

Human Trafficking Statute §940.302

Definitions:

Trafficking means **recruiting, enticing, harboring, transporting, providing, or obtaining** an individual **without consent** of the individual or **attempting** to do any of the same.

Commercial sex act means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person.

Debt bondage means the condition of a debtor arising from the debtor's pledge of services as a security for debt if the reasonable value of those services is not applied toward repaying the debt or if the length and nature of the services are not defined.

Services means activities performed by one individual at the request, under the supervision, or for the benefit of another person.

Penalty for a Class D felony is a fine not exceeding \$100,000, prison time not exceeding 25 years, or both.

Human Trafficking: A person is guilty of a Class D felony if he or she knowingly engages in trafficking **for the purpose of a labor or services or commercial sex act** **and** the trafficking is done through any of the following:

- a. Causing or threatening to cause bodily harm to any individual
- b. Causing or threatening to cause financial harm to any individual
- c. Restraining or threatening to restrain any individual
- d. Violating or threatening to violate a law
- e. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or official document of any individual or threatening to do the same
- f. Extortion
- g. Fraud or deception
- h. Debt bondage
- i. Controlling any individual's access to an addictive controlled substance
- j. Using a scheme or pattern to cause an individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm

Penalties for those who benefit from Trafficking: Whoever benefits in any manner from a violation of Human Trafficking, as described above, is also guilty of a Class D felony if the person knew that the benefits came from an act of Trafficking.

Affirmative Defense: A victim of Human Trafficking has an affirmative defense for any crime he or she committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted for trafficking.

Trafficking of a Child Statute §948.051

Definitions:

Child means a person who has not attained the age of 18 years

Commercial sex act means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person

Sexually explicit performance: this term is not defined in the Wisconsin Statutes, however “sexually explicit conduct” is defined in Wis. Stat. § 948.01

Penalty for a Class C felony is a fine not exceeding \$100,000, prison time not exceeding 40 years, or both

Trafficking of a Child:

Whoever knowingly **recruits, entices, provides, obtains, or harbors** any child **for the purpose of commercial sex acts or sexually explicit performance**, or knowingly **attempts** to do any of the same, is guilty of a Class C felony.

Penalties for those who benefit from Trafficking of a Child:

Whoever benefits in any manner from a violation of Trafficking of a Child, as described above, is guilty of a Class C felony if the person knew that the benefits came from an act of Trafficking of a Child.

Statute of Limitations for Trafficking of a Child: A prosecution for Trafficking of a Child may be commenced until the victim reaches the age of 24.

§948.051 Differs from § 940.302 in two respects:

- a. It is not required to prove lack of consent on the part of a minor victim
- b. Applies only to trafficking involving commercial sex acts or sexually explicit performance and not to “labor/services” as found in § 940.302

Affirmative Defense: A victim of Trafficking of a Child has an affirmative defense for any crime he or she committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted for trafficking.