



2023 SENATE BILL 946

January 26, 2024 - Introduced by Senators JAMES, BALLWEG, CARPENTER, L. JOHNSON, LARSON, TAYLOR, TESTIN and WIRCH, cosponsored by Representatives BILLINGS, O'CONNOR, ALLEN, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, BEHNKE, BRANDTJEN, CONLEY, CONSIDINE, DITTRICH, DRAKE, EDMING, EMERSON, GREEN, GUNDRUM, GUSTAFSON, HURD, JOERS, KITCHENS, KRUG, MADISON, MAXEY, MELOTIK, MOORE OMOKUNDE, MURPHY, MURSAU, OHNSTAD, PALMERI, PENTERMAN, RATCLIFF, SHANKLAND, SINICKI, STUBBS, SUBECK and HAYWOOD. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to create** 972.11 (2m) (a) 2. am. of the statutes; **relating to:** the
2 testimony of a child in a criminal proceeding for a human trafficking crime.

Analysis by the Legislative Reference Bureau

Current law provides that in any criminal prosecution, the testimony of a child witness who is under 12 years of age, or under 16 years of age if the interest of justice so requires, may be taken in a room other than the courtroom and simultaneously televised in the courtroom if the court finds both of the following:

1. That the presence of the defendant during the taking of the child's testimony will result in the child suffering serious emotional distress such that the child cannot reasonably communicate.

2. That taking the testimony of the child in a room other than the courtroom and simultaneously televising the testimony in the courtroom is necessary to minimize the trauma to the child of testifying in the courtroom setting and to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.

This bill provides that, in a criminal prosecution for a human trafficking crime, the testimony of a child witness who is under 18 years of age may be taken in a room other than the courtroom and simultaneously televised in the courtroom if the court makes those same findings.

