

# Safe Harbor for Trafficked Youth

## (SB 245/AB 185)

### The Problem

Children are being trafficked for sex in all 72 counties of Wisconsin. Although these young people are victims of numerous abuses, including sexual abuse, Wisconsin statutes remain out of date and allow for children to be charged with the crime of prostitution. **This is the only crime for which we charge individuals for a crime committed against them. It's time for this to change.**

These children are victims, not criminals, and they should be treated as such. Without protection from prostitution charges, minors are afraid to speak out against their abusers. **We heard heartbreaking testimonies about young people afraid to call the police for this reason at the most recent hearing of the Senate Committee on Judiciary and Public Safety**

### Part of the Solution

SB 245/AB 185 would provide immunity for children under 18 from the crime of prostitution. This bill would reconcile our state statutes, as under Wisconsin law minors cannot legally consent to sex, and to charge them with prostitution is contradictory.

Further, it **aligns with the federal Trafficking Victims Protection Act**, which treats prostituted minors as victims of sexual exploitation instead of delinquents or criminals. Now, over 30 states, with a varied legislative and executive branch makeups, have passed Safe Harbor bills with bipartisan support. Lawmakers around the country have realized that Safe Harbor laws ensure that trafficked children are treated as victims, not criminals, and provide access to medical care, safe housing, remedial education, and counseling services.

### What we Support

We do not support the legalization of prostitution. There is no evidence that Safe Harbor laws encourage young people to become prostitutes, but rather assist them in leaving their abusive situations. We have supported bills that increase legal penalties for traffickers and that create a pathway for expungement for trafficked adults. For youth under 18, we ask for automatic reprieve from their being charged, which again, would align us with federal law, enhance the likelihood of trafficked youth receiving needed services, and increase the reporting of traffickers. The more traffickers who are convicted, the more we reduce the danger for their current and potential victims. In Minnesota, after passing Safe Harbor legislation in 2011, convictions of traffickers quadrupled in 2012. A [2017 report](#) reveals correlations between Safe Harbor's passage and an increase in victims identified.

### Moving Forward

***If we are going to be successful in building cases against traffickers, our real target, we need victims to be with us, to provide the information we need to unravel the trafficker's network and to eventually testify in court. If we expect victims to stand with us, they need to know they can trust us to help.*** — Judge Brad Schimel, Former Attorney General

Let us move forward with public policy that does not re-traumatize those who are already victims and that assist law enforcement in prosecuting more of the criminals who put Wisconsin children at risk. And let us not feed into the message traffickers have repeated to their victims that no one cares about them.

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Information for this document is from Shared Hope, authors of SB 245/AB 185, Wisconsin legislative hearings, direct service providers in Wisconsin, and data from Minnesota Office of Justice Programs