



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5315/1
MJW:skw

2023 ASSEMBLY BILL 974

January 18, 2024 - Introduced by Representatives STEFFEN, MURSAU, STUBBS, BALDEH, BEHNKE, CALLAHAN, CONSIDINE, DITTRICH, EDMING, GUNDRUM, GUSTAFSON, HURD, KITCHENS, KRUG, MAXEY, MURPHY, O'CONNOR, PALMERI, SCHRAA, SORTWELL, SUBECK and WICHGERS, cosponsored by Senators BALLWEG, ROYS and WIRCH. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 940.302 (3) and 948.051 (3); and *to create*
2 893.586, 895.439 (title), 895.439 (1) (title) and 895.439 (2) (title) of the statutes;
3 **relating to:** the civil causes of action for human trafficking and trafficking a
4 child.

Analysis by the Legislative Reference Bureau

Under current law, a victim of human trafficking or child trafficking who incurs an injury or death as a result of the trafficking may bring a civil cause of action against the person who committed the violation. The victim must commence the civil action within three years of the injury.

Under current law, a person who is injured by an act that would constitute a violation of criminal laws relating to sexual assault of a child or incest with a child may bring a cause of action against the person who caused the injury regardless of whether that person was prosecuted or convicted for the criminal violation. The victim must commence the civil action before he or she reaches the age of 35.

This bill specifies that a victim of child trafficking may bring a civil action regardless of whether anyone was prosecuted or convicted for the child trafficking violation, and specifies that the victim may commence the civil action any time before he or she reaches the age of 35.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 974

SECTION 1

1 **SECTION 1.** 893.586 of the statutes is created to read:

2 **893.586 Trafficking of a child; limitation.** An action under s. 895.439 (2)
3 for damages shall be commenced before the injured party reaches the age of 35 years
4 or be barred.

5 **SECTION 2.** 895.439 (title) of the statutes is created to read:

6 **895.439 (title) Trafficking, action for.**

7 **SECTION 3.** 895.439 (1) (title) of the statutes is created to read:

8 895.439 (1) (title) HUMAN TRAFFICKING.

9 **SECTION 4.** 895.439 (2) (title) of the statutes is created to read:

10 895.439 (2) (title) TRAFFICKING OF A CHILD.

11 **SECTION 5.** 940.302 (3) of the statutes is renumbered 895.439 (1) and amended
12 to read:

13 895.439 (1) Any person who incurs an injury or death as a result of a violation
14 of ~~sub. s. 940.302~~ (2) may bring a civil action against the person who committed the
15 violation. In addition to actual damages, the court may award punitive damages to
16 the injured party, not to exceed treble the amount of actual damages incurred, and
17 reasonable attorney fees.

18 **SECTION 6.** 948.051 (3) of the statutes is renumbered 895.439 (2) and amended
19 to read:

20 895.439 (2) Any person who incurs an injury or death as a result of a violation
21 of ~~sub. (1) or (2) s. 948.051~~ may bring a civil action against the person who committed
22 the violation. An action may be brought under this subsection regardless of whether
23 anyone was prosecuted or convicted for the violation. In addition to actual damages,

ASSEMBLY BILL 974

1 the court may award punitive damages to the injured party, not to exceed treble the
2 amount of actual damages incurred, and reasonable attorney fees.

3 (END)