



# Amy Loudenbeck

REPRESENTING WISCONSIN'S 31<sup>ST</sup> ASSEMBLY DISTRICT

Testimony of Rep. Amy Loudenbeck  
Assembly Bill 620  
Assembly Committee on Criminal Justice  
January 23, 2014

Thank you to the Committee Chair and Representatives for the opportunity to provide testimony on Assembly Bill 620.

Assembly Bill 620 was carefully drafted with the assistance of Attorney General JB Van Hollen, and addresses many priority issues for human trafficking victims and victim advocates as well as those that prosecute and investigate these heinous crimes.

Human trafficking and other sensitive crimes are a considerable threat to children and adults in Wisconsin. Victims are taken by force, fraud or coercion for labor purposes or sexual exploitation. Human trafficking is a fast growing criminal industry across the globe and Wisconsin is not immune to the problem. This bill addresses many of the specific concerns raised by victim advocacy groups, includes strong provisions related to asset forfeiture and a local option for a victim of human trafficking to request that a prostitution conviction be vacated or expunged.

Significant, bipartisan legislative initiatives related to human trafficking and child trafficking have been enacted into law in prior legislative sessions, including a bill former Senator Van Wangaard and I authored with the assistance of the Attorney General in the 2011-2012 Legislative Session. However, additional work is needed to continue Wisconsin's fight against human trafficking and other sensitive crimes.

This bill includes important provisions to protect victims of human trafficking and to assist criminal prosecutors. Some key changes of AB 620 include:

- Eliminating non-consent as part of the definition of "trafficking"
- Expanding the definition of "commercial sex act"
- Allowing a victim of human trafficking to have a prostitution conviction vacated or expunged.
- Restricting the prosecution of minor victims for certain sex crimes
- Adding "intimate parts" to the crime of exposing genitals or pubic area to a child
- Giving victims of the crime greater rights to confidentiality
- Allowing evidence of any similar acts by the accused to be admitted in court for pending trafficking and child sex crimes

Human Trafficking is one of the fastest growing criminal industries in the world, and one of the most profitable. Traffickers in the U.S. prey on the most vulnerable. Victims include children and adults, U.S. citizens and foreign nationals, men and women. Traffickers exploit their victims for labor or commercial sex. These victims face a horrific life where they are repeatedly threatened, beaten, raped, starved, locked up, and/or psychologically tortured. Traffickers commit these crimes for one reason, profit.

- Traffickers make over \$32 billion in profits each year world-wide.

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- In the U.S., sex traffickers (such as pimps and those operating fake massage parlors or brothels) can accrue more than \$500,000 a year, through the sexual exploitation of just three victims.
- Labor traffickers can make between \$50,000 and \$100,000 profit per year from each victim.<sup>i</sup>

Asset forfeiture is an important tool for combating trafficking in persons. Assembly Bill 620 provides a unified process to incorporate the forfeiture of property into a human trafficking case, allowing for the seizure of vehicles and other assets. Specifically, Assembly Bill 620 modifies the forfeiture statutes by adding property “used in the course of, or intended for use in the course of” the crime as property subject to seizure and forfeiture, adding human trafficking and child sex crimes as offenses subject to vehicle forfeiture, and adding a criminal forfeiture procedure permitting the court hearing the underlying criminal case to also address the forfeiture proceeding.

Asset forfeiture can serve as a deterrent for human traffickers, since the end goal for human traffickers is profit. While lengthy jail time can provide a first step in deterring the crime, traffickers can often plea down their sentences; furthermore, traffickers are often willing to serve the time as long as they have their money waiting for them. Asset forfeiture is a strong penalty because it hits the trafficker where it hurts, providing ample risk to doing business in the state, and sending a clear message that the brutal crime is not tolerated and profits will be taken.

Colleagues, I thank you for your time today and for allowing me to share the details of this important bill. I am happy to answer any questions at this time.

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<sup>i</sup> <http://www.polarisproject.org/what-we-do/policy-advocacy/prosecuting-traffickers/asset-forfeiture>

# testimony



**To:** Members of the Assembly Committee  
on Criminal Justice

Wisconsin Coalition Against Domestic Violence  
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**Date:** January 23, 2014

**From:** Tony Gibart, Public Policy Coordinator

Chairman Kleefisch, Members of the Committee, thank you for the opportunity to offer testimony today. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. End Domestic Abuse Wisconsin strongly supports Assembly Bill 620 and thanks Representative Loudenberg, Senator Petrowski and the Wisconsin Department of Justice for bringing this critical legislation forward. Assembly Bill 620 will significantly advance Wisconsin's response to one of the most under-recognized and inhumane crimes—human trafficking, the modern-day form of slavery.

I will also note that End Domestic Abuse Wisconsin is a member of the Wisconsin Statewide Anti-Human Trafficking Consortium. Last week, the Legislative and Policy Committee of the Consortium recommended that the Consortium support the legislation.

Over the last decade, law enforcement, victim service providers, child welfare officials and legislators have increasingly recognized human trafficking as a distinct and pernicious form of criminal activity. Through this increased awareness, Wisconsin has begun to grow its capacity to respond. However, our understanding of the scope of human trafficking nationally and in Wisconsin is still developing. Calls for help to the National Human Trafficking Resource Center Hotline increased approximately 260% from 2008 to 2012, suggesting that we are still in the process of reaching out to victims and uncovering the full extent of human trafficking in our country. Late last year in Wisconsin, our Department of Justice released its *Baseline Assessment of Human Trafficking*, which constitutes a first attempt to more systematically measure the problem. This initial data confirms anecdotal knowledge; human trafficking is a major problem throughout various regions of Wisconsin. Therefore, it is very appropriate that the Legislature continue to improve Wisconsin's legal framework for grappling with this issue. When enacted into law, Assembly Bill 620 will represent a significant advancement in our state's ability to hold traffickers accountable and help free victims from the dehumanizing bondage of human trafficking.

