

State of Wisconsin



2025 Senate Bill 413

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to renumber 704.16 (1) (b) 5.; to amend 125.07 (5) (a) 1. and 2., 125.07 (5) (b), 125.07 (5) (c), 165.775 (4) (a), 704.16 (1) (b) 3., 704.16 (4) (a), 704.16 (4) (c) 1. a. and 939.74 (2) (ar); to create 704.16 (1m), 704.16 (2m) and 961.444 of the statutes; relating to: immunity from prosecution for certain crimes based on assisting a victim of sexual assault, extending the time limit for prosecution of second-degree sexual assault, and the standard for terminating residential residency when tenant is the victim of sexual assault.

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

SECTION 1. 125.07 (5) (a) 1. and 2. of the statutes are amended to read:

125.07 (5) (a) 1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime or is a witness, as defined in s. 940.41 (3), to the alleged crime.

2. "Crime victim" means a person who claims to have been the victim of a crime ~~constituting~~.

1m. "Crime" means a violation under s. 940.22 (2), 940.225, 940.302, ~~948.02 (1) or (2), 948.025, or 948.05 to 948.095 or 944.06, or a crime under ch. 948 that involves sexual contact or sexually explicit conduct.~~

SECTION 2. 125.07 (5) (b) of the statutes is amended to read:

125.07 (5) (b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b), nor may an underage person's pretrial release, probation, extended supervision, parole, or supervised release be revoked based on a violation of sub. (4) (a) or (b), if all of the following apply:

1. The underage person is a crime victim or bystander and either the crime victim or the bystander re-

quested emergency assistance in connection with the alleged crime, by dialing the telephone number "911" or by other means, ~~in connection with the alleged crime or~~ the underage person encountered a law enforcement officer at a medical facility at which the time that the crime victim received treatment in connection with the alleged crime, or the underage person reported or disclosed the alleged crime with the intent to obtain assistance for the crime.

2. The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing ~~any~~ all requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility as a result of reporting or disclosing the alleged crime with the intent to obtain assistance for the crime, the underage person cooperates with the officer and furnishes ~~any~~ all requested information, unless the underage person lacks capacity to cooperate with the officer.

SECTION 3. 125.07 (5) (c) of the statutes is amended to read:

125.07 (5) (c) Paragraph (b) does not apply to an

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

underage person who requests ~~emergency assistance, by dialing the telephone number “911” or by other means,~~ with an intention to claim the protections under par. (b) and knowing that the fact situation that he or she reports does not exist.

SECTION 4. 165.775 (4) (a) of the statutes is amended to read:

165.775 (4) (a) If the state crime laboratories takes possession of a sexual assault kit and the victim chooses not to report the sexual assault to a Wisconsin law enforcement agency, the state crime laboratories shall securely store the sexual assault kit for a period of ~~10~~ 20 years, during which time the sexual assault victim may choose to report the assault to a Wisconsin law enforcement agency.

SECTION 5. 704.16 (1) (b) 3. of the statutes is amended to read:

704.16 (1) (b) 3. An injunction order under s. 813.125 (4) protecting the tenant or a child of the tenant from ~~the another~~ person, based on the other person’s engaging in an act that would constitute ~~sexual assault under s. 940.225, 948.02, or 948.025,~~ or stalking under s. 940.32, or attempting or threatening to do the same.

SECTION 6. 704.16 (1) (b) 5. of the statutes is renumbered 704.16 (1m) (b).

SECTION 7. 704.16 (1m) of the statutes is created to read:

704.16 (1m) **TERMINATING TENANCY BY TENANT: SEXUAL ASSAULT.** A residential tenant may terminate his or her tenancy and remove from the premises if the tenant provides the landlord with notice in the manner provided under s. 704.21 and with a certified copy of any of the following:

(a) An injunction order under s. 813.125 (4) protecting the tenant or a child of the tenant from another person, based on the other person’s engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or 948.025, or attempting or threatening to do the same.

SECTION 8. 704.16 (2m) of the statutes is created to read:

704.16 (2m) **NOT LIABLE FOR RENT: SEXUAL ASSAULT.** If a residential tenant removes from the premises and provides the landlord with a certified copy specified under sub. (1m) and with notice that complies with s. 704.21, the tenant shall not be liable for any rent after the end of the month following the month in which he or she provides the notice or removes from the premises, whichever is later. The tenant’s liability for rent under this subsection is subject to the landlord’s duty to mitigate damages as provided in s. 704.29 (2).

SECTION 9. 704.16 (4) (a) of the statutes is amended to read:

704.16 (4) (a) Subject to pars. (b) and (c), regardless of whether sub. (1) or (1m) applies, at the request of a residential tenant who provides the landlord with a certified copy of a document specified in sub. (1) (b) 1. to 7. or (1m) (a) or (b), a landlord shall change the locks to the tenant’s premises.

SECTION 10. 704.16 (4) (c) 1. a. of the statutes is amended to read:

704.16 (4) (c) 1. a. A document specified in sub. (1) (b) 1., 2., or 3. or (1m) (a) that directs the tenant who is the subject of the document to avoid the residence of the tenant requesting that the locks be changed.

SECTION 11. 939.74 (2) (ar) of the statutes is amended to read:

939.74 (2) (ar) A prosecution for a violation of s. 940.225 (2) ~~or may be commenced within 20 years after the commission of the violation.~~ A prosecution for a violation of s. 940.225 (3) may be commenced within 10 years after the commission of the violation.

SECTION 12. 961.444 of the statutes is created to read:

961.444 Person seeking assistance following sexual assault; immunity from prosecution. (1) DEFINITION. In this section, “sexual assault” means conduct that is in violation of s. 940.22 (2), 940.225, 940.302, or 944.06 or a crime under ch. 948 that involves sexual contact or sexually explicit conduct.

(2) IMMUNITY FOR AIDER. A person is immune from being charged or prosecuted for a misdemeanor violation of s. 961.41 (3g), 961.573, or 961.69 (2) if all of the following apply:

(a) The person requested emergency assistance in connection with a sexual assault by calling the telephone number “911” or by other means, the person encountered a law enforcement officer at a medical facility at the time that the victim of the sexual assault received treatment in connection with the sexual assault, or the person reported or disclosed the sexual assault with the intent to obtain assistance for the sexual assault.

(b) The evidence for the charge or prosecution is obtained as a result of the person’s action described under par. (a).

(c) The person provides a name and contact information and furnishes all requested information unless the person lacks capacity to cooperate.

(3) IMMUNITY FOR VICTIM. A victim of a sexual assault is immune from being charged or prosecuted for a misdemeanor violation of s. 961.41 (3g), 961.573, or 961.69 (2) if all of the following apply:

(a) The victim reported or disclosed the sexual assault with the intent to obtain assistance for the sexual assault or was in need of assistance due to the sexual assault.

(b) The evidence for the charge or prosecution was obtained as a result of the victim's action described under par. (a).

(4) PROHIBITION ON REVOCATION. A person's pre-trial release, probation, extended supervision, parole, or supervised release may not be revoked based on an incident for which the person is immune from prosecution under sub. (2) or (3).

(5) EXCEPTION. This section does not apply to a person who reports or discloses an alleged sexual assault

with an intention to claim the protections under this section knowing that the fact situation that he or she reports or discloses does not exist.

SECTION 13. Initial applicability.

(1) Notwithstanding s. 990.06, the treatment of s. 939.74 (2) (ar) first applies to an act for which the time limit under s. 939.74 (2) (ar), 2023 stats., for prosecution has not expired as of the effective date of this subsection.

