

State of Wisconsin



2025 Assembly Bill 19

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to renumber 940.51 (1) and 971.109 (1) (a); to renumber and amend 939.623 (1), 939.623 (3) and 940.66 (4); to amend 343.12 (7) (c) 9j., 813.12 (5b), 813.123 (6g), 813.125 (5b), 911.01 (4) (c), 939.623 (title), 939.623 (2) (intro.), 940.66 (title), 940.66 (1), 940.66 (2) (a), (b) and (c), 940.66 (3) (a), (b) and (c), 940.66 (4) (title), 971.109 (title), 971.109 (2) (a) and 971.109 (2) (c); to create 813.12 (1) (ab), 813.125 (1) (am) 2., 939.623 (1) (b), 939.623 (3) (b), 940.225 (1) (e), 940.51 (1g), 940.66 (4) (b) and 971.109 (1) (ac) of the statutes; relating to: increased penalties for crimes against adults at risk; restraining orders for adults at risk; freezing assets of a defendant charged with financial exploitation of an adult at risk; sexual assault of an adult at risk; and providing a penalty.

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

SECTION 1. 343.12 (7) (c) 9j. of the statutes, as affected by 2025 Wisconsin Act 24, is amended to read:

343.12 (7) (c) 9j. Battery to an elder person or an adult at risk under s. 940.66 (2) or s. 940.198 (2), 2023 stats.

SECTION 2. 813.12 (1) (ab) of the statutes is created to read:

813.12 (1) (ab) “Adult at risk” has the meaning given in s. 55.01 (1e).

SECTION 3. 813.12 (5b) of the statutes is amended to read:

813.12 (5b) ELDER PERSON OR ADULT-AT-RISK PETITIONER. If the petitioner is an elder person or an adult at risk, the court shall permit the petitioner to participate in hearings under this section by telephone or live audiovisual means.

SECTION 4. 813.123 (6g) of the statutes is amended to read:

813.123 (6g) ~~ELDER-ADULT-AT-RISK~~ INDIVIDUAL-AT-RISK PETITIONER. If the petitioner is an ~~elder adult~~

individual at risk, the court shall permit the petitioner to participate in hearings under this section by telephone or live audiovisual means.

SECTION 5. 813.125 (1) (am) 2. of the statutes is created to read:

813.125 (1) (am) 2. “Adult at risk” has the meaning given in s. 55.01 (1e).

SECTION 6. 813.125 (5b) of the statutes is amended to read:

813.125 (5b) ELDER PERSON OR ADULT-AT-RISK PETITIONER. If the petitioner is an elder person or an adult at risk, the court shall permit the petitioner to participate in hearings under this section by telephone or live audiovisual means.

SECTION 7. 911.01 (4) (c) of the statutes is amended to read:

911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, granting or revoking probation, modification of a bifurcated sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s. 973.195 (1r) or 973.198; hearings for the freezing of assets of a person charged with

* 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.”

financial exploitation of an elder person or adult at risk under s. 971.109; issuance of subpoenas or warrants under s. 968.375, arrest warrants, criminal summonses, and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1r) (c); proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969; or proceedings under s. 165.76 (6) to compel provision of a biological specimen for deoxyribonucleic acid analysis.

SECTION 8. 939.623 (title) of the statutes is amended to read:

939.623 (title) Increased penalty for elder person or adult-at-risk victims.

SECTION 9. 939.623 (1) of the statutes is renumbered 939.623 (1) (intro.) and amended to read:

939.623 (1) (intro.) In this section, ~~“elder;~~

(c) “Elder person” means any individual who is 60 years of age or older.

SECTION 10. 939.623 (1) (b) of the statutes is created to read:

939.623 (1) (b) “Adult at risk” has the meaning given in s. 55.01 (1e).

SECTION 11. 939.623 (2) (intro.) of the statutes is amended to read:

939.623 (2) (intro.) If the crime victim is an elder person or an adult at risk, and the present conviction is for any crime for which imprisonment may be imposed, the maximum term of imprisonment prescribed by law for that crime may be increased as follows:

SECTION 12g. 939.623 (3) of the statutes is renumbered 939.623 (3) (a) and amended to read:

939.623 (3) (a) This section applies to a crime involving an elder person crime victim irrespective of whether the defendant had actual knowledge of the crime victim’s age. A mistake regarding the crime victim’s age is not a defense to an increased penalty under this section.

SECTION 12r. 939.623 (3) (b) of the statutes is created to read:

939.623 (3) (b) This section applies to a crime involving an adult at risk crime victim only if the defendant had actual knowledge that the crime victim is an adult at risk.

