostitution or child sex trafficking, and makes changes to the information required to be in a court order or provided to a care provider when a child is placed outside the home. Specifically, the bill does all of the following:

- Expands what actions constitute a violation of the crime of child sex trafficking to include either knowingly **transporting** any child for the purpose of a commercial sex act<sup>1</sup>, or knowingly attempting to do so.
- Adds a violation of the crime of child sex trafficking to the definition of “abuse” in the Children’s Code. In doing so, it allows a child who is the victim of child sex trafficking to be the subject of a child in need of protection or services (CHIPS) petition that alleges the child is a victim of abuse.
- Requires a sheriff or police department to refer to a child welfare agency<sup>2</sup> a reported case of child abuse in which a person who was not a caregiver of the child is suspected

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<sup>1</sup> A “commercial sex act” is defined to mean any of the following for which anything of value is given to, promised, or received, directly or indirectly, by any person: (1) sexual contact; (2) sexual intercourse; (3) sexually explicit performance; or (4) any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification. [s. 940.302 (1) (a), Stats.]

<sup>2</sup> A “child welfare agency” is a county department of human or social services, the Department of Children and Families (DCF) in Milwaukee County, or a licensed child welfare agency under contract with a county department or DCF.

of permitting, allowing, or encouraging the child to engage in prostitution or trafficking the child for purposes of a commercial sex act. The bill also requires the child welfare agency to investigate such reported cases.

- Eliminates the requirement that a juvenile court<sup>3</sup>, when entering a dispositional order in a CHIPS or juvenile in need of protection or services (JIPS) case, make a finding as to whether a child welfare agency made “reasonable efforts” to prevent the removal of a child or juvenile from his or her home if both of the following apply: (1) the child or juvenile’s parent was convicted of a violation of the crime of child sex trafficking; and (2) the victim was the parent’s child.
- Requires a child welfare agency to provide certain information to a substitute care provider<sup>4</sup>, when a juvenile is placed outside of the home and into the care of a substitute care provider. Specifically, the bill requires the child welfare agency to provide information that relates to any involvement of the juvenile, either as a victim or perpetrator, in a violation of the crime of human trafficking for purposes of a commercial sex act or a violation of the crime of child sex trafficking, if the information is necessary for the care of the juvenile for the protection of any person under the substitute care provider’s care. Current law requires that this information be provided to a substitute care provider if a child is placed in a substitute care provider’s care under the Children’s Code.

The bill also specifies that it takes effect on October 10, 2016.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 (AA 1) amends the delayed effective date from October 10, 2016, to May 29, 2017.

### **ASSEMBLY AMENDMENT 2**

Assembly Amendment 2 (AA 2) expands what actions constitute a violation of the crime of child sex trafficking to also include either knowingly **patronizing** or **soliciting** any child for the purpose of a commercial sex act, or knowingly attempting to do so.

### **BILL HISTORY**

Representative Loudeneck introduced AA 1 on January 29, 2016, and AA 2 on February 1, 2016. On February 10, 2016, the Assembly Committee on Children and Families voted to recommend adoption of AA 1 and then AA 2, both by votes of Ayes, 13; Noes, 0. The committee

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<sup>3</sup> A “juvenile court” is a court that is assigned to exercise jurisdiction under the Children’s Code or Juvenile Justice Code.

<sup>4</sup> A “substitute care provider” is a foster home, group home, residential care center for children and youth, juvenile correctional facility, or relative other than a parent.

subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 13; Noes, 0.

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