



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 116
[2007 Senate Bill 292]

Human Trafficking

2007 Wisconsin Act 116 creates the following provisions regarding human trafficking:

1. In general, a person will be guilty of a Class D felony if the person knowingly engages in trafficking under statutorily specified circumstances. The term “trafficking” means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual without consent of the individual. The maximum penalty for a Class D felony is a \$100,000 fine, a term of confinement of 15 years, and extended supervision of 10 years.
2. A person will be guilty of a Class D felony if the person benefits in any manner from criminal trafficking and if the person knows that the benefits come from criminal trafficking.
3. A person will be guilty of a Class C felony if the person knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, a child for the purpose of commercial sex acts. The maximum punishment for this crime is a fine of \$100,000, a term of confinement of 25 years, and a term of extended supervision of 15 years.
4. A person will be guilty of a Class C felony if the person benefits in any manner from trafficking of a child for the purpose of commercial sex acts and if the person knows that the benefits come from this trafficking.
5. A person who incurs an injury or death as a result of any of the above-described crimes may bring a civil action against the person who committed the violation. In addition to actual damages, a court may award punitive damages to the injured party, not to exceed three times the amount of actual damages incurred, and reasonable attorney fees.
6. If a trafficking crime does not involve bodily injury or property damage, a court may include in a restitution order that the defendant pay an amount equal to any of the following:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

- a. The costs of necessary transportation, housing, and child care for the victim.
- b. The greater of the following:
 - (1) The gross income gained by the defendant due to the services of the victim.
 - (2) The value of the victim's services as provided under the state minimum wage.
- c. Any expenses incurred by the victim if relocation for personal safety is determined to be necessary by the district attorney.
- d. The costs of relocating the victim to his or her city, state, or county of origin.

Effective Date: The Act takes effect on April 3, 2008 and first applies to acts committed on that date.

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