

State of Wisconsin



2025 Assembly Bill 923

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT *to create* 895.439 of the statutes; **relating to:** creating a civil cause of action for sexual extortion.

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

SECTION 1. 895.439 of the statutes is created to read:

895.439 Sexual extortion; actions for. (1) Any person who suffers physical injury to his or her person, emotional distress, or loss of his or her property by reason of conduct that is prohibited under s. 942.095 has a civil cause of action against the person who caused the physical injury, emotional distress, or loss. An action under this subsection may be brought by the person who suffered the physical injury, emotional distress, or loss, by the person's parent or legal guardian if the person is a child, or by the personal representative of the person's estate if the person is deceased.

(2) The personal representative of the estate of a deceased person whose death results from suicide, or the person to whom the amount recovered belongs, may bring an action for wrongful death against any person who engaged in conduct that is prohibited under s. 942.095 if the prohibited conduct was a substantial causal factor in the suicide of the deceased person. In an action under this subsection, the damage limitations under s. 895.04 do not apply.

(3) (a) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1), and 815.05 (1g) (a), in an action brought under this section, the plaintiff may substitute his or her initials, or fictitious initials, and his or her age and

county of residence for his or her name and address on the summons and complaint. The plaintiff's attorney shall supply the court the name and other necessary identifying information of the plaintiff. The court shall maintain the name and other identifying information, and supply the information to other parties to the action, in a manner that reasonably protects the information from being disclosed to the public.

(b) Upon motion by the plaintiff, and for good cause shown, or upon its own motion, the court may make any order that justice requires to protect any of the following:

1. A plaintiff who is using initials in an action under this section from annoyance, embarrassment, oppression, or undue burden that would arise if any information identifying the plaintiff were made public.

2. A plaintiff in an action under this section from unreasonably long, repetitive, or burdensome physical or mental examinations.

3. The confidentiality of information that under law is confidential, until the information is provided in open court in an action under this section.

(4) If the plaintiff prevails in a civil action under sub. (1) or (2), he or she may recover special and general damages, including damages for emotional distress; punitive damages; and costs, including all reasonable attorney fees and other costs of the investigation and litigation that were reasonably incurred.

* 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."

(5) A person may bring a civil action under sub. (1) or (2) regardless of whether there has been a criminal action related to the conduct that is prohibited under s.

942.095 and regardless of the outcome of any such criminal action.

