

# STATE SENATOR LaTonya Johnson

WISCONSIN STATE SENATE

6<sup>TH</sup> DISTRICT

**Senate Committee on Judiciary and Public Safety  
Testimony on Senate Bill 211  
January 22, 2020**

Good morning members of the committee,

Thank you for holding this hearing on Senate Bill 211 (SB 211), which provides an explicit right of self-defense for human trafficking victims who use force to escape their traffickers.

Over the last ten years, 49,000 cases of human trafficking have been reported to the National Human Trafficking Hotline, averaging 150 calls per day. Human traffickers disproportionately target at-risk populations, including individuals who have experienced or been exposed to other violence, such as child abuse and maltreatment and community violence, and those who are disconnected from support networks, such as runaway and homeless youth, unaccompanied minors, and persons displaced by natural disasters.

Human traffickers prey upon our young people; gaining their confidence through deceit and coercion and forcing their compliance through threats and violence. It is incredibly difficult for trafficking victims to break free of this cycle of abuse and control, especially if they are at-risk minors with nowhere else to go. The lives of these young people are a living hell, and attempts to escape their traffickers are truly life or death.

Recent news stories on Cyntoia Brown and Chrystul Kizer have put a spotlight on the issue of trafficking victims who use force to escape their captors, and how our criminal justice system too often views these violent acts in isolation from the repeated physical and sexual abuse suffered by these young people.

As amended by Senate Amendment 1, SB 211 seeks to create an explicit right of self-defense for human trafficking victims, so that they can use reasonable force to escape their trafficker without fear of criminal conviction. SB 211 will ensure that the scales of justice balance in favor of the victims of human trafficking, and the State won't confuse their necessary and justifiable acts of desperation with those committed by the true perpetrators of this terrible crime.

I would like to thank my co-authors, Senator Bernier, Representative Bowen, and Representative Ramthun for their work on this bill and thank you, committee members, for your consideration of this proposal.

**STATE SENATOR KATHY BERNIER**  
TWENTY-THIRD SENATE DISTRICT



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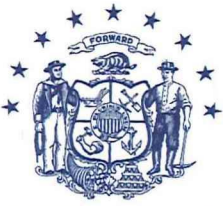
**From: Senator Kathy Bernier**  
**To: Senate Committee on Committee on Judiciary and Public Safety**  
**Re: Testimony on Senate Bill 211**  
**Relating to: Self-defense for victims of sex trafficking**  
**Date: January 22, 2020**

Thank you Chairman Wanggaard and committee members for allowing me to submit testimony on Senate Bill 211 today. I am grateful for the opportunity to work with Rep. Bowen, Sen. Johnson and Rep. Ramthun on this important piece of legislation.

Sex trafficking is a serious issue in Wisconsin and occurs in all 72 counties. Over a recent fourteen month period there were 99 confirmed incidents of sex trafficking involving individuals under 18 years of age. For these and so many other victims, sometimes the only way to escape the physical, psychological, and sexual abuse is through violence.

Senate Bill 211 recognizes this fact and would allow a victim to use the privilege of self-defense against their trafficker as a means to escape from sex trafficking. If a trafficking victim commits an act of violence against their trafficker, then the victim shouldn't necessarily face prison time because of it. It is important to note that while this bill gives the defense an important tool in such cases, the justice system will still ultimately decide innocence or guilt.

Victims of sex trafficking deserve every protection we can give them, which is why I ask you to please support the passage of Senate Bill 211. Thank you again for allowing me to provide testimony today.



**Senate Bill 211**  
**Public Testimony of Rep. David Bowen**  
**January 22, 2020**

Chairman Wanggaard and Members of the Senate Committee on Judiciary and Public Safety,

Thank you for allowing me to testify in support of Senate Bill 211 relating to self-defense for victims of sex trafficking.

In 2006, Cyntoia Brown was convicted of first-degree murder and sentenced to life in prison in Tennessee for the self-defense killing of a man who had paid her for sex when she was only 16 years old. At an early age, Cyntoia was forced into sex trafficking where she was repeatedly threatened, beaten, and raped by her trafficker and men who paid to have sex with her. In 2019, after 15 traumatic years in prison, Cyntoia was granted clemency by then-Governor Bill Haslam, and was freed from prison late last year. While she is currently focused on piecing her life back together and sharing her story, those are 15 years that she will never get back.

