



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 367
[2015 Senate Bill 618]

Crime of Child Sex Trafficking

2015 Wisconsin Act 367 expands what constitutes the crime of child sex trafficking, includes child sex trafficking under the definition of abuse in the Children’s Code, requires 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, Act 367 does all of the following:

- Expands what actions constitute a violation of the crime of child sex trafficking. Under prior law, the crime of child sex trafficking consisted of knowingly recruiting, enticing, providing, or harboring any child for the purpose of a commercial sex act, or knowingly attempting to do so. The Act adds the following to the list of actions that constitute child sex trafficking: **transporting, patronizing, or soliciting** any child for the purpose of a commercial sex act, 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. This change 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 agency¹ a reported case of child abuse in which a person who was not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution or

¹ 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.

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.wisconsin.gov>.

trafficking the child for purposes of a commercial sex act. The Act also requires the child welfare agency to investigate such reported cases.

- Eliminates the requirement that a juvenile court², 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 provider³, when a juvenile is placed outside of the home and into the care of a substitute care provider. Specifically, the Act 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 crimes of sex trafficking or 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.

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² A “juvenile court” is a court that is assigned to exercise jurisdiction under the Children’s Code or Juvenile Justice Code.

³ 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.