



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 14
[2015 Assembly Bill 5]

Intimidating a Victim

BACKGROUND

Wisconsin law prohibits certain types of activity considered to be victim intimidation. Under Wisconsin law, it is a Class A misdemeanor to knowingly and maliciously prevent or dissuade, or attempt to prevent or dissuade, another person who has been a victim of a crime or who is acting on behalf of the victim from taking certain protected actions. One type of protected action is “causing a complaint, indictment or information to be sought **and** prosecuted **and** assisting in the prosecution thereof.” In *State of Wisconsin v. Freer*, the Wisconsin Court of Appeals held that this language should be read so that a person who prevents or dissuades a victim from doing one or more of the following is guilty of intimidating a victim: causing a complaint; indictment; or information to be sought, causing a complaint to be prosecuted or assisting the prosecution. [*State of Wisconsin v. Freer*, 2010 WI App 9.]

2015 WISCONSIN ACT 14

Wisconsin Act 14 amends the victim intimidation statute to more clearly state the prohibited activity specified in *State of Wisconsin v. Freer* by changing the word “and” to “or.”

Effective date: April 10, 2015

Prepared by: Michael Queensland, Staff Attorney

April 29, 2015

MQ:mcm;ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.