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# AMY BINSFELD

STATE REPRESENTATIVE • 27<sup>TH</sup> ASSEMBLY DISTRICT

*Testimony before the Senate Committee on Mental Health, Substance Abuse Prevention,  
and Children and Families*

*Representative Amy Binsfeld*

*February 1, 2024*

Good Morning Chair James and members of the Committee. Thank you for hearing my testimony on SB749 relating to a child runaway and providing a legal means for law enforcement to assist the runaway youth.

SB749 covers an area that right now is being overlooked in our communities. Currently, when a minor child runs away from their home for any reason there is nothing under the law that assists our local law enforcement officers to quickly and safely remove them from a home not in the best interest of safety of the child.

Often times a child will find a local “safe house” and it is the beginning of a life of control and possible trafficking. The child may have shown others in the community that they are unhappy, not necessarily unsafe or abused in their current home, yet this attitude provides an opportunity for a child predator to take notice and encourage and be ready to assist the child, should that child be looking to leave their home. A so called “safe house” will take the child in and make them feel welcome while providing daily necessities along with showing them the attention that the child may not have felt at home. This will lead to engaging them in drug use and exploiting them for sex.

Local police are under a local municipal ordinance in which to try to remove these minor aged children from the control and oversight of these predators. Once the predator has both physical and mental control/influence of the youth, it is near impossible for local law enforcement to take that youth out of the situation. This sets this youth up for a world of misery that at the time they don’t understand based on their young outlook on life.

SB749 would provide legal standing for officers to remove these runaways from harmful situations by setting legal grounds in which to charge an individual with a Class A misdemeanor for a first offense and progressively increase the penalty for repeat offenses. SB749 states that if a minor child flees their home to another residence the adult of the home is required to notify the police or local child welfare agency to provide knowledge of the child’s whereabouts within 12 hours of the child’s arrival. As of today, 30 other states have laws that provide law enforcement this legal tool to assist officers to help our runaway youth.

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# AMY BINSFELD

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STATE REPRESENTATIVE • 27<sup>TH</sup> ASSEMBLY DISTRICT

In an email my office received WI State Statute 948.31(1)(b) was cited to cover these situations. However, this statute has **not** been successful in the case of a youth that willingly flees the home. Quoting the use of a statute to charge an individual without any success doesn't actually help keep our youth safe. That is why individuals from law enforcement, a district attorney's office, and a judge have submitted testimony in support of SB749. They are front line workers who understand our legal system better than those of us who don't actually work through the legal processes of these cases.

Yes, this bill wants a responsible adult housing a child to contact the parents, law enforcement or a child welfare agency as to the child's whereabouts within 12 hours, but the bill does not mandate arrest or charges to be brought should the officer feel the child was not at risk when found in the home. If we trust law enforcement and welfare agency's to know when a child is in trouble in their legal home, shouldn't we trust that they will be able to see the difference between a child running to a family member or a trusted family friend's home is not the same as the youth entering a completely unknown person's home that puts the child at risk? Shouldn't we trust the trained law enforcement and our agencies will see the best interest of the child? Shouldn't we trust these same professionals will also see and know when adults are working in the best interest of the child? When a child is found in a home even if the adult in the home didn't report the child within the 12 hours wouldn't we apply a reasonable person standard to understand if that adult was intentionally keeping the child and placing them in harm's way or safely providing care until an agency can decide what is best for the youth?

SB749 allows those with the best interest of the child to be involved to make sure that a child is not running from one situation into something that would be even worse for their wellbeing. By providing our law enforcement officers a tool to remove these youth from these gateway homes means the youth in all communities can be better protected.

Thank you for your consideration on SB749 and I'm happy to answer any questions.





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# CORY TOMCZYK

STATE SENATOR • 29<sup>TH</sup> SENATE DISTRICT

## Testimony - SB 749

Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families  
Thursday, February 1, 2024

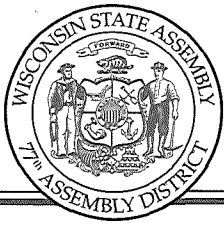
Chairman James and Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families,

Thank you for taking the time to hear SB 749.

In the past few years, we have seen a surge of children being exploited and falling victim to human trafficking. When children run away, they will search for anything that provides them with safety and peace of mind. However, these “safe houses” are often nothing more than a gateway that will lead to the exploitation of that child.

This legislation looks to stop human trafficking in its early stages. The earlier that law enforcement can intervene, the better the outcome will be for victims. Right now, law enforcement has few tools to extract a runaway child from a dangerous situation, even when they know that a child is present in a strangers’ home.

