

CHILDREN & THE LAW SECTION

Children & the Law Supports Safe Harbor Legislation

The State Bar of Wisconsin's Children & the Law Section strongly supports SB 49, Sen. Darling's Safe Harbor legislation, which removes the ability to charge a child with prostitution. **A child under the age of 18 cannot consent to sexual behavior and should not be considered a criminal, but rather a victim and survivor of sexual exploitation.**

Children are victims of a crime when they are being sex trafficked. They are being forced to have sex and possibly engage in other illegal activities. The Children & the Law Section supports SB 49 as it prevents victims of a heinous crime from being prosecuted. This is especially important in trafficking cases, as these situations are hard to identify as such because they are complicated and involve coercion, manipulation, and often the use of physical force.

WI attorneys have seen an increase in the number of children that are victims of sex trafficking over the last several years. According to the Milwaukee Homicide Review Commission Report of April 15, 2013, at least 77 youth were trafficked in the Milwaukee area from August 2010-August 2012. Thirty one youth (40%) had a CHIPS case, JIPS case or both at Milwaukee County Children's Court. The majority of the youth were 16-17 years old (52%) and almost a third of the youth were 12-15 years old (32%). Experts in the field believe this is a gross underestimation of the number of children sexually exploited in the Milwaukee area.

This is not an issue exclusive to Milwaukee. The sexual trafficking of children occurs in both rural and metropolitan areas. Between 2007-2017, 1523 reports from Wisconsin were made to a trafficking hotline, with calls coming from all 72 counties. According to the National Human Trafficking Resource Center, data collected from a 2012 study indicates that after Milwaukee, its hotline received the second highest number of calls from Verona, WI, a population of less than 11,000.

Victims come from every race, gender, age, socioeconomic class, and ethnicity. Child victims of trafficking are exploited for commercial sex, survival sex, and labor purposes. Traffickers often use force, fraud, manipulation, and coercion to exploit their victims.

In addition to the trauma induced from sex trafficking, arrest and prosecution for prostitution can further traumatize victims, as well as leave him or her with a profound distrust of law enforcement, often preventing victims from seeking assistance. Furthermore, the criminal record that results from being an arrest can act as a barrier to future employment and other opportunities.

SB 49 is a tremendous step forward in protecting the innocent lives of Wisconsin youth who are victims of sex trafficking, and for the reasons outlined, the Children & the Law Section supports this legislation.

For more information, please do not hesitate to contact our Government Relations Coordinator, Lynne Davis, ldavis@wisbar.org or 608.852.3603.

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