

Highlighted Bills of the 2017-2018 Legislative Session

October 12, 2018

This document highlights legislation of relevance to survivors of sexual violence and Sexual Assault Service Providers.

Legislature Passed & Governor Signed

State Budget:

- Funding for Sexual Assault Victim Services Program (SAVS): WCASA supported – SAVS was level funded at \$2.138 General Purpose Revenue (GPR) annually. We were advocating for a state increase to SAVS to \$5.88 million annually as part of our [population-based staffing model](#).
- Services for Child Victims of Sex Trafficking: WCASA supported – Increases annual GPR funding to Department of Children and Families by \$1 million. The current total funding is \$3 million annually to fund services for child victims.

Child Sexual Abuse:

- Aiding and Abetting Sexual Abuse by School Personnel (Act 130): WCASA supported – Enables the State Superintendent of Public Instruction to revoke the license of an individual who helps a school employee, contractor, or agent obtain a new job if the licensee knows or has reason to believe that the employee/contractor/agent has sexually abused a minor or a student. Prohibits a school board, governing body of a private school, and an operator of a charter school from providing similar assistance.
- Soliciting an intimate representation from a minor (Act 129): WCASA supported – Creates a new crime that generally prohibits soliciting an intimate or private representation from a person who the actor believes or has reason to believe has not attained the age of 18 years is guilty of a Class I felony. *Exception:* The new crime does not apply if the person who solicits the representation is under the age of 18. If the person who solicits the representation is at least 18 but not 21 years of age and if the child solicited is not more than 3 years younger than the person soliciting the image, the penalty is a Class A misdemeanor. In all other instances, the penalty for the new crime is a Class I felony.
- Underage sexual activity and providing a criminal penalty (Act 174): WCASA took no position – Creates a new crime providing that whoever has sexual contact with a child who has attained the age of 15 years but has not attained the age of 16 years is guilty of a Class A misdemeanor if the actor has not attained the age of 19 years when this violation occurs. The new crime also provides that whoever has sexual intercourse with a child who has attained the age of 15 years is guilty of a Class A Misdemeanor if the actor has not attained the age of 19 years when the violation occurs. Finally, this act modifies the existing crime of Sexual intercourse with a child age 16 or older to only apply when the defendant has attained the age of 19 years when the violation occurs.

Sex Trafficking (non-budget):

- Increasing Penalties for Sex Trafficking (Act 131): **WCASA supported** – Increases the penalty for patronizing a prostitute from a Class A misdemeanor to a Class I felony if the person has two prior convictions of that crime.
- Patronizing a Child (Prostitution) (Act 128): **WCASA supported** – Increases the penalty for patronizing a prostitute to a Class G felony (previously a class A misdemeanor) if the actor patronizes a person who is a minor. The act provides that the prosecution does not need to prove that the actor knew the age of the child and it is not a defense to the crime that the actor believed the person was at least 18.

Reproductive Health: WCASA strives to protect or advance women's access to reproductive health care. Restrictions to reproductive health care, such as abortion bans and defunding family planning clinics, ultimately limit the control survivors have to make decisions after an assault. Limiting access to abortion can also re-victimize survivors and impede their long-term recovery.

- Abortion coverage Ban for Public Employees (Act 191): **WCASA opposed** – Requires survivors of sexual assault or incest to report the crime to law enforcement to access reproductive health services under a health insurance or healthcare coverage plan offered under the group insurance board. This bill prohibits the state from buying health insurance plans that cover abortion for state employees.

Other Priority Bills

- Crimes subject to a mandatory minimum sentence (Act 309): **WCASA opposed** – Increases the mandatory minimum period of confinement to five years, and adds criminal acts, as defined by the legislation, to the definition of "serious violent crime" for the purposes of the mandatory minimum period of confinement. WCASA opposed because of the potential for this bill to increase racial disparities within the criminal justice system.

Legislature Passed & Requires Action

- Wisconsin's Version of Marsy's Law (AJR 47 | SJR 53): **WCASA supported** – This resolution elevates certain crime victim rights to the state constitution to be on par with offender rights. To become law, the joint resolution must be passed by both the assembly and the senate in two successive legislative sessions and then submitted to the ballot for Wisconsin voters. "Marsy's Law" will come forward for a second consideration early 2019 and, if passed, will be put before the electorate for final approval.

Legislature Did Not Pass

Sexual Assault

- Statute of Limitation for 2nd Degree Sexual Assault (AB 407): **WCASA supported** – Provides that prosecution of second degree sexual assault can be initiated at any time. Last session WCASA successfully expanded the window that prosecution can begin for this crime, from 6 years to 10.