This bill will make it a crime to have a runaway child in a home or vehicle for 24 hours without reporting it the police. Mandated reporting will maintain accountability, ensure transparency, and verify the home is a safe location. Children are the most vulnerable members of society, adding another check to the system will give law enforcement the tools they need to protect children



**February 1, 2024**

**Senate Bill 794—Relating to: harboring or transporting a child runaway without the consent of the child's parent or guardian and providing a penalty.**

**Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families**

Good morning Senator Chair Jesse James, Senator Vice Chair Rachael Cabral-Guevara, and Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families.

Thank you for the opportunity to testify in support of SB 794—relating to: harboring or transporting a child runaway without the consent of the child's parent or guardian and providing a penalty.

Today, I would like to express my support for SB 794 because I believe that passing this legislation will keep children in our communities safer and hold accountable individuals who conceal or transport child runaways without involving the proper authorities. SB 794 will strengthen protections for vulnerable runaway youth, who are at an increased risk of exploitation and harm in our state.

Under current state law, a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or her parent or guardian consent to the provision of housing or services. Under current law, if the parent or guardian does not consent to housing or services, the foster home, group home, or shelter must notify the agency responsible for providing child welfare services of the child's presence in the home or shelter within 12 hours of the child's arrival at the home or shelter.

Current state law does not provide for a person who is not licensed as a foster parent or as a group home or shelter service provider to house a child runaway. This bill would introduce a criminal penalty for anyone who harbors a child runaway without immediately notifying the police or a child welfare agency after receiving the child in their residence or after learning of the child's runaway status, whichever comes first. This bill would also introduce a penalty for transporting a child runaway with the intent to avoid apprehension.

It is in the interest of ensuring child welfare to hold unlicensed individuals who encounter runaway youth to a much stricter reporting time frame than recognized facilities trained and licensed in the care of children who have run away from home. By requiring under state law that individuals report runaways immediately to the authorities, rather than within the 12-hour period allotted to foster homes, group homes, and shelters, this bill incentivizes individuals to immediately engage appropriate services for runaway children and discourages individuals from concealing runaways.



WISCONSIN STATE REPRESENTATIVE

**Shelia Stubbs**

77TH ASSEMBLY DISTRICT

We have a responsibility to ensure that attempts to harbor a child runaway without contacting the appropriate authorities are adequately penalized under the law. This bill would make harboring or transporting a child runaway a Class A misdemeanor for a first offense, a Class I felony for a second offense, or a Class H felony for a third or subsequent offense. Under the bill, this penalty would not apply to a licensed foster home, group home, or shelter that provides housing or services to a child runaway.

I appreciate your time and thank you for your consideration of this testimony to the importance of SB 794 for the protection of runaway youth and for guaranteeing that children who leave their homes without parental consent or intention to return are referred to suitable agencies and services as soon as possible. It is my hope that you are now better informed about how passing this bill will increase the safety of vulnerable youth across Wisconsin. I ask you to vote yes for SB 794.

Thank you to the members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families and to my colleagues Representative Amy Binsfeld, Senator Cory Tomczyk, and Senator Jesse James for their work on this bill.

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February 1, 2024

Dear Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children, and Families:



I am writing to express the concern and opposition of our organization and its members to the proposed SB 749/AB 794, Harboring a Runaway legislation. The Wisconsin Association for Homeless and Runaway Services is the only statewide agency directly addressing the needs of young people experiencing homelessness or running away through a membership of local partner agencies. In addition to my role as the Executive Director of WAHRS, I am currently serving on the Department of Justice's Taskforce on Children and Families and its legislative sub-committee. Our current efforts include the development and distribution of response protocols for victims of trafficking that can be used as a resource for law enforcement, human services, partner agencies, and anti-human trafficking taskforces throughout the State.

While SB 749 is well-intended, its wording and approach are not helpful. My understanding of the intent of this legislation is based on discussion with members of the Anti-Human Trafficking Taskforce in Sheboygan county identifying that young people who are runaways or homeless are often victims of exploitation and trafficking. It is not unusual for them to end up in very unsafe homes after they have exhausted reasonable options among friends and families. The rationale expressed locally is that this legislation would give law enforcement a tool to remove youth from these houses and to prosecute or threaten those who are already endangering these minors.

