



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

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## Highlighted Bills of the 2023-24 Legislative Session

This document provides an overview of key bills 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 \$2.236 million General Purpose Revenue (GPR) annually. Governor Evers proposed increasing SAVS funding by \$5 million GPR annually in his Executive Budget, however that increase was not included in the budget passed by the Legislature.

#### **Sexual Violence:**

- Time Limits for the State Crime Lab to Process Sexual Assault Kits (Act 58): **WCASA supported** – Requires the State Crime Lab to complete processing a sexual assault kit within 6 months of submission. However, the Crime Lab must complete processing of a sexual assault kit within 60 days in certain situations (i.e., the victim reports to law enforcement and the identity of the offender is unknown, or in cases of a suspicious death).
- Modifying the Definition of Sexual Contact (Act 61): **WCASA supported** – Closes an existing loophole in the definition of sexual contact to ensure prosecutors can file a criminal complaint addressing the broad range of behaviors offenders may use when committing acts of sexual violence.
- Prohibiting Strip Searches of Students (Act 198): **WCASA supported** – Expands the definition of a prohibited strip search to include situations in which a student's underwear is exposed/touched by a school official/employee.
- Sexual Misconduct by School Staff Member (Act 200): **WCASA supported** – Creates a new crime prohibiting acts of sexual misconduct by a school staff member/volunteer against a pupil. Also requires either law enforcement or Child Protective Services to refer reports of suspected sexual misconduct by a school staff member/volunteer to the Department of Public Instruction.
- Sexual Assault/Domestic Abuse Victim Services Funding (Act 241): **WCASA Supported** – Increases SAVS funding by \$6.4 million in the current biennium (ending 6/30/25). This increase is an important first step in developing a sustainable source of victim services funding Wisconsin. It is also critical given the devastating cuts in federal Victims of Crime Act (VOCA) funding beginning in October 2024.

## **Human Trafficking**

- Mandatory Training for Community Based Residential Facility (CBRF) Employees (Act 237): **WCASA Supported** – Requires training for certain CBRF employees on identifying and preventing human trafficking. WCASA supported this legislation as it expands the list of professionals who must receive training on preventing and identifying human trafficking.
- Video Testimony for a Child in a Criminal Proceeding for a Human Trafficking Crime (Act 238): **WCASA Supported** – Expands the circumstances in which a court may order that the testimony of a child victim of a human trafficking crime may be taken by means of closed circuit audio-visual equipment. WCASA supported this legislation as it seeks to reduce the trauma child victims experience when participating in the criminal legal system.
- Creating a Human Trafficking Council (Act 239): **WCASA Supported** – Creates a Human Trafficking Council that is attached to the Wisconsin Department of Justice (DOJ). WCASA supported this legislation as the newly created Human Trafficking Council will, among other things, compile data and develop a strategic plan for preventing human trafficking in Wisconsin.

## **Racial Justice/Anti-Oppression**

- Requiring Schools to Provide Instruction on Hmong Americans and Asian Americans (Act 266): **WCASA Supported** – Currently schools are required to provide instruction at all grade levels to give students an understanding of human relations, particularly with regard to Indigenous Peoples, Black Americans, Latinx Americans. This legislation requires schools to include information on Hmong Americans and Asian Americans in this instruction.

## **Legislature Passed & Governor Vetoed**

### **Racial Justice/Anti-Oppression**

- Verifying Citizenship of Individuals on the Voter Registration List (AB 93 | SB 98): **WCASA opposed** – Requires the Department of Transportation to provide the Election Commission access to information to verify the citizenship status of individuals on the voter registration list. WCASA opposed this legislation as it could have a discriminatory impact on people based on their immigration status and because it promotes false narratives about the security of elections in Wisconsin.

### **LGBTQI+ Rights & Protections**

- Requiring K-12 Students to Participate on Sports Teams Based on Their Sex as Determined at Birth (AB 377 | SB 378): **WCASA opposed** – Requires K-12 students to participate on sports teams based on their sex as determined at birth and as reflected on the student's birth certificate. WCASA opposed this bill as it compounds the discrimination transgender people already face in their daily lives and sends a dangerous message that they are not welcome on sports teams.

