

Wisconsin



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Wisconsin, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Wisconsin is currently "as a result" of trafficking. This is less restrictive than other states and allows more survivors to access relief than if they had to "prove" something.

Arrests and Adjudication Relief:

Wisconsin allows trafficking survivors to clear their criminal record of non-prosecuted cases, arrests, adjudications, convictions, any information related to an arrest, and incident reports.

NEEDS IMPROVEMENT:

Explanation Required of Why Affirmative Defense Was Not Raised in Initial Proceedings:

An affirmative defense allows a survivor facing criminal charges to raise a defense negating criminal liability because they are a victim of trafficking. In Wisconsin, a survivor is not eligible for criminal record relief if they raised an affirmative defense due to their trafficking victimization and were still convicted. If the survivor did not bring up their victimization as an affirmative defense, they have to explain why in order to get criminal record relief. Trafficking victims who raise an affirmative defense and are still convicted and those who never raise an affirmative defense at their initial proceedings should not be required to explain these complicated legal processes in order to obtain record relief.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Wisconsin is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Wisconsin would expand the statute to include all offenses so more survivors are eligible for relief.

Burden of Proof:

Wisconsin is silent on the issue of burden of proof. Wisconsin should include a burden of proof in the statute, specifically "preponderance of the evidence", which is the most clear and most helpful to trafficking survivors.



Statute: [Wis. Stat. Ann. § 973.015\(2m\)](#).