I would like to point out a few aspects of the bill that we believe are especially essential elements to addressing human trafficking in the state:

- Following the trend in other states, AB 620 provides a process for a court to vacate or expunge prostitution convictions of trafficking victims who incurred the charges as a result of their victimization. The bondage of human trafficking should not follow survivors for a lifetime; however, when survivors were not initially recognized as victims of trafficking and instead prosecuted as criminals, it can become difficult, if not impossible, for them to rebuild their lives. AB 620 would give these survivors hope and opportunities at new beginnings.
- AB 620 makes the state definition of human trafficking more consistent with the federal definition by eliminating unnecessary redundancies that perpetrators currently use to confuse juries and escape accountability.
- AB 620 moves Wisconsin in the right direction by providing mechanisms to divert child trafficking victims from punitive criminal justice sanctions. Many times, child sex trafficking victims are

convicted of prostitution. This result is almost always wrongheaded. The law holds that children are not able to consent to sexual activity. This principle should mean that not only is the crime of prostitution committed by a child a legally dubious concept; but also, children involved in prostitution are—and should be recognized as—victims. These children need services, not criminal sentences.


Thank you for allowing me to provide testimony today. Please support AB 620. I would be happy to answer any questions.





## WISCONSIN CATHOLIC CONFERENCE

TO: State Representative Joel Kleefisch, Chair  
Members, Assembly Committee on Criminal Justice

FROM: Barbara Sella, Associate Director 

DATE: January 23, 2014

RE: AB 620 – Human Trafficking

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The WCC strongly supports Senate Bill 492 and Assembly Bill 620, which would strengthen Wisconsin's human trafficking laws, as well as protect the reputation, privacy, and civil liberties of Wisconsin residents.

Human trafficking constitutes one of the gravest offenses against the human family. It preys upon the most vulnerable women, children, and men who are frequently tricked or coerced into performing uncompensated work or degrading and dangerous activities. It denies everything that a civilized society stands for and that Catholic social teaching espouses: the protection of human dignity and human rights; the preferential option for the poor; the call to family and community; the rights of workers; and solidarity.

The Catholic Church, along with other religious and secular institutions, has been involved in combating human trafficking both nationally and internationally for some time. In the U.S., the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations, was one of the groups that helped draft the federal Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations.

This past December, Pope Francis addressed the issue of human trafficking in a speech for new ambassadors to the Vatican:

Human trafficking is a crime against humanity. We must unite our efforts to free the victims and stop this increasingly aggressive crime which threatens not only individuals but the basic values of society and of international security and justice, to say nothing of the economy, and the fabric of the family and our coexistence.

What is called for, then, is a shared sense of responsibility and firmer political will to gain victory on this front. Responsibility is required towards those who have fallen victim to trafficking in order to protect their rights, to guarantee their safety and that of their families, and to prevent the corrupt and criminals from escaping justice and having the last word over the lives of others. Suitable

legislative intervention in the countries of origin, transit and arrival, which will also facilitate orderly migration, can diminish this grave problem. (December 12, 2013)

The WCC, therefore, applauds Attorney General J.B. Van Hollen and the sponsors of Senate Bill 492 and Assembly Bill 620 for taking this legislative action. We strongly urge the Committee to pass these bills.

# MARY WILLIAMS

STATE REPRESENTATIVE • 87<sup>TH</sup> ASSEMBLY DISTRICT

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Assembly Committee on Criminal Justice  
Public Hearing – AB 441  
Thursday, January 23, 2014

Currently, when a person is convicted of a sex offense, the Dept. of Corrections must provide information on the internet that contains the registrant's name, physical description, address, and crime that subjects the registrant to the requirement to register as a sex offender.

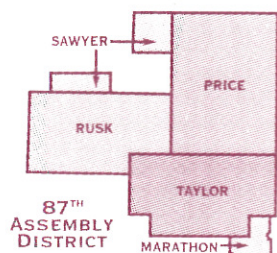
Upon the offenders release from correctional institutions, DOC, or the Dept. of Health Services, whichever has authority, the state has the option to notify local authorities about the offender's location in the community. Information released to authorities lets them know if the offender is living, working, or attending school.

While Wisconsin has made great strides to protect communities from sexual predators, we can do better. It was brought to my attention by Police Chief Straetz of Park Falls, that if a predator moves to a different neighborhood within the same municipality, authorities are not notified.

My bill will eliminate this loophole by mandating the DOC or DHS to notify local authorities, provided they already gave a notice upon the predator's arrival, if a designated predator moves. Without this change, predators are able to move undetected within our communities once they establish residence.

Secondly, this bill will require the DOC to list any sex offense that was dismissed as part of a plea agreement. I've found that it's not uncommon for offenders to plea down in order to avoid certain penalties. If the goal of the notification system is to provide communities with as much information as possible about a potential threat moving into their neighborhood, then I believe it stands to reason they should have easy access to all pertinent information.

Thank you for your time, I will be happy to answer any questions the committee may have.



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