- Gender Transition Procedures (AB 465 | SB 480): **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.
- Rights Reserved to a Parent or Guardian (AB 510 | SB 489): **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

- Sexual Assault by a Health Care Provider (AB 129 | SB 133): **WCASA supported** – Prohibits a health care provider from engaging in sexual contact or sexual intercourse with their patient. Consent is not an issue in this crime. WCASA supported this legislation as it recognizes the power disparity inherent in the health care provider/patient relationship and thus meaningful consent to sexual activity is not possible.
- Child Victims Act (AB 301 | SB 302): **WCASA supported** – Increases the civil statute of limitations for child sexual assault victims to permit filing a claim against the offender before the victim reaches the age of 45. WCASA supported this legislation as it provides additional time for a child sexual assault survivor to hold the offender accountable through the civil justice system.
- Child Sexual Abuse Prevention Education (AB 452 | SB 437): **WCASA supported** – Requires a school board that provides a human growth and development instructional program to also include an age-appropriate curriculum on child sexual abuse prevention. WCASA supported this legislation as it incorporates elements of the [10 Core Concepts of Child Sexual Abuse Prevention](#).
- Civil Cause of Action for Sending Unsolicited Obscene/Sexually Explicit Images (AB 731 | SB 699): **WCASA supported** – Creates a civil cause of action for knowingly sending an unsolicited obscene/sexually explicit image to a person by electronic means. WCASA supported this legislation as it provides a mechanism for an individual to seek legal recourse against a person for sending unsolicited obscene/sexually explicit images.
- Stealthing (AB 732 | SB 700): **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.

- Civil Cause of Action for Acts of Violence Related to Sex, Gender, or Sexuality (AB 735 | SB 698): **WCASA supported** – Creates a civil cause of action for acts/threats of violence committed on the basis of sex, gender, or sexuality. WCASA supported this legislation as it provides a mechanism for survivors to seek accountability outside the criminal legal system.
- Healthy Youth Act (AB 1107 | SB 995): **WCASA supported** – Reinstates the Healthy Youth Act, which was repealed in 2011 by the Walker Administration. The Healthy Youth Act requires school boards to provide instruction in human growth and development in grades K-12. WCASA supported this legislation as it requires schools to provide medically accurate instruction on a wide array of topics, including information about contraception, gender stereotypes, and the skills needed to make responsible decisions about sexuality/sexual behavior.

### **Sex Trafficking**

- Ending Prosecution of Sex-Trafficked Children/“Safe Harbor” (AB 48 | SB 55): **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 will bring Wisconsin in line with the federal Trafficking Victims Protections Act (TVPA).
- Human Trafficking Surcharge and Services (AB 79 | SB 73): **WCASA took no position** – Creates a \$5,000 surcharge on johns to prevent/deter demand for commercial sex, 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 victim services.
- Civil Statute of Limitations for Victims of Child Sex Trafficking (AB 974): **WCASA supported** – Extends the civil statute of limitations for victims of child sex trafficking to permit filing a claim against the offender before the victims reaches the age of 35. WCASA supported this legislation as it provides additional time for child sex trafficking victims to hold the offender accountable through the civil justice system.

### **Reproductive Health**

- Requiring Informed Consent Prior to Performing a Pelvic Exam on a Unconscious Patient: (AB 125 | SB 127): **WCASA supported** – Requires a hospital to have and enforce a policy requiring written and verbal informed consent 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.
- Permitting Pharmacists to Prescribe Certain Contraceptives (AB 176 | SB 211): **WCASA supported** – Permits a pharmacist to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives. WCASA supported this bill as it would expand access to contraception.

- Repeal of Criminal Abortion Statute (AB 218 | SB 298): **WCASA supported** – Repeals the criminal abortion statute in Wisconsin which ended access to abortion services when the Supreme Court overturned *Roe v. Wade*. WCASA supported this legislation as we believe all people are entitled to bodily autonomy and decision-making power over their reproductive health, including the right to seek an abortion.
- Use of Public Employees/Public Property for Activities Related to Abortion (AB 247 | SB 300): **WCASA opposed** – Prohibits any public employee from providing abortion services/making abortion referrals and prohibits the use of public property for abortion services/abortion referrals. WCASA opposed this legislation as it would restrict access to abortion services in Wisconsin.
- Statutory Right to Contraception: (AB 366 | SB 365): **WCASA supported** – Establishes that a person has a statutory right to obtain contraceptives and that a health care provider has a corresponding right to provide contraceptives. WCASA supported this legislation as it would help guard against attempts to limit access to contraceptives in the wake of the U.S. Supreme Court’s *Dobbs* decision.
- Repeal of Certain Abortion-related Regulations: (AB 777 | SB 734): **WCASA supported** – Repeals various abortion-related statutes, including requiring admitting privileges for physicians performing abortions and other laws that restrict access to abortion. WCASA supported this legislation as it removes existing barriers to abortion services in Wisconsin.
- 14 Week Abortion Ban: (AB 975 | SB 1011): **WCASA opposed** – Prohibits, except when a medical emergency exists, the performance of an abortion after 14 weeks postfertilization. WCASA opposed this legislation as it would restrict access to abortion services in Wisconsin.
- Shackling of Pregnant People Incarcerated in Correctional Facilities (AB 1113 | SB 1013): **WCASA supported** – Limits the use of physical restraints on pregnant or postpartum people who are in the custody of a correctional facility. WCASA supported this legislation as it restricts the practice of shackling pregnant people in correctional facilities while also ensuring they have access to comprehensive medical care during pregnancy and the postpartum period.

