



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Highlighted Bills of the 2021-22 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 \$2.235 million General Purpose Revenue (GPR) annually (this amount included a \$100,000 increase for the purpose of providing training and technical assistance to SAVS grantees).

Sexual Violence:

- Storage and Processing of Sexual Assault Kits (Act 116): **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 (Act 117): **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.
- Sexual Contact by a Law Enforcement Officer with a Person in His or Her Custody (Act 188): **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
- Stalking (Act 28): **WCASA supported** – Amends the definition of stalking to explicitly include attempts to contact the victim or the victim's family via text messaging and other electronic means of communication, including sending and posting online content.
- Permanent Injunctions for Certain Sexual Assault Victims (Act 256): **WCASA Supported** – Authorizes a court to issue a permanent injunction upon a victim's request, if the court finds that the respondent has been convicted of 1st, 2nd, or 3rd degree sexual assault (or, in the case of a child abuse injunction, convicted of sexual assault of a child or repeated acts of sexual assault of the same child).

Legislature Passed & Governor Vetoed

Racial Justice/Anti-Oppression

- Curriculum censorship in anti-racism and anti-sexism instruction at the UW System and the WI Technical College System (AB 413 | SB 409): WCASA opposed – Prohibits race and sex stereotyping in instruction provided to students at UW System institutions and Technical College System technical colleges. WCASA opposed this legislation as the language is so broad that it would inherently create a chilling effect on UW System and Technical Colleges from offering anti-racism and anti-sexism instruction to their students, which would be extremely detrimental to sexual violence prevention programming.
- Curriculum censorship in anti-racism and anti-sexism trainings for employees of state and local government agencies. (AB 414 | SB 410): WCASA opposed – Prohibits race and sex stereotyping in trainings provided for employees of state and local government agencies. WCASA opposed this legislation as the language is so broad that it would inherently create a chilling effect on state and local governments from offering anti-racism and anti-sexism instruction to their employees, which would be extremely detrimental to sexual violence prevention programming.
- Curriculum censorship in anti-racism and anti-sexism trainings for K-12 students/employees. (AB 411 | SB 411): WCASA opposed – Prohibits race and sex stereotyping in instruction and training for K-12 students/employees. WCASA opposed this legislation as the language is so broad that it would inherently create a chilling effect on schools from offering anti-racism and anti-sexism instruction to their students and employees, which would be extremely detrimental to sexual violence prevention programming.
- Decreased shared revenue payment to municipalities based on decreased funding for law enforcement officers. (AB 111 | SB 119): WCASA opposed – Decreases payments to municipalities if they reduce their budget for law enforcement compared to the prior year. WCASA opposed this legislation as it prevents local governments from making budgetary decisions that address structural racism in the criminal legal system.

Reproductive Health

- Certification of Abortion Procedures under the Medical Assistance Program (AB 493 | SB 503): 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 we believe that the sexual violence prevention concepts of empowerment, body autonomy, and consent are also pivotal to reproductive health, including abortion access. This legislation restricts access to abortion services, which violates prevention concepts such as empowerment and body autonomy.

LGBTQI+ Rights & Protections

- Rights Reserved to a Parent or Guardian (AB 963 | SB 962): **WCASA opposed** – Provides parents/guardians the right to determine the names and pronouns for their child while at school. WCASA opposed this legislation as it would deny children the autonomy to use pronouns consistent with their gender identity.

Legislature Did Not Pass

Sexual Violence

- Terminating a Tenancy for Sexual Violence Survivors (AB 58 | SB 67): **WCASA supported** – Expands current law by providing sexual violence survivors with an additional mechanism to terminate their tenancy prior to the expiration of their lease. Under this legislation, survivors can submit a written statement from an advocate indicating there is a reasonable basis to they are a victim of sexual violence to their landlord. WCASA supports this legislation as it addresses limitations in current law that require sexual violence survivors to submit a copy of an injunction or a criminal complaint to their landlord to terminate their tenancy.
- Child Sexual Abuse Education (AB 764 | SB 746): **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](#).
- Stealthling (AB 867 | SB 822): **WCASA supported** – Creates a civil cause of action for nonconsensual removal or tampering with a sexually protective/contraceptive device. WCASA supported this legislation as it provides a mechanism for an individual to seek legal recourse if their partner tampers with/removes a sexually protective device without their consent.
- Clergy Reporting of Child Abuse (SB 1073): **WCASA supported** – Under current law, members of the clergy are not required to report suspected sexual abuse of a child that they receive through confidential communications or in a confessional setting. This bill eliminates the exception for information obtained through confidential communications. WCASA supported this legislation as it closes a large loophole in existing law in which members of the clergy did not have to report suspected child sexual abuse.

Sex Trafficking

- Ending Prosecution of Sex-Trafficked Children (AB 185 | SB 245): **WCASA supported** – Prohibits prosecution for prostitution if the person was a minor when the act was committed. WCASA supported this legislation as it is a key component to dismantling racial disparities in the juvenile justice system and bring Wisconsin in line with the federal Trafficking Victims Protections Act (TVPA).