**WAHRS' concerns are that this legislation does not require that there be any other unsafe allegations in order to be used and that it puts a burden on the general public by creating a new felony crime if they do not report and have a reason to suspect that a youth has run.** While it is being promoted as protective, it is punitive in nature and further stigmatizes unhoused minors. It also removes an important informal safety net by creating a legal barrier to providing temporary shelter through informal family, friend, and kin options if parental consent is not obtained. This is especially concerning when 16 and 17 year olds are often unlikely to be immediately screened into protective services.

Additionally, **several existing statutes have the level of increased repercussion beyond local ordinances needed to address these circumstances.** Copies of relevant statutes that may be used in these situations or considered for amendment by this committee accompany this document and are better suited to address the needs described by the local law enforcement and community members supporting this proposed legislation. While these statutes are not currently used in Sheboygan County, they are used in other Wisconsin Counties and are applicable to the circumstances described by the Sheboygan County law enforcement and anti-human trafficking taskforce members. **Our officers and counties need better support and technical assistance in using existing legislation rather than broadly written, stigmatizing legislation that is likely to be interpreted with widely varying approaches across the state.**

Existing statutes have the additional benefit of not necessarily requiring that the endangered youth be reported as a runaway, removing the impact of stigmatizing young people who may be responding to dangerous crises at home. Use of these statutes rather than the proposed harboring a runaway legislation is likely to improve cooperation with law enforcement and social services both as a witness and in receiving needed supports.

I am urging you to vote against this proposed legislation in order to promote the use of existing statutes to support our unhoused youth in non-stigmatizing ways that will connect them to better supports and options. I am available for further suggestions or questions related to services and supports for youth who have run away or experienced trafficking or to provide examples of response protocols that might be used with existing legislation to better protect our youth and families.

Sincerely,

Joli Guenther  
(she/her/hers)  
Executive Director  
Wisconsin Association for Homeless and Runaway Services  
(608) 239-5430  
*United to Prevent and End Youth Homelessness in Wisconsin*

Attachments: WI **948.30; 948.31(1)(b) 948.45**

**948.30 Abduction of another's child; constructive custody.**

- (1) Any person who, for any unlawful purpose, does any of the following is guilty of a Class E felony:
  - (a) Takes a child who is not his or her own by birth or adoption from the child's home or the custody of his or her parent, guardian or legal custodian.
  - (b) Detains a child who is not his or her own by birth or adoption when the child is away from home or the custody of his or her parent, guardian or legal custodian.
- (2) Any person who, for any unlawful purpose, does any of the following is guilty of a Class C felony:
  - (a) By force or threat of imminent force, takes a child who is not his or her own by birth or adoption

Sub. (1) proscribes contributing to the delinquency of any child under the age of 18. The definition of "child" in s. 948.01 (1) excludes those over seventeen only for the "purposes of prosecuting" a person charged with violating this section and not that person's victim. *State v. Patterson*, 2010 WI 130, 329 Wis. 2d 599, 790 N.W.2d 909, 08-1968.

**948.31(1)(b)**

Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class F felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

**948.45 Contributing to truancy.**

- (1) Except as provided in sub. (2), any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16(1)(c), of a person 17 years of age or under is guilty of a Class C misdemeanor.
- (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26(1)(h).
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

**History:** 1987 a. 285; 1989 a. 31 s. 2835m; Stats. 1989 s. 948.45; 1995 a. 27.





**TO:** Chair James, Vice-Chair Cabral-Guevara, and Honorable Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**FROM:** Ragen Shapiro, Legislative Advisor  
John Elliott, Administrator, Division of Safety and Permanence

**DATE:** February 1, 2024

**SUBJECT:** SB-749

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The Department of Children and Families (DCF) appreciates the work of the Assembly Committee on Children and Families to improve the lives of children and families across Wisconsin and the deep desire of this bill to keep children of Wisconsin safe from human trafficking. DCF is testifying for information only on SB-749. DCF is concerned that despite the intention, this bill will ultimately result in Wisconsin's children being at greater risk of human trafficking. DCF outlines below four areas of concern with the legislation.

First, under this proposed legislation, there are significant criminal penalties for individuals coming into contact with (harboring or transporting) a child runaway, or a child who is absent from their parent/guardian's home without their consent. It is important to note that when children run away, they often seek out support from other adults in their lives. While the intent of the bill is to target the actions of harmful actors, this bill would also criminalize the actions of many family members, friends, and other supportive adults. The supportive adults often keep young people safe by providing temporary shelter while conflicts can be addressed. For example, under this proposed legislation, a family friend or godparent who allowed a youth to come spend the night at their home after a disagreement with their parents could be prosecuted if they do not immediately call law enforcement or the county child welfare agency.