I drafted this bill because of the case of Cyntoia Brown and other victims with similar stories that aren't fortunate enough to capture the nation's attention and elicit political responses. I wanted to protect victims of sex trafficking when they use self-defense to prevent an unlawful interference or to escape their involuntary bondage after years of trauma. I approached Rep. Ramthun, Sen. Bernier, and Sen. Johnson to join me in making sure that we can craft legislation ensuring that the legal system does not fail sex trafficking victims in Wisconsin when they need to defend themselves. While underreported, sex trafficking happens in every corner of our state, and the average age of girls that are forced into this life is just 13 years old. While statistics are difficult to gather, it is estimated that boys and men make up 25% of trafficking victims globally, and members of the LGBTQ youth community are among the most vulnerable populations.

While doing research for this bill, I learned about the case of Chrystul Kizer in Kenosha, whose situation is unfortunately almost identical to that of Cyntoia Brown. Chrystul was charged with first-degree intentional homicide of Randall Volar in 2018 when she was just 17 years old. For two years, Randall had been grooming Chrystul for sex and was trafficking her to other men in the Milwaukee area. Randall had been engaging in sex trafficking and rape of young Black girls for years before his death, often filming himself performing these abhorrent acts.

Chrystul Kizer killed Randall Volar in self-defense to prevent him from drugging and raping her after years of trauma and abuse. However, the current law regarding an affirmative defense for acts committed as a direct result of being a trafficking victim is too broadly written, and therefore, has never been successfully used as a defense in homicide cases or cases involving any other violent crimes. This bill is necessary to remove any ambiguity in the current statute and to prevent sex trafficking victims from spending their lives in prison for defending themselves. An amendment was drafted by the original authors of this bill after we received feedback from stakeholders, advocacy groups, Attorney General Josh Kaul, and law enforcement representatives to make sure that we mitigate any unintended consequences of this legislation.

I want to thank you again for allowing me to testify, and urge each member of this committee to vote in favor of SB 211 and the adjoining amendment, and urge leaders on both sides of the aisle to not delay passing this bill for Governor Evers to sign as we cannot wait to protect these victims.

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To: Members of the Senate Committee on Judiciary and Public Safety  
Date: January 22, 2020  
From: Abby Swetz, Policy and Systems Analyst, End Domestic Abuse Wisconsin  
Re: SB 211 re: self-defense for victims of sex trafficking

Thank you for the opportunity to provide testimony regarding Senate Bill 211, the bill regarding self-defense for victims of sex trafficking. My name is Abby Swetz, and I am here as a representative of End Domestic Abuse Wisconsin, the Wisconsin Coalition Against Domestic Violence. End Abuse is a membership organization providing training and technical assistance to the domestic violence service providers in our state in addition to legislative advocacy on behalf of these service providers and the survivors themselves. This support includes training and advocacy on serving survivors of sex trafficking. It is this expertise and experience that informs our support of Senate Bill 211.

As a part of the anti-violence movement, we use the term survivor to refer to someone who has experienced domestic violence. This is because we seek to liberate the survivor from their experience, to empower them to not be defined by victimhood, to build a life after the violence. These words matter. The definition of victim is someone who is “acted on and adversely affected,” who is “injured or destroyed,” who is “subjected to oppression, hardship, or mistreatment.”<sup>1</sup> There is no agency in being a victim. However, the word survivor, a derivative of the verb survive, is entirely about agency: “to continue to exist,” “to live on,” “to withstand.”<sup>2</sup> The words we use matter.

The words we use when we talk about sex trafficking matter. A victim of sex trafficking is a victim of rape. The fact that it is purchased does not change that it is rape. There is no agency for a sex trafficking victim; there is no consent; it is rape. A sex trafficker sells rape; a customer purchases it. Siddharth Kara, the Director of the Program on Human Trafficking and Modern Slavery at Harvard University’s Kennedy School of Government explains it like this: a sex trafficking victim who “suffered 10,000 counts of rape from age 14 to 18, what options does she have now?”<sup>3</sup> Siddharth further explains that “for traffickers, the human body is a commodity that can be monetized through coercion.”<sup>4</sup> It is this coercive control, this removal of agency from the victim, that makes it so difficult for a victim to become a survivor.

The words used in this bill matter. The bill would add language to Wisconsin State Statute 939 to protect sex trafficking victims who “believed that the use of force was necessary to prevent or terminate an unlawful interference with his or her person” or “to escape from sex trafficking.” With these words, we are speaking the language of survival, of the right to life and liberty. This is why we at End Abuse urge the passage of Senate Bill 211.

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/survivor>

<sup>2</sup> <https://www.merriam-webster.com/dictionary/survivor>

<sup>3</sup> <https://www.indystar.com/story/opinion/columnists/tim-swarens/2016/09/29/swarens-lucrative-business-sex-trafficking/91292000/>

<sup>4</sup> Ibid.