- Human Trafficking Surcharge and Services Bill (AB 139 | SB 26): **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 106 | SB 75): **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*. WCASA supports this legislation because if *Roe* is overturned by the Supreme Court, most abortions in Wisconsin will be prohibited.
- Prohibiting a UW employee from performing an abortions (AB 370 | SB 260): **WCASA opposed** – Prohibits a UW employee from performing an abortion. WCASA opposed this legislation as it would restrict access to abortion services in Wisconsin.
- Requiring Informed Consent Prior to Performing a Pelvic Exam on a Unconscious Patient: (AB 128 | SB 127): **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. WCASA supported this legislation as it promotes concepts such as consent and body autonomy, which are cornerstones of sexual violence prevention programming.
- Right to Choose an Abortion and Eliminating Certain Abortion-related Regulations: (AB 713 | SB 675): **WCASA supported** – Specifies that every individual has the fundamental right to choose to obtain a safe and legal abortion. Repeals various abortion-related laws, including requiring admitting privileges for physicians performing abortions and other laws that restrict access to abortion.
- Prohibiting Performing an Abortion After the Detection of a Fetal Heartbeat: (AB 1065 | SB 923): **WCASA opposed** – Prohibits, except when a medical emergency exists, the performance of an abortion after a fetal heartbeat can be detected. WCASA opposed this legislation as it would restrict access to abortion services in Wisconsin.

LGBTQI+ Rights & Protections

- Conversion Therapy Ban (AB 312 | SB 326): **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 467 | SB 443): **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 484 | SB 464): **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 360 | SB 362): **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.
- Prohibiting Transgender Girls from Participating on Girls K-12 and Collegiate Sports Teams (AB 195/AB 196 | SB 322/SB 323): **WCASA opposed** – Requires transgender girls to participate on sports teams according to the sex they were assigned at birth. WCASA opposed these bills because they compound the discrimination transgender people already face in their daily lives and sends a dangerous message that they are not welcome on sports teams.
- Eliminating the “Panic” Defense (AB 470 | SB 450): **WCASA supported** – Prohibits a defendant from asserting self-defense as a defense if the criminal charge resulted from the discovery of the victim’s gender identity/expression or sexual orientation. WCASA supported this legislation because “panic” defenses are rooted in irrational fears and prejudices to LGTBQ people and imply violence towards LGTBQ people is acceptable under certain circumstances.
- Gender Identity and Sexual Orientation Programming in Public Schools: (AB 562 | SB 598): **WCASA opposed** – Requires schools to give notice to parents before providing any program related to sexual orientation, gender, gender identity/expression. It also allows parents to opt their children out of any such programming. WCASA opposed this legislation because gender identity/expression are critical components of sexual violence prevention, and it also creates a chilling effect on schools offering prevention programming to students.
- Gender Transition Procedures (AB 977 | SB 915): **WCASA opposed** – Prohibits health care providers from providing any gender transition procedure to a person under the age of 18. WCASA opposed as this legislation as it would criminalize best practice medical care for transgender youth.

Racial Justice/Anti-Oppression

- Eliminating Public Official Immunity for Law Enforcement Officers (AB 186 | SB 295): **WCASA supported** – Provides that public official immunity does not apply and is not a defense to civil liability against a law enforcement officer for any act by the officer done in an official capacity or through the course of their employment. WCASA supports this legislation as it eliminates the ability of law enforcement officers to use qualified immunity as a way of avoiding civil liability for causing harm and other egregious conduct while on the job.
- “Enough is Enough” Police Reform Legislation (includes AB 453 | SB 478, AB 454 | SB 512, and AB 450): **WCASA supported** – Package of 12 police reform bills that addresses a variety of topics, including: limitations on who may investigate an officer-involved death, requiring training on use-of-force options/de-escalation strategies, and prohibiting public safety bargaining units representing law enforcement officers from bargaining the reversal of a police chief decision to fire a law enforcement officer. WCASA supported these bills as they reform law enforcement training and seek to enhance accountability and transparency.
- Requiring Instruction in African American History (AB 273): **WCASA supported** – Requires the Department of Public Instruction (DPI) to develop a curriculum for K-12 schools on African American History.
- Indigenous Peoples Day (AB 705| SB 704): **WCASA supported** – Renames Columbus Day as Indigenous Peoples Day.

Economic Justice

- Eliminating Tipped Minimum Wage (AB 278 | SB 286): **WCASA supported** – Eliminates the tipped minimum wage for all employees. WCASA supported this legislation because ensuring tipped workers are entitled to the same minimum wage as other workers is a critical component to stopping and preventing workplace harassment. Tipped workers, who often depend on tips to make a living, should not have to endure sexual harassment as the price of receiving a tip.
- Paid Family Leave (AB 1098 | SB 1066): **WCASA supported** – Creates a family and medical leave insurance program to empower workers to take paid time off while on family or medical leave. WCASA supports this legislation because it will benefit survivors who may need to take time off in their healing process. This will also benefit Black, Indigenous, and People of Color (BIPOC) communities who are disproportionately impacted by sexual violence.