



ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Rep. André Jacque

DATE: Sept. 7, 2017

RE: Assembly Bill 389

Chairman Spiros and colleagues on the Assembly Criminal Justice Committee,

Thank you for your consideration of Assembly Bill 389, which I am pleased to bring forward with Senator Wanggaard to correct a significant vulnerability within Wisconsin's child enticement statutes by making the solicitation of sexually explicit images from children a crime.

Earlier this year it was brought to my attention by Brown County Sheriff's department investigators and several prosecutors that while it is illegal to receive sexually explicit photographs of a minor there is no penalty for soliciting them, often repeatedly. Predators have targeted children age 10 or younger and are presently free to cast a wide, obscene, and harassing net in contacting victims, continuing to solicit photos from many children until a vulnerable respondent is found. While successful prosecution may occur when a child has actually sent a sexually explicit picture to the predator requesting it, it is often much more difficult to identify and assist these victims than those children who were solicited but did not provide intimate images in response. Additionally, the use of the internet and smartphones has increased the availability for victimization of children in this way, and without a crime in state statutes that has been committed, there is a significant barrier to investigators being able to properly bring to justice those looking to prey on our youth. This bi-partisan legislation is additionally supported by the Wisconsin Chiefs of Police Association and the Coalition Against Sexual Assault.

Please note that Sen. Wanggaard and I have brought forward an amendment that has already been introduced to increase AB 389's penalty for adult solicitation of a sexually explicit photograph or recording of a child more than 3 years younger to a Class I felony. Both the Senate companion bill and its identical amendment passed the Senate Judiciary and Public Safety committee on with unanimous 5-0 votes last week.

Thank you for your consideration.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 389

Thank you committee members for hearing Assembly Bill 389 today. The Senate companion to this bill, SB 300, passed the committee on a unanimous vote last week.

Child pornography and exploitation of children is a critical issue. With the increasing use of smart phones, cameras and digital photos, that issue seems to be growing across the state and nation. While possession and distribution of sexually explicit pictures of children is a crime, seeking to obtain those pictures is not.

While we may not be able to stop this exploitation, or prevent children from making a mistake that could haunt them for years, we can take steps to lessen the chance. This bill makes it a crime to solicit an “intimate or private representation” (or photograph) of an individual under age 18. As drafted, this crime would be a Class A Misdemeanor.

We have also circulated an amendment to more adequately reflect the damage that can occur. Under our amendment, we have increased the penalty to a Class I felony. To prevent teenagers for becoming inadvertent felons, we drafted the amendment to make pictures between teenagers a Class A misdemeanor. This misdemeanor window is only for people within 3 years of age and not for children 15 years-old and younger. For example, if a 17, 18, or 19 year-old solicits a photo of a 16 year-old, or a 18, 19, 20 year-old of a 17 year old, it would be a Class A misdemeanor. Any solicitation of a photo of child under age 16 would be a Class I Felony.

I do not expect that this bill will stop every person from soliciting an intimate or private photo of a minor. That is an unreasonable expectation of any bill. But my hope is that this will be another tool for law enforcement and prosecutors to target those that target our children – even if they are unsuccessful. If this law causes some people to think twice, before soliciting photos from children, so much the better.

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State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
E-Mail: Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com

Testimony of State Senator Lena C. Taylor
Assembly Committee on Criminal Justice and Public Safety
Assembly Bill 389
September 7, 2017

Chairman Spiros, members of the committee, thank you for allowing me the opportunity to submit written testimony on Assembly Bill 389. This bill will create a previously absent penalty for those that solicit a sexual representation—photographs or recordings—from a minor. The penalty associated with this new crime would be a class ‘A’ misdemeanor, which carries up to 9 months in prison and a fine of up to \$10,000. It would fill a hole in Wisconsin’s child enticement statutes and better protect our children from inappropriate attention.

The internet has triggered widespread distribution of child pornography and closer contact with unsupervised youth, allowing child pornography to grow at a disturbing rate. The National Center for Missing and Exploited Children reported finding over 80 million different child pornography images since the organization began in 2002. The numbers continue to grow, and from 2015 to 2016, cases of child pornography increased by more than 40%. Our officers need to be able to keep up with these trends, and we need to give them the authority to act.

Current Wisconsin law allows sexual predators to coax minors to produce sexual representations of themselves. Predators are free to ask as many times and as many people as they would like. The Brown County Sheriff’s Office has advocated for this new piece of legislation to curb this behavior. Lieutenant Valley has emphasized, “It’s very important to start trying to put these roadblocks in place.” The road blocks could prevent those porn images and recordings from ever reaching the internet in the first place.

There could be huge benefits seen from this legislation in my home district. Milwaukee had the highest number of criminal convictions of child exploitation in one year for Wisconsin, and many offenders go unaccounted for because of the use of anonymous websites. In 2014, more than 41 cases of internet crimes against children were delayed in their investigation, and many child pornography cases languished for months.

We need a better way to deal with the problem of child pornography. With increasing numbers, the best policy involves taking steps to ensure the crime never happens in the first place. It is our responsibility to be preemptive in protecting the well-being and safety of our children, and this bill is the next step toward accomplishing that.

Thank you for your support and attention.

Benjamin Poller's Testimony on AB 389, AB 400, AB 435, AB 486

Good morning Chairmen and committee members,

Thank you for the opportunity to testify in support of these important bills that will have an impact on human trafficking in Wisconsin.

My name is Benjamin Poller, I'm the Special Agent in Charge of the Human Trafficking Bureau for the Wisconsin Department of Justice-Division of Criminal Investigation. I've been with DCI for 18 years, and I was a human trafficking investigator for three years before becoming a supervisor.

~~I've worked on a number of human trafficking investigations at the state and local level~~ in the Madison area. I've also worked with a large number of victims, adults and juveniles who were trafficked locally and some that were trafficked all over the United States. Many of these victims also had to testify in trial against their trafficker, which was very traumatic for them to go through, but worth it to send a human trafficker to prison.

Human trafficking investigations take a lot of time to investigate, especially when dealing with victims who need help because of all the physical and mental trauma they've been subjected to.

Human traffickers prey on vulnerable victims who usually have nowhere else to go, and no one to turn too. As part of the process of recruiting escorts, the trafficker plays with their emotions, and talks them into things they may not have done before especially with underage victims.

The new proposed bill for soliciting explicit photos can assist investigators in child sex trafficking cases, acting as a separate charge to lock up traffickers if they have solicited explicit photos from an underage victim in the grooming process, or while they are being trafficked.

Human Trafficking exists, because there is a demand. As part of our jobs as human trafficking investigators, we run operations to lower the demand for escorts by arresting the "john" for solicitation of prostitution. Those who solicit sex for money, don't understand or care that most escorts do not have a choice and they are being forced to work as a prostitute.

The bill for patronizing a prostitute will raise the bar for those being arrested for soliciting prostitution, by making the third arrest a felony. The child patronization bill will make it a felony for soliciting an underage prostitute, without having actual knowledge of the escort's age.

Lastly, the bill for prostitution crime surcharge will raise the fine significantly for soliciting a prostitute. Half of the money will go to DOJ for ICAC and HT investigations, and the other half will go towards the much needed resources at social services to help victims.

Human Trafficking has been around for thousands of years, and until recently the blame has been placed on the victim. Now we realize the damage that the trafficker causes to the victim, and it's time to attack the problem from all angles. These new bills will help the fight against human trafficking, and the impact it has on citizens in this state.
