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WISCONSIN

2023 Report Card

TIER II

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 3.5 points.
- Criminal laws address all perpetrators and correctly define child sex trafficking to include any commercially sexually exploited child.
- One of the only states to provide an affirmative defense to any crime, including violent crimes, when the crime was committed as a result of trafficking victimization.
- Ensures trafficking survivors have access to a critical victim protection by allowing survivors to seek ex parte civil orders of protection against their exploiters.

SAFE HARBOR STATUS:

Year after year, Wisconsin introduces legislation aimed at preventing minors from being criminalized for prostitution; however, such legislation has been unsuccessful, and Wisconsin remains one of 21 states that permit children to be arrested and prosecuted for prostitution offenses, thus allowing commercially sexually exploited minors to be held accountable for their own victimization.

Issue		Grade	Score	Summary
	1. Criminal Provisions	C	$\frac{12.5}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, buyer and trafficker accountability under state CSEC laws, mistake of age defenses, and business entity liability under the trafficking law. Gaps remain related to decoy defenses and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{9.5}{27.5}$	Policy goals accomplished related to third party control, affirmative defenses for violent felonies, and child abuse definitions. Gaps remain related to foreign national victims, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{3}{15}$	Gaps remain in all areas, including community-based services, MDT responses, services through child welfare and the juvenile justice system, extended foster care services, and appropriations.
	4. Access to Justice for Trafficking Survivors	C	$\frac{11.5}{15}$	Policy goals accomplished related to civil orders of protection, restitution, and civil remedies. Gaps remain related to crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	F	$\frac{5.5}{10}$	Policy goal accomplished related to privileged communications. Gaps remain related to hearsay exceptions, alternatives to live, in-court testimony, and victim-witness supports.
	6. Prevention and Training	F	$\frac{0}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	Youth		3	Protections related to affirmative defenses for violent felonies, civil remedies, and privileged communications are extended to sex trafficked youth.
	Child Labor Trafficking		4	Protections related to affirmative defenses for violent felonies, restitution, civil remedies, and privileged communications are extended to child labor trafficking victims.

OVERALL GRADE
TIER II

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