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WCASA Views Legislative Session as a Positive One, Thanks Legislators for Attention to Sexual Violence Issues

Madison – The 2009-2010 legislative session came to an end on April 22nd, wrapping up what Wisconsin Coalition Against Sexual Assault (WCASA) Executive Director Jeanie Kurka Reimer called a mostly positive session. “We saw a number of good developments this session, with bills passing that will help victims of sexual assault throughout Wisconsin.” Among the bills cited by Kurka Reimer as important victories were the following:

Open Housing Act (2009 Act 95) This law creates a new category in the state’s fair housing statutes, prohibiting discrimination in housing matters (selling, renting, evicting) due to the status of the tenant or applicant as being a victim of domestic violence, sexual assault or stalking.

Lock Out Abusers Act (2009 Act 117) This law requires that landlords change locks – or allow tenants to change the locks – within 48 hours of when a tenant presents evidence of being a victim of domestic violence, sexual assault, or stalking. Before passage of this legislation, lease provisions typically prohibited the changing of locks, making it difficult for victims to adequately protect themselves against subsequent violence.

Healthy Youth Act (2009 Act 134) The HYA ensures that school districts which offer human growth and development programs provide instruction that is comprehensive and includes the latest scientifically-based information and that they are not solely abstinence-based.

Video Voyeurism (2009 Act 137) Prior to this bill’s passage, judges could not require that a person guilty of making, reproducing, or possessing a nude depiction of a person without their consent be placed on the sex offender registry. This new law does not mandate such inclusion on the registry, but gives judges the discretion to do so when they see fit – as they may under existing “peeping tom” statutes.

Civil Rape Shield and Victim Privacy (2009 Act 138) This new law includes a number of provisions that will help ensure the privacy of victim information during civil proceedings and will also ensure that victims and witnesses are not subject to pre-trial mental health examinations in order to assess their credibility – codifying current caselaw in that regard.
There was progress on a number of other bills which WCASA plans on pursuing in the future, including the Gender Violence Act, Gender-Based Penalty Enhancer, and the Child Victims Act, described briefly below.

“We look forward to working with legislators next session toward passage of these critical bills,” added Kurka Reimer. “While disappointed that these bills did not pass this session, we have plans to aggressively pursue their passage in 2011.”

**Gender Violence Act (AB 480/SB 337)** This bill would have created a civil cause of action for acts of violence motivated by the gender of the victim. Currently, a three-year statute of limitations exists for bringing such claims as personal injury suits – a short window of opportunity for many survivors of sexual assault. This bill would have created the distinct civil cause of action and importantly included a longer statute of limitations – seven years. This bill passed in the full Assembly and by the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing, but was not brought up for a vote by the full Senate prior to the end of the legislative session.

**Gender-Based Penalty Enhancer (AB 481/SB 344)** This bill would have added gender to the state’s hate crime statute. For those violent crimes in which the perpetrator was motivated by the gender of the victim, prosecutors would have had the opportunity to charge accordingly and seek a penalty enhancer. This bill experienced the same fate as the Gender Violence Act described above – passing in the full Assembly and a Senate committee but expiring because it was not brought up for a vote in the full Senate.

**Child Victims Act (AB 453/SB 319)** This bill would have removed the current arbitrary statute of limitations for bringing civil claims of sexual assault as a child (which is when the victim reaches 35 years of age). The bill also would have created a three-year window of opportunity during which past victims could bring claims that were previously barred. The bill was approved by the Assembly Committee on Children and Families but was not voted on by the full Assembly. In the Senate it received a public hearing in front of but was not voted on by the Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing.

WCASA thanks the many legislators who championed the cause of ending sexual violence in Wisconsin this past legislative session, and looks forward to working with them and their colleagues during the upcoming 2011-2012 session.