



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-0989/1
CMH&JAM:cdc

2025 ASSEMBLY BILL 414

August 29, 2025 - Introduced by Representatives HURD, KAUFERT, BEHNKE, DITTRICH, GOODWIN, JOERS, KREIBICH, MURSAU, NOVAK, PALMERI, PENTERMAN, SNYDER and SUBECK, cosponsored by Senators MARKLEIN, JAMES, DASSLER-ALFHEIM, RATCLIFF and SPREITZER. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 704.16 (1) (b) 5.; *to amend* 125.07 (5) (a) 1. and 2., 125.07
2 (5) (b), 125.07 (5) (c), 704.16 (1) (b) 3. and 939.74 (2) (ar); *to create* 704.16
3 (1m), 704.16 (2m) and 961.444 of the statutes; **relating to:** immunity from
4 prosecution for certain crimes based on assisting a victim of sexual assault,
5 extending the time limit for prosecution of second-degree sexual assault, and
6 the standard for terminating residential residency when tenant is the victim
7 of sexual assault.

Analysis by the Legislative Reference Bureau

Under current law, a person is immune from being prosecuted for certain controlled substance violations (possession of a controlled substance, drug paraphernalia, or a masking agent) if the person aids a person who is suffering from an overdose of a controlled substance. Current law outlines the requirements for the person providing the aid in order for the immunity to apply. Under this bill, a person is immune from being charged or prosecuted for the same controlled substance violations if the person is providing assistance to a victim of a sexual assault. The bill provides that, in order for immunity to apply, the evidence for the

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controlled substance violation must have been obtained when the person requested emergency assistance in connection with the sexual assault, when the person encountered a law enforcement officer at a medical facility at which the victim received treatment in connection with the assault, or when the person sought to report the assault or requested assistance for the assault. In addition, unless the person lacks the capacity, the person must have provided a name, contact number, and any requested information. The bill provides immunity for the same controlled substance violations to a victim of a sexual assault if the evidence for the controlled substance violation was obtained when the victim sought to report the sexual assault or requested assistance related to the sexual assault. The bill also prohibits revoking a person's pretrial release, probation, extended supervision, parole, or supervised release based on a controlled substance violation for which the bill grants immunity.

Under current law, an underage person may not be issued a citation or be convicted for certain alcohol crimes such as possession or consumption if the underage person is a victim, or a bystander who is present with a victim, of certain sex offenses and emergency assistance was requested or medical treatment sought for the sex offense. This bill adds that the underage person may not be issued a citation or be convicted of the same crimes if the underage person sought to report or request assistance for the sex offense. This bill also prohibits revoking the underage person's pretrial release, probation, extended supervision, parole, or supervised release based on an alcohol crime for which the underage person may not be issued a citation or be convicted.

Current law limits the time a prosecutor has to file a criminal complaint against a person—this is commonly called a statute of limitations. The limit varies by the nature and severity of the crime; for instance, for most felonies the limit is six years after the commission of the crime, but there is no limit for homicide or first-degree sexual assault. Under current law, a criminal complaint for second-degree sexual assault must be filed within 10 years after the assault. This bill extends the period so that a criminal complaint for second-degree sexual assault must be filed within 20 years after the assault.

Also under current law, a residential tenant may terminate his or her tenancy, leave his or her residential premises, and not be liable for rent after the end of the month following the month in which he or she provides notice or removes from the premises, whichever is later, if both 1) the tenant or the tenant's child faces an imminent threat of serious physical harm from another person if the tenant remains on the premises and 2) the tenant provides the landlord with the appropriate statutory notice of terminating tenancy and with a certified copy of either an injunction order or a criminal complaint based on or alleging that another person has sexually assaulted the tenant or the tenant's child. This bill removes the first condition, resulting in a person being able to vacate a residential tenancy and not be liable for certain remaining rent if the tenant provides a certified copy of

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an injunction order or criminal complaint based on or alleging that the tenant or the tenant's child has been sexually assaulted.

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

1 **SECTION 1.** 125.07 (5) (a) 1. and 2. of the statutes are amended to read:

2 125.07 **(5)** (a) 1. "Bystander" means a person who is present with a crime
3 victim at the time of or immediately following the alleged crime or is a witness, as
4 defined in s. 940.41 (3), to the alleged crime.

5 2. "Crime victim" means a person who claims to have been the victim of a
6 crime ~~constituting~~.

7 1m. "Crime" means a violation under s. 940.22 (2), 940.225, 940.302, 948.02
8 (1) or (2), 948.025, or 948.05 to 948.095 or 944.06, or a crime under ch. 948 that
9 involves sexual contact or sexually explicit conduct.

10 **SECTION 2.** 125.07 (5) (b) of the statutes is amended to read:

11 125.07 **(5)** (b) Subject to par. (c), an underage person may not be issued a
12 citation for, or convicted of, a violation of sub. (4) (a) or (b), nor may an underage
13 person's pretrial release, probation, extended supervision, parole, or supervised
14 release be revoked based on a violation of sub. (4) (a) or (b), if all of the following
15 apply:

16 1. The underage person is a crime victim or bystander and either the crime
17 victim or the bystander requested emergency assistance in connection with the
18 alleged crime, by dialing the telephone number "911" or by other means, ~~in~~
19 ~~connection with the alleged crime or~~ the underage person encountered a law
20 enforcement officer at a medical facility at which the crime victim received

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1 treatment in connection with the alleged crime, or the underage person sought to
2 report or request assistance for a crime.

3 2. The underage person remains at the scene until emergency assistance
4 arrives and thereafter cooperates with providers of emergency assistance, including
5 furnishing any requested information, unless the underage person lacks capacity to
6 cooperate when emergency medical assistance arrives. If the underage person
7 encounters a law enforcement officer at a medical facility or while seeking to report
8 or request assistance for a crime, the underage person cooperates with the officer
9 and furnishes any requested information, unless the underage person lacks
10 capacity to cooperate with the officer.

11 **SECTION 3.** 125.07 (5) (c) of the statutes is amended to read:

12 125.07 (5) (c) Paragraph (b) does not apply to an underage person who
13 requests emergency assistance, ~~by dialing the telephone number “911” or by other~~
14 ~~means~~, with an intention to claim the protections under par. (b) and knowing that
15 the fact situation that he or she reports does not exist.

16 **SECTION 4.** 704.16 (1) (b) 3. of the statutes is amended to read:

17 704.16 (1) (b) 3. An injunction order under s. 813.125 (4) protecting the tenant
18 or a child of the tenant from ~~the~~ another person, based on the other person's
19 engaging in an act that would constitute ~~sexual assault under s. 940.225, 948.02, or~~
20 ~~948.025, or~~ stalking under s. 940.32, or attempting or threatening to do the same.

21 **SECTION 5.** 704.16 (1) (b) 5. of the statutes is renumbered 704.16 (1m) (b).

22 **SECTION 6.** 704.16 (1m) of the statutes is created to read:

23 704.16 (1m) TERMINATING TENANCY BY