

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3012/1 EAW:kjf

2019 SENATE BILL 211

- May 15, 2019 Introduced by Senators BERNIER, JOHNSON, CARPENTER, JACQUE, KOOYENGA, RINGHAND, RISSER, SMITH and WANGGAARD, cosponsored by Representatives BOWEN, RAMTHUN, HAYWOOD, BROSTOFF, CROWLEY, DITTRICH, EMERSON, FIELDS, HORLACHER, KULP, SINICKI, SNYDER, SORTWELL, SPREITZER, STUBBS, C. TAYLOR, THIESFELDT, VINING and VRUWINK. Referred to Committee on Judiciary and Public Safety.
- 1 AN ACT *to create* 939.48 (1p) of the statutes; **relating to:** self-defense for victims

of sex trafficking.

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Analysis by the Legislative Reference Bureau

Under current law, there are several defenses to criminal liability, including self-defense. One such defense allows a person to intentionally use force that is intended or likely to cause death or great bodily harm if the person reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.

This bill provides that a victim of sex trafficking has a privilege of self-defense for the use of force against a sex trafficker if the victim believed that the use of force was necessary to prevent or terminate an unlawful interference with his or her person or that the use of force was necessary to escape from sex trafficking.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3	SECTION 1. 939.48 (1p) of the statutes is created to read:
4	939.48 (1p) (a) In addition to the affirmative defense under s. 939.46 $(1m)$ and
5	notwithstanding sub. (1), a victim of sex trafficking under s. 940.302 (2) or 948.051
6	is privileged to threaten or intentionally use force against another, including force

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1	that was intended or likely to cause death or great bodily harm, if all of the following
2	apply:

3 1. The person believed that the use of force was necessary to prevent or
4 terminate an unlawful interference with his or her person or that the use of force was
5 necessary to escape from sex trafficking.

- 2. The force was used against a person who was trafficking against the actor
 or who was the patron of a commercial sex act, as defined in s. 940.302 (1) (a), to be
 performed by the actor.
- 9 (b) The privilege of self-defense under par. (a) applies without regard to 10 whether anyone was prosecuted or convicted for the violation of s. 940.302 (2) or 11 948.051.

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(END)