



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

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## Highlighted Bills of the 2019-20 Legislative Session

This document provides an overview of key legislation from the most recent legislative session.

### Legislature Passed & Governor Signed

#### **State Budget:**

- Funding for Sexual Assault Victim Services Program (SAVS): **WCASA supported** – SAVS was level funded at \$2.132 million General Purpose Revenue (GPR) annually. WCASA advocated to increase to SAVS to \$5.88 million annually as part of our [population-based staffing model](#).

#### **Sexual Violence:**

- Driver Education Instruction on Human Trafficking (Act 27): **WCASA supported** – Requires commercial motor vehicle driver education courses offered by technical colleges or licensed private driver schools to provide instruction in the recognition and prevention of human trafficking.

#### **Law Enforcement:**

- Body Cameras on Law Enforcement Officers (Act 108): **WCASA did not take a position** – If a law enforcement agency uses a body camera on a law enforcement officer, they must develop written policies on their usage and store the data for a minimum of 120 days (with some exceptions). WCASA did not take a position on this bill due to concerns that it does not adequately address racism as one of the root causes of police violence.

### Legislature Passed & Passed as Ballot Measure

- Wisconsin's Version of Marsy's Law (SJR 2): **WCASA supported** – This resolution elevates certain crime victim rights to the state constitution to be on par with offender rights. Passed in both the Assembly and the Senate and approved by voters in the April 2020 election.

### Legislature Did Not Pass

#### **Sexual Violence**

- Sexual Contact by a Law Enforcement Officer with a Person in His or Her Custody ( AB 171 | SB 104): **WCASA supported** – Prohibits a law enforcement office from engaging in sexual contact or sexual intercourse with a person in their custody. Consent is not an issue in this crime.

- Obtaining crime victim mental health treatment records ([AB 11](#) | [SB 20](#)): **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 defendant's 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).
- Storage and Processing of Sexual Assault Kits ([AB 214](#) | [SB 200](#)): **WCASA supported** – Creates procedures for transmission, processing, and storage of sexual assault kits. Requires the Crime Lab to either: process the kit for survivors who have consented to testing or store the kit for 10 years. For survivors who choose the latter option, they can request testing of their kit by reporting to law enforcement within the 10-year time period.
- Sexual Assault Kit Tracking System ([AB 358](#) | [SB 332](#)): **WCASA supported** – Requires the Department of Justice to maintain a data bank for the purpose of providing victims of sexual assault access to information about the status of their sexual assault kit.
- Child Sexual Abuse Education ([AB 377](#) | [SB 347](#)): **WCASA supported** – 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. WCASA supported the amended version of this legislation that incorporated elements of the [10 Core Concepts of Child Sexual Abuse Prevention](#).
- Child Victims Act ([AB 424](#) | [SB 381](#)): **WCASA supported** – Removes the statute of limitations for adult survivors of child sexual abuse to file a civil suit against the perpetrator. Also revives a civil suit that was barred by the present statute of limitations for adult survivors of child sexual and allows them to file the claim within three years of the effective date of the bill.

## **Sex Trafficking**

- Ending Prosecution of Sex-Trafficked Children ([AB 41](#) | [SB 49](#)): **WCASA supported** – Prohibits prosecution for prostitution if the person was a minor when the act was committed. Built 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 34 | SB 46): **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**

- Repeal of Criminal Abortion Statute (AB 367 | SB 419): **WCASA supported** – Repeals the criminal abortion statute in Wisconsin which has been held unenforceable by a federal court. The Wisconsin statute is similar to a Texas statute that was struck down in *Roe v. Wade*.
- Certification of Abortion Procedures under the Medical Assistance Program (AB 183 | SB 187): **WCASA opposed** – Prohibits the Department of Health Services from certifying a provider under the Medical Assistance program that is a private entity that provides abortion services. WCASA opposed this legislation as it would restrict women’s access to basic health care services.
- Shackling of Pregnant People Incarcerated in Correctional Facilities (AB 398 | SB 316 ): **WCASA supported** – Limits the use of physical restraints on pregnant or postpartum people who are in the custody of a correctional facility.
- Requiring Informed Consent Prior to Performing a Pelvic Exam on a Unconscious Patient: (AB 694 | SB 635): **WCASA supported** – Requires hospital to have and enforce a policy requiring written and verbal informed consent to be obtained before a medical student may perform a pelvic exam on a patient who is under general anesthesia or otherwise unconscious.

## **LGBTQI Rights & Protections**

- Conversion Therapy Ban (AB 111 | SB 107): **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.
- Transgender Equality Task Force (AB 312): **WCASA supported** – Creates a Transgender Equality Task Force to study the legal and societal barriers to equality for transgender, intersex, nonbinary, and gender nonconforming individuals in Wisconsin.
- Marriage and Family Equality Bill (AB 337 | SB 566 ): **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.

- Gender Identity/Gender Expression Nondiscrimination Bill ([AB 319](#) | [SB 308](#)): **WCASA supported** – Prohibits discrimination on the basis of a person’s gender identity or gender expression in the following areas: education, employment, housing, and public accommodations.

### **Anti-Oppression Bills**

- Anti-Sanctuary City Bill ([AB 138](#) | [SB 151](#)): **WCASA opposed** – WCASA opposed because this legislation overrules local policies that prevent law enforcement and other officials from racially profiling and deporting undocumented immigrants.
- Missing and Murdered Indigenous Women (MMIW) Task Force ([AB 548](#) | [SB 493](#)): **WCASA supported** – Creates a task force on missing and murdered indigenous women and girls. The task force will examine the various factors that contribute to violence against indigenous women and girls.
- Employment Discrimination due to Conviction Record ([AB 384](#) | [SB 421](#)): **WCASA supported** – Provides that employment discrimination because of a conviction record includes requesting an applicant for information about a conviction record or considering the conviction record of an applicant before making a decision about interviewing the applicant.
- Fair Housing Based upon Immigration Status ([AB 425](#) | [SB 539](#)): **WCASA supported** – Adds citizenship or immigration status to the list of characteristics on which it is unlawful to discriminate in housing.
- Prohibition on School “Lunch Shaming” ([AB 84](#)): **WCASA supported** – Requires certain schools to provide a school breakfast or lunch to a student who requests such a meal. Prohibits schools from taking actions that would stigmatize a student who is unable to pay for school lunch or breakfast.
- Mandatory Minimum Sentence for Retail Theft ([AB 807](#) | [SB 749](#)): **WCASA opposed** – Requires a 180-day mandatory minimum jail sentence for a person convicted of retail theft, if the person has previously been convicted two times for retail theft. WCASA opposed this legislation due to concerns that it would exacerbate racial disparities in our correctional system.