- Obtaining crime victim mental health treatment records (AB 570 | SB 492): WCASA supported – Creates a procedure by which a defendant in a criminal case may seek access to the mental health treatment records of a crime victim that are not in the possession of or under the control of a government entity when he or she believes that those records contain information that is crucial to the defendants defense. These bills would clarify and strengthen the law regarding victim privacy, particularly as it relates to a criminal defendant's ability to access victim mental health records (also referred to as *Shiffra/Green* motions).

Child Sexual Abuse

- Child Sexual Abuse Education (AB 535 | SB 439): WCASA took no position – Requires the state Department of Public Instruction develop a child sexual abuse prevention policy and instructional program for grades K-6, with age-appropriate curriculum providing knowledge and tools for children to escape from a sexual abuse situation and to communicate incidents of sexual abuse. Requires school boards to adopt and administer the department's program or its own policy or program. Many parts of this bill are favorable. To ensure a comprehensive, research-based approach to this matter, effective legislation would address all of the elements of the [10 Core Concepts of Child Sexual Abuse Prevention](#).

Sex Trafficking (non-budget)

- Ending Prosecution of Sex-Trafficked Children (AB 186 | SB 344): WCASA supported – Prohibits prosecution for prostitution if the person was a minor when the act was committed. Build on 2015 Wisconsin Act 367 which 1) requires law enforcement to refer to child welfare and child welfare to investigate cases of child prostitution or sex trafficking when the perpetrator is not a caregiver, and 2) allows a child survivor to be the subject of a child in need of protection and services petition.
- Human Trafficking Surcharge and Services Bill (AB 435 | SB 442): WCASA took no position – Creates a \$5,000 surcharge on johns to prevent/deter demand, and to fund victim services and police activities concerning internet crimes against children. WCASA expressed concern about the disproportionate impact of the high surcharge on historically marginalized communities, as well as the stability of a surcharge for funding services.

Reproductive Health

- Abortion Training Ban for UW (AB 206 | SB 154): WCASA opposed – Prohibits the performance of and funding for abortions and other services by certain employees and entities. WCASA opposed because the bill would worsen OB/GYN shortage and jeopardize UW's accreditation for this kind of education.

LGBTQI Rights & Protections

- Child Conversion Therapy Ban (AB 349 | SB 261): WCASA supported – Prohibits certain mental health providers from trying to change a minor's gender expression, gender identity, or sexual orientation. Violation of the prohibition is grounds for professional discipline by the appropriate credentialing board.
- Marriage and Family Equality Bill (AB 417 | SB 327): WCASA supported – Recognizes same-sex marriage by making gender-neutral any references in Wisconsin statutes to spouses, intending

to harmonize state law with UW Supreme Court holding in *Obergefell vs. Hodges*. It also recognizes legal parentage for same-sex couples under certain circumstances.

- Transgender Nondiscrimination Bill (AB 418 | SB 328): **WCASA supported** – Prohibits discrimination in employment, housing, public accommodations, education, insurance coverage, jury duty, and the receipt of mental health or vocational rehabilitation services, based on a person's gender identity, gender expression, or sexual orientation.
- Marriage in State Constitution (AJR 68 | SJR 65): **WCASA supported** – Removes marriage restriction from Wisconsin's Constitution, which currently specifies one man and one woman.

Other Priority Bills

- Anti-Sanctuary City Bill (AB 190 | SB 275): **WCASA opposed** – Overrules local policies that prevent law enforcement and other officials from racially profiling and deporting undocumented immigrants.
- Wisconsin Family & Medical Leave Insurance Act (AB 286 | SB 215): **WCASA supported** – Creates an insurance program that provides workers with access to paid family and medical leave, as well as other protections including:
 - All Wisconsin workers eligible for up to 12 weeks of paid leave for personal or family illness or to care for new child
 - Job protection for workers taking leave for an eligible reason in a business that employs 25 or more people
 - Replaces income between 66% of wages for most workers and up to 95% of wages for those with lower incomes.
 - Provides 2,600,000 workers with paid leave insurance coverage through an employee contribution of between \$2 and \$3.50 per week.
 - Expands definition of eligible family members an employee could take paid leave to care for.
- Mandatory Annual Reporting of Statistics (AB 604): **WCASA supported** – Requires Department of Justice to once again publish annual reports with statistics regarding incidences of domestic violence and sexual assault in Wisconsin.