SECTION 24. 940.225 (1) (e) of the statutes is created to read:

940.225 (1) (e) Commits a violation under sub. (2) against an adult at risk, as defined in s. 55.01 (1e). This paragraph applies only if the defendant had actual knowledge that the victim is an adult at risk.

SECTION 24b. 940.51 (1) of the statutes is renumbered 940.51 (1r).

SECTION 24d. 940.51 (1g) of the statutes is created to read:

940.51 (1g) “Adult at risk” has the meaning given in s. 55.01 (1e).

SECTION 24f. 940.66 (title) of the statutes, as affected by 2025 Wisconsin Act 24, is amended to read:

940.66 (title) Battery to an elder person or an adult at risk.

SECTION 24g. 940.66 (1) of the statutes, as affected by 2025 Wisconsin Act 24, is amended to read:

940.66 (1) RECKLESSNESS. Notwithstanding s. 939.24, in this section, “recklessly” means conduct that creates a situation of unreasonable risk of harm to and demonstrates a conscious disregard for the safety of the ~~elder~~ person.

SECTION 24i. 940.66 (2) (a), (b) and (c) of the statutes, as affected by 2025 Wisconsin Act 24, are amended to read:

940.66 (2) (a) Whoever intentionally causes great bodily harm to an elder person or an adult at risk is guilty of a Class C felony.

(b) Whoever intentionally causes bodily harm to an elder person or an adult at risk is guilty of a Class H felony.

(c) Whoever intentionally causes bodily harm to an elder person or an adult at risk under circumstances or conditions that are likely to produce great bodily harm is guilty of a Class F felony.

SECTION 24k. 940.66 (3) (a), (b) and (c) of the statutes, as affected by 2025 Wisconsin Act 24, are amended to read:

940.66 (3) (a) Whoever recklessly causes great bodily harm to an elder person or an adult at risk is guilty of a Class E felony.

(b) Whoever recklessly causes bodily harm to an elder person or an adult at risk is guilty of a Class I felony.

(c) Whoever recklessly causes bodily harm to an elder person or an adult at risk under circumstances or conditions that are likely to produce great bodily harm is guilty of a Class H felony.

SECTION 24q. 940.66 (4) (title) of the statutes, as affected by 2025 Wisconsin Act 24, is amended to read:

940.66 (4) (title) ~~KNOWLEDGE OF AGE NOT REQUIRED.~~

SECTION 24r. 940.66 (4) of the statutes, as affected by 2025 Wisconsin Act 24, is renumbered 940.66 (4) (a) and amended to read:

940.66 (4) (a) This section applies to a crime involving an elder person victim irrespective of whether the defendant had actual knowledge of the victim’s age. A mistake regarding the victim’s age is not a defense to a prosecution under this section.

SECTION 24s. 940.66 (4) (b) of the statutes is created to read:

940.66 (4) (b) This section applies to a crime involving an adult at risk victim only if the defendant had actual knowledge that the victim is an adult at risk.

SECTION 25. 971.109 (title) of the statutes is amended to read:

971.109 (title) **Freezing assets of a person charged with financial exploitation of an elder person or an adult at risk.**

SECTION 26. 971.109 (1) (a) of the statutes is renumbered 971.109 (1) (am).

SECTION 27. 971.109 (1) (ac) of the statutes is created to read:

971.109 (1) (ac) "Adult at risk" has the meaning given in s. 55.01 (1e).

SECTION 28. 971.109 (2) (a) of the statutes is amended to read:

971.109 (2) (a) If a defendant is charged with a crime that is financial exploitation, the crime involves the taking or loss of property valued at more than

\$2,500, and the crime victim is an elder person or an adult at risk, a prosecuting attorney may file a petition with the court in which the defendant has been charged to freeze the funds, assets, or property of the defendant in an amount up to 100 percent of the alleged value of funds, assets, or property in the defendant's pending criminal proceeding for purposes of restitution to the crime victim. The hearing on the petition may be held ex parte. The rules of evidence do not apply in a hearing under this paragraph.

SECTION 29. 971.109 (2) (c) of the statutes is amended to read:

971.109 (2) (c) The court's order shall prohibit the sale, gifting, transfer, or wasting of the funds, assets, or real or personal property of the elder person or adult at risk that are owned by or vested in the defendant without the express permission of the court. The court's order shall be binding upon a financial institution, as defined in s. 943.80 (2), and any 3rd party that is in possession of the funds, assets, or property.