When children are not able to remain in their homes, relative and like-kin informal supports often offer help to keep those children safe. Removing access to informal supports could result in children being preyed upon further by traffickers and placed in other high-risk situations.

Second, the proposed legislation would have the effect of creating additional reporting requirements outside of the existing Wisconsin mandated reporting law (outlined in 48.981(2)). Under existing mandated reporting laws, certain professions often in contact with children, are

mandated to contact child protective services or law enforcement if they have reason to suspect child maltreatment. Mandated reporters include professionals such as doctors, nurses, mental health clinicians, social workers, teachers and others. Mandated reporters often receive training and information regarding their professional responsibility to report. Under the proposed legislation, individuals who are not mandated reporters under current law would be required to make a report of a youth that is a runaway, whether or not they have reasonable cause to suspect that a child has been abused or neglected, and they would be criminally liable if they do not make such a report. It is unclear how non-mandated reporters would be made aware of this responsibility, and unlike other groups of mandated reporters, they would receive no training as to their responsibility.

The proposed legislation also creates substantial penalties for failure to report. The proposed legislation would make a 2nd offense a Class I felony, and a 3rd offense a Class H felony. A Class I felony is punishable by imprisonment for up to three years and six months or a fine of up to \$10,000, or both. And a Class H felony is punishable by imprisonment for up to six years or a fine of up to \$10,000, or both. By contrast, under the current mandated reporting statute, persons required to report who intentionally fail to report suspected child abuse or neglect may be fined not more than \$1,000 or imprisoned not more than 6 months or both. (s. 48.981(6)). This has the potential to create confusion about what needs to be reported and when; and extends more severe penalties to informal supports who may be offering a child temporary shelter compared to other mandated reporters.

While the proposed legislation requires that individuals report child runaways to child protective services, a child who is considered a runaway would not automatically meet the criteria for child maltreatment as outlined under this statute. In many cases, these calls would be screened-out by the child welfare agency as not meeting the statutory definition of abuse and neglect.

Finally, it is important to note that the impact of the proposed legislation on tribal communities is unclear and potentially detrimental. This proposed legislation could lead to confusion and unintended consequences in tribal settings for children who run away or seek support from relatives or friends after a conflict. This could create an additional layer to complex multi-jurisdictional concerns.



In addition to the concerns outlined above, ambiguity in the language of the bill could also create confusion. However, it is important note that the concerns above would remain even if these ambiguities were resolved. Examples of these ambiguities include:

- Page 2, Line 3: What makes a county department “appropriate?” The bill doesn’t provide guidance about which county department an individual should/must contact. DCF presumes it refers to the county child protective services agency, but that is not explicit in the bill.
- Page 2, Line 6: Use of term “Child runaway.” S. 48.227 already contains a definition of “runaway child”. It may be helpful to be consistent with this language, especially since the bill references s. 48.227.
- Page 3, Line 3: How is “immediately” defined? Wis. Stat. s. 48.227(2) requires a runaway home to notify the intake worker of the child’s presence in the home within 12 hours. “Immediately” is unlikely to be feasible for most situations.
- Page 3, Line 11: What does “avoid apprehension” mean?

The Department of Children and Families sincerely appreciates the Assembly Committee on Children and Families’ interest and attention to keeping all children of Wisconsin safe from human trafficking, as well as the opportunity to provide feedback around this proposed legislation.

February 1, 2024

**Senate Committee on Mental Health,  
Substance Abuse Prevention, Children and Families**

**Department of Public Instruction Testimony  
2023 Senate Bill 749**

Thank you, Chairman James and members of the committee, for the opportunity to submit testimony in opposition to Senate Bill 749 (SB 749). The Department of Public Instruction (DPI) supports the authors' efforts to protect children from human trafficking and other bad actors who would exploit children who have run away. SB 749 imposes serious criminal penalties on those who harbor or transport a child whom they know to be a child runaway. The bill mandates that all adults in Wisconsin report suspected runaway youth or face criminal penalties. This punitive measure could further stigmatize and alienate students who are experiencing homelessness.

In the 2022-23 school year, 18,473 students experienced homelessness. Of those, 2,121 were identified as unaccompanied homeless youth, meaning they are children and youth not in the physical custody of a parent or legal guardian and are experiencing homelessness. A majority of unaccompanied homeless youth are sharing the housing of others (doubled up) or are couch surfing between different friends or family members. Unaccompanied Homeless Youth often flee abuse in their homes, and trying to get parental consent for each place they are doubling up could create an unsafe situation for children and youth.

