
Wisconsin Legislative Council

ACT MEMO



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2023 Wisconsin Act 231
[2023 Assembly Bill 556]

**Expedited Criminal Proceedings
and Testimony Preservation for
Elder Victims and Witnesses**

2023 WISCONSIN ACT 231

Expedited Criminal and Delinquency Cases and Juvenile Dispositional Hearings

2023 Wisconsin Act 231 requires the court and district attorney (DA) in all criminal and delinquency cases and juvenile dispositional hearings to take appropriate action to ensure a speedy trial if a victim or witness who is an elder person is involved. The act defines an “elder person” as “a person who is 60 years of age or older.” The court and DA must do so in order to minimize the time the elder person must endure the stress of the elder person’s involvement in the proceeding. The act requires the court to consider and give weight to any adverse impact the delay or continuance may have on the well-being of a victim or witness who is an elder person when the court rules on any motion or other request for delay or continuance.

Preservation of Testimony for Crime Victim or Witness Elder Persons

The act also creates a process by which testimony must be preserved and admissible as evidence in all criminal and delinquency cases and juvenile dispositional hearings involving a crime victim or witness who is an elder person. In such cases, the DA may file a motion to preserve the testimony of the crime victim or witness. If the court finds good cause to preserve the testimony, the court must order a hearing within 60 days of the date that motion was filed. The act specifies that all of the following apply with respect these hearings:

- The hearing must be before the court.
- The defendant must be present at the hearing.
- The crime victim or witness must be sworn as a witness and shall be subject to cross-examination and rebuttal if doing so is not unduly repetitious.
- The witness may testify in person, or, upon a showing by the proponent of good cause as provided under current law, testimony may be received into the record of the hearing by telephone or live audiovisual means.
- The hearing must be recorded, and the recorded testimony of the witness must be admissible in evidence against the defendant in any court proceeding in the case.

Effective date: March 29, 2024

For a full history of the bill, visit the Legislature’s [bill history page](#).

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