### **LGBTQI+ Rights & Protections**

- Eliminating the “Panic” Defense (AB 307 | SB 307): **WCASA supported** – Prohibits a defendant from asserting self-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 towards LGBTQI+ people and imply violence towards them is acceptable under certain circumstances.

- Requiring Collegiate Athletes to Participate on Sports Teams Based on Their Sex as Determined at Birth (AB 378 | SB 377): **WCASA opposed** – Requires UW system and Technical College students to participate on sports teams based on their sex as determined at birth and as reflected on the student’s birth certificate. WCASA opposed this bill as it compounds the discrimination transgender people already face in their daily lives and sends a dangerous message that they are not welcome on sports teams.
- Definition of “Sex” for the Purposes of Placing Prisoners and Conducting Strip Searches (AB 447 | SB 438): **WCASA opposed** – Defines “sex” as determined by an individual’s sex at birth for the purpose of where to house people confined in jails/prisons and as to who may conduct a strip search on people following an arrest. WCASA opposed this bill as it would harm transgender people who are incarcerated/arrested by making housing decisions and decisions as to who may perform a strip search without consideration of their gender identity. Additionally, enactment of this legislation would put Wisconsin in violation of the Prison Rape Elimination Act (PREA).
- Gender Identity/Gender Expression Nondiscrimination Bill (AB 501 | SB 474): **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. WCASA supported this legislation as it expands protections against discrimination based on a person’s gender identity/expression.
- Expansion of Pupil Non-Discrimination Laws to Include Gender Identity or Gender Expression: (AB 526 | SB 505): **WCASA supported** – Expands pupil non-discrimination law to prohibit discrimination on the basis of gender identity and gender expression and extends these laws to apply to certain private/charter schools in Wisconsin. WCASA supports this bill as it expands protections to students based on gender identity/gender expression.
- Marriage and Family Equality Bill (AB 1000 | SB 907 ): **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 specifies the ways in which same-sex couples may be the legal parents of a child. WCASA supported this legislation as it formally recognizes same-sex marriage in the Wisconsin statutes.
- Conversion Therapy Ban (AB 1161 | SB 1065): **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. WCASA supported this legislation as it would prohibit the practice of conversion therapy, which has been widely documented to cause harm to LGBTQI+ youth while also reinforcing discrimination against people for not conforming to traditional gender norms.



## **Racial Justice/Anti-Oppression**

- Indigenous Peoples Day (AB 213 | SB 202): **WCASA supported** – Renames Columbus Day as Indigenous Peoples Day. WCASA supported this legislation as renaming the holiday acknowledges both the sovereignty and the tremendous contributions that Indigenous people have made in the U.S.
- Determining Lawful Presence of a Person Arrested for or Charged with a Crime (AB 397 | SB 384) **WCASA opposed** – Requires law enforcement to determine whether a person who is arrested for or charged with a crime is lawfully present in the state. If a person is determined to be unlawfully present, law enforcement must report the person to the federal immigration authorities. WCASA opposed this legislation as it invites local law enforcement to rely on stereotypes when determining who is in the country lawfully and thus could increase racial profiling. This legislation also intertwines local law enforcement with federal immigration enforcement actions.
- Missing and Murdered African American Women Task Force (AB 615 | SB 568): **WCASA supported** – Creates a task force on missing and murdered African American Women. WCASA supported this bill as the task force would be charged with making policy recommendations to improve the safety of African American women in the state. This is particularly critical given recent studies showing Wisconsin has the highest disparity in homicide rates between African American women white women in the nation.
- Discrimination in Housing Based on Citizenship or Immigration Status (AB 697 | SB 725): **WCASA supported** – Adds citizenship and immigration status to the list of characteristics on which it is unlawful to discriminate in housing. WCASA supported this bill as it would expand housing protections to people based on their citizenship/immigration status.
- Prohibiting “Warrior-Style” Law Enforcement Training (AB 1218): **WCASA supported** – Prohibits law enforcement agencies from providing/arranging “warrior-style” training for officers. WCASA supported this bill as it would prohibit law enforcement agencies from participating in training that dehumanizes people or encourages aggressive conduct by officers that de-emphasizes human life and increases the likelihood of the use of deadly force.
- Eliminating Public Official Immunity for Law Enforcement Officers (AB 1223): **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.

## **Economic Justice**

- Enactment of Paid Family Leave Ordinances ([AB 478](#) | [SB 469](#)): **WCASA supported** – Eliminates the prohibition on local communities enacting ordinances requiring employers to provide paid family or medical leave to employees. WCASA supported this bill as it will remove barriers to expanding access to paid family and medical leave in Wisconsin.
- Eliminating Tipped Minimum Wage ([AB 488](#) | [SB 457](#)): **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 1156](#) | [SB 1064](#)): **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) who are disproportionately impacted by sexual violence.