SB 749 removes an important informal safety net by imposing criminal penalties for providing temporary shelter through informal family, friend, and kin options if parental consent is not obtained. This is especially concerning when 16- and 17-year-olds are unlikely to be immediately screened into protective services.

The bill also creates a conflict for school districts under the McKinney-Vento Homeless Assistance Act (42 US Code §§11431-11435). "The McKinney-Vento Homeless

Assistance Act is a federal law created to support the enrollment and education of homeless students. McKinney-Vento is intended to provide homeless students the same educational opportunities as housed students by removing as many barriers to learning for homeless students as possible.”

Under McKinney-Vento, among other requirements, school districts must provide transportation to students experiencing homelessness to be able to attend school and extracurricular activities. DPI is concerned that if school staff know a student is a runaway youth, the criminalization of transporting children and youth experiencing homelessness will put schools in a situation where they must choose between their obligations under McKinney-Vento or exposing staff to severe criminal penalties.

Because of the criminal penalties imposed by this bill, students and families who are housing homeless students may not self-report to school district homeless liaisons that the child or youth is experiencing homelessness for fear of criminalization. Students would then not receive important services under the McKinney-Vento Homeless Assistance Act. School staff, especially school social workers and counselors, work to support students and remove barriers that can impede their school success. The potential criminalization of staff supporting a student who is already facing multiple barriers can lead to further challenges in meeting all their needs.

DPI agrees with the authors that children who have run away or are experiencing homelessness are at greater risk of exploitation and child human trafficking. We disagree with criminalizing adults who can provide support to that child, as it would only serve to punish the child this bill aims to protect. Federal law and the Wisconsin statutes contain numerous criminal offenses to punish those who harm these vulnerable kids. Kidnapping, sexual abuse, battery, and child physical abuse are just a few of the laws to punish adults who exploit children. SB 749 is unlikely to deter offenders any more than our current laws, but it is likely to deter law-abiding citizens trying to support students in crisis.

For more information about DPI’s commitment to providing every child with a safe and supportive learning environment, please see DPI’s Education for Homeless Children and Youth (EHCY) webpage. If you have questions or want additional information, please contact Kevyn Radcliffe, Legislative Liaison, at [kevyn.radcliffe@dpi.wi.gov](mailto:kevyn.radcliffe@dpi.wi.gov) or (608) 264-6716.





AMERICAN CIVIL LIBERTIES UNION

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February 1, 2023

Chair James, Vice-Chair Cabral-Guevara, and Honorable Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Senate Bill 749.

While certainly well-intentioned, the overbroad language in the bill criminalizing countless scenarios wholly unrelated to child trafficking would place young people in Wisconsin at a *greater* safety risk.

Under the bill, an individual could be charged with a Class A misdemeanor for “receiv[ing] a child runaway into his or her living quarters...[i]f the person knows[,] reasonably should know[,] discovers[,] or reasonably should have discovered that the child is a runaway” after the child arrives and the person fails to immediately notify law enforcement or child protective services. “Child runaway” is defined as “a child who is absent from the home of his or her parent or guardian without the consent of the parent or guardian and who does not intend to return home.”

According to the Wisconsin Association for Homeless and Runaway Services, over 26,000 Wisconsin families experience a minor running away from home each year.<sup>1</sup> While a young person may run away for a multitude of reasons, many flee because the home is the least safe space for them. Project 16:49, a nonprofit organization serving Rock County's unaccompanied homeless teens, reported that 60% of the young people they serve experienced either physical or sexual abuse and 15% were kicked out for identifying as a member of the LGBTQ+ community.<sup>2</sup> This mirrors data nationwide, with research from the Trevor Project noting 16% of LGBTQ+ youth reported they had slept away from parents or caregivers because they were kicked out or abandoned.<sup>3</sup>

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<sup>1</sup> Wisconsin Association for Homeless and Runaway Services, <http://www.wahrs.org/>.

<sup>2</sup> Natalie Eilbert, “Minors in Wisconsin need approval for physical, mental care. What if their parents refuse?,” Milwaukee Journal Sentinel (December, 2022) <https://www.jsonline.com/story/news/investigations/public-investigator/2022/12/01/20000-wisconsin-youths-are-homeless-how-do-they-get-medical-care/10476638002/>

<sup>3</sup> “Homelessness and Housing Instability Among LGBTQ Youth,” The Trevor Project (Feb. 3, 2022), <https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/>.

