

State of Wisconsin



2019 Senate Bill 368

Date of enactment: **March 3, 2020**
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2019 WISCONSIN ACT 161

AN ACT *to amend* 946.79 (1) (f) (intro.) and 946.79 (1) (f) 1.; and *to create* 943.895, 946.79 (1) (f) 4. and 946.79 (1) (f) 5. of the statutes; **relating to:** money laundering and providing a penalty.

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

SECTION 1. 943.895 of the statutes is created to read:
943.895 Money laundering. (1) DEFINITIONS. In this section:

(a) "Proceeds" means property or anything of value acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission.

(b) "Transaction" has the meaning given in s. 946.79 (1) (f).

(2) PROHIBITED CONDUCT. (a) Whoever does any of the following may be penalized as provided in sub. (3):

1. Knowingly receives or acquires proceeds that the person knows are derived from unlawful activity or conducts a transaction involving proceeds that the person knows are derived from unlawful activity.

2. Knowingly directs, plans, organizes, initiates, finances, manages, supervises, or facilitates the transportation or transfer of proceeds that the person knows are derived from unlawful activity.

3. Knowingly gives, sells, transfers, trades, invests, conceals, transports, or otherwise makes available proceeds that the person knows are intended to be used for the purpose of committing or furthering the commission of unlawful activity.

4. Knowingly conducts a transaction that involves proceeds that the person knows are derived from unlawful activity that is designed in whole or in part to do one of the following:

a. Conceal or disguise the nature, location, source, ownership, or control of the proceeds obtained through unlawful activity.

b. Avoid a transaction reporting requirement under federal law.

(b) For the purposes of par. (a), knowledge that the proceeds are derived from unlawful activity does not require knowledge of the specific nature of the unlawful activity involved.

(c) In any case involving more than one violation of par. (a), all such violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

(3) PENALTIES. A person who violates sub. (2) (a) is guilty of the following:

(a) If the total value of the proceeds involved in the transaction does not exceed \$2,500, a Class A misdemeanor.

(b) If the total value of the proceeds involved in the transaction exceeds \$2,500 but does not exceed \$5,000, a Class I felony.

* 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."

(c) If the total value of the proceeds involved in the transaction exceeds \$5,000 but does not exceed \$10,000, a Class H felony.

(d) If the total value of the proceeds involved in the transaction exceeds \$10,000 but does not exceed \$100,000, a Class G felony.

(e) If the total value of the proceeds involved in the transaction exceeds \$100,000, a Class F felony.

(4) FINANCIAL INSTITUTIONS. A financial institution that has complied with all applicable money laundering reporting requirements under federal law is not criminally liable under this section.

SECTION 2. 946.79 (1) (f) (intro.) of the statutes is amended to read:

946.79 (1) (f) (intro.) "Transaction" means the acquisition or disposition, or transfer of property or anything of value by any means, including any of the following:

SECTION 3. 946.79 (1) (f) 1. of the statutes is amended to read:

946.79 (1) (f) 1. The purchase, sale, trade, transfer, transmission, exchange, loan, pledge, investment, delivery, deposit, or withdrawal of a monetary instrument, credit card, gift card, gift certificate, financial transaction card, or similar monetary device.

SECTION 4. 946.79 (1) (f) 4. of the statutes is created to read:

946.79 (1) (f) 4. The transfer of property or anything of value between accounts.

SECTION 5. 946.79 (1) (f) 5. of the statutes is created to read:

946.79 (1) (f) 5. The movement of funds by wire transfer or any other electronic means.