



4201 N 27th St, 7th Floor N
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AB 48 Public Hearing Testimony

Good morning, Chairman Spiros & Committee Members:

My name is Jamie Lynn Crofts. I am the policy director for Wisconsin Voices. Wisconsin Voices is a nonpartisan nonprofit organization with a focus on building community, and we partner with more than 60 nonprofit and grassroots organizations around the state, including some focused on helping victims of violence and trafficking who you will also be hearing from today.

I am here to urge you to vote yes on Assembly Bill 48.

We are here today to talk about a difficult issue — and a very important one. We must end the criminal prosecution of child sex trafficking victims in Wisconsin.

Any child who is forced to be involved in commercial sex work is a victim of sex trafficking and child abuse. That is not my opinion, it is both state¹ and federal² law. And here in Wisconsin, children under the age of 18 in Wisconsin cannot even legally consent to sex in most situations. Nonetheless, victims of child sex trafficking and sexual abuse continue to be treated as criminals in our state.

Exact numbers of child trafficking victims are difficult to ascertain. Most studies estimate that between 100,000 and 300,000 children are at risk of trafficking or currently being trafficked in commercial sex in the U.S. each year. The actual numbers may be even higher. And, according to the Bureau of Justice Statistics, more than half of trafficking victims in the US are under the age of 18.

Sadly, research has also found that between 30 and 40% of commercially sexually exploited children are treated as delinquents by the legal system, rather than victims.³

Arresting and criminally charging sexually exploited children is, simply, wrong. Sexually exploited children need help, not criminal prosecution.

Victims of child sex trafficking are among the most vulnerable people in our society — and the vast majority were sexually abused even before their trafficking. Most also come from disadvantaged backgrounds, and have experienced poverty, homelessness, physically or emotionally abusive families, and involvement with the child welfare system.

¹ Wis. Stat. § 48.02(1)(b); Wis. Stat. § 938.71(3)(d); Wis. Stat. § 948.05.

² Trafficking Victims Protection Act, 22 USC § 7102.

³ Lindsay B Gezinski, (De)criminalization of Survivors of Domestic Minor Sex Trafficking: A Social Work Call to Action, Oxford University Press, Journal of Social Work & NIH National Library of Medicine.



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Criminal charges against trafficked children punish victims who have already lived through horrific sexual abuse and exploitation, while doing nothing to do nothing to actually stop or deter child sex trafficking.

Many traffickers control their victims by convincing them that, if they seek help from law enforcement, they will only end up being punished themselves and sucked into the criminal legal system. Unfortunately, in Wisconsin, this can and does happen, creating a pipeline of sexual abuse to prison.

Arrest and detention re-traumatize victims, who understandably fear authority figures. Criminalization also reinforces what survivors hear from their abusers: that they are responsible for what happened to them, that no one will believe them, and that they will be the ones who are punished if they try to escape or get help. And right now, in Wisconsin, these fears are founded.

Rather than stymie the criminal legal system, AB 48 would help law enforcement identify and prosecute traffickers. Enacting this safe harbor law for sexually exploited children would make it easier for victims to come forward — and, in turn, make it easier to bring their traffickers to justice. That is why this bill and similar legislation in other states are supported by many current and former law enforcement officers and criminal prosecutors.

Additionally, children who have already been victims of sexual abuse are also at even greater risk of further sexual assault while in custody — and children detained for the crime of “prostitution” are among the most likely to be sexually assaulted in juvenile detention settings.⁴

There is a large and growing national movement to end the criminalization of trafficked children. Although only a handful of states had safe harbor laws for child victims as recently as 2015, now, at least 30 other states and the District of Columbia now have some form of safe harbor law for exploited children, like the one proposed in Assembly Bill 48.

Ending the exploitation of sex trafficked children is not an issue where Wisconsin wants to be an outlier.

Wisconsin should be doing whatever it can to help child victims of sex trafficking, not prosecuting them as criminals. Please, vote yes on AB 48.

Thank you.

⁴ See, e.g., Mie Lewis & Aryeh Neier, *Custody & Control: Conditions of Confinement in New York’s Juvenile Prisons for Girls*, available at U.S. Dept of Justice NCJRS Library, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/custody-and-control-conditions-confinement-new-yorks-juvenile>.