There are countless scenarios in which a young person may be present in the home of another that carry a risk of criminalization under the bill as currently drafted. Additionally, the mandatory law enforcement or CPS involvement under the bill could place a young person at greater risk of harm. For example:

- A young person could get in an argument with a parent or sibling, leave home, and head to a grandparent, aunt, uncle, or adult sibling's home to cool off and get some necessary space following the argument.
  - If a young person makes an off-hand statement such as "I don't want to go back" while emotions are running high post-argument once they arrive at a relative's house, would that constitute "intent not to return home"?
  - Mandatory law enforcement or CPS involvement would inherently escalate many situations that could normally be resolved within the family, where instead extended family members are in a better position to serve as helpful and safe mediators in dealing with conflict.
- A young person could go to the home of a trusted adult family friend because their parents are rejecting their LGBTQ+ identity, and the young person does not feel physically or emotionally safe at home.
  - Despite the profound harm caused by this non-acceptance, a young person may not want to subject their parents to law enforcement intervention or an intrusive CPS investigation.
- A young person could leave home and seek shelter elsewhere because of emotional, physical, or sexual abuse that they do not feel comfortable disclosing.
  - A mandatory call to police or CPS could result in a greater risk of harm to the young person once they return home.
- A young person could be spending time at a friend's house. Does any adult in the home need to immediately inquire about the young person's intent to eventually leave and return to their home or the young person's permission to be there to avoid a mandate of calling the police or CPS?

If safe, supportive family members or like-kin do not want to risk criminal prosecution for providing temporary refuge to a young people, that young person may feel they have no other choice but to seek shelter through means that put them at the greatest risk of exploitation. Wisconsin Runaway and Homeless Youth (RHY) programs offer a variety of essential services, including temporary shelter, to runaway and homeless youth and young adults in several regions of the state.<sup>4</sup> However, these critical programs do not have the capacity to provide direct housing support to every youth who needs it. Creating a legal barrier to critical informal safety nets leaves few other options young people to stay safe, especially in rural areas of the state.

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<sup>4</sup> "Resources for Runaway and Homeless Youth," Wisconsin Department of Children and Families, <https://dcf.wisconsin.gov/ys/rhy/map>; "Wisconsin Runaway Programs," Wisconsin Association for Homeless and Runaway Services, <http://www.wahrs.org/programs.html>.



Ultimately, determinations regarding the nebulous concepts of a young person's "intent to not return home" and an adult's "knowledge" or potential to discover a young person's intent would fall to the discretion of individual police officers and prosecutors.

The dynamics of law enforcement interaction with exploited youth in Wisconsin is not consistent across all 72 counties in light of state law that continues to criminalize minors for prostitution. As highlighted in testimony on Safe Harbor legislation, in the 2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin by the Wisconsin Department of Justice, there were 24 different law enforcement agencies from 16 different counties across Wisconsin that recorded arresting juveniles for prostitution between 2014-2018 in their Uniform Crime Reporting Data.<sup>5</sup> Yet, these same agencies reported zero sex trafficking cases in the DOJ survey for that same time period.<sup>6</sup> In the survey, 58% of police chief and sheriff respondents reported that their agencies enforce prostitution laws against juveniles and nearly 25% reported it would depend on the circumstances whether they would do so.<sup>7</sup>

Current law also contains a number of criminal offenses<sup>8</sup> that more narrowly targets conduct presenting a safety risk to young people without sweeping in countless others who serve as safe informal support systems.

Instead of foreclosing potential safe spaces for young people through the threat of criminalization, we encourage legislators to instead take steps towards state-wide standardization of law enforcement responses to the exploitation of minors, including passage of Safe Harbor legislation. Additionally, legislators should appropriate significantly more funding toward the live-saving resources provided by runaway services programs to expand current capacity and the geographic reach of these resources.

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<sup>5</sup> "2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin," Wisconsin Department of Justice (Jan. 9 2020), [https://www.doj.state.wi.us/sites/default/files/news-media/1.9.20 HT Data Report.pdf](https://www.doj.state.wi.us/sites/default/files/news-media/1.9.20%20HT%20Data%20Report.pdf), p.24.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at p.4.

<sup>8</sup> For example, Wis. Stat. § 948.07 (child enticement), 948.08 (soliciting a child), 948.081 (patronizing a child), 948.30 (abduction of another's child), 948.40 (contributing to the delinquency of a child), 948.45 (contributing to truancy).