



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 362**  
[2013 Assembly Bill 620]

**Human Trafficking, Victim Rights,  
Evidence of Similar Acts, and  
Forfeiture of Property**

2013 Wisconsin Act 362 (hereinafter, “the Act”) does the following:

- Makes the following changes to the crime of human trafficking:
  - Amends the definition of “trafficking” by eliminating the element that the act occurred without the individual’s consent.
  - Expands the definition of “commercial sex act” to include sexual contact, sexual intercourse, sexually explicit performance, or any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification.
  - Expands the list of prohibited conduct to also prohibit trafficking that is done by any of the following methods:
    - Threatening to control any individual’s access to an addictive controlled substance.
    - Using any scheme, pattern, or other means to coerce, threaten, or intimidate any individual.
    - Using or threatening to use force or violence on any individual.
    - Causing or threatening to cause any individual to do any act against the individual’s will or without the individual’s consent.
  - Expands the Class F felony of knowingly receiving compensation from the earnings of a prostitute to also prohibit knowingly receiving compensation from the earnings of debt bondage or a commercial sex act and moves this offense from the crime of pandering to the crime of human trafficking.

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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>.

- Amends the crime of child enticement and the crime of exposing genitals or public area to a child to also prohibit the exposure of “intimate parts,” which is defined to mean breast, buttock, anus, or groin.
- Adds the crime of strangulation to the following statutes:
  - The list of offenses that render the person ineligible to participate in the intensive sanctions program.
  - The list of crimes for which a victim may be compensated by the Department of Justice.
  - The definition of domestic abuse for the purpose of keeping confidential the victim’s personal information on certain voting documents.
- Creates a procedure whereby a victim of trafficking for the purpose of a commercial sex act may request a court to vacate a conviction, adjudication, or finding, or to expunge the record for a violation of prostitution.
- Creates the right for a victim of a crime to view the sentence recommendation and any victim information included on the presentence investigation (PSI) report.
- Provides that evidence of similar acts may be admissible without regard to whether the victim of the crime is the same as the victim of the similar act in criminal proceedings for any of the following:
  - Human trafficking.
  - Any offense against a child.
  - A serious sex offense.
  - Domestic abuse.
  - Any offense that is subject to a domestic abuse surcharge.
- Adds to the list of serious sex offenses for which a person must be placed on lifetime supervision a violation, or the solicitation, conspiracy or attempt to commit a violation of a crime against reputation privacy and civil liberties, if the court determines that one of the purposes for the conduct constituting the violation was for the actor’s sexual arousal or gratification.
- Makes the following changes to the procedures related to the forfeiture of property derived from crime:
  - Adds to the type of property that may be seized any property, real or personal, including money, that was either used in the course of or intended for use in the course of the commission of a crime.
  - Adds the following crimes to the list of crimes for which a vehicle may be seized and forfeited:
    - Human trafficking.

- First- and second-degree sexual assault of a child.
  - Engaging in repeated acts of sexual assault of the same child.
  - Sexual exploitation of a child.
  - Trafficking of a child.
  - Causing a child to view or listen to sexual activity.
  - Incest with a child.
  - Child enticement.
  - Soliciting a child for prostitution.
  - Sexual intercourse with a child age 16 or older.
  - Exposing genitals, pubic area, or intimate parts.
  - Possession of child pornography.
  - Child sex offender working with children.
- Creates a procedure for the criminal forfeiture of assets based upon the criminal forfeiture procedures previously applicable only for the crimes of racketeering activity and continuing criminal enterprise.

*Effective date:* This Act went into effect on April 25, 2014, except that the renumbering of certain cross-references takes effect on April 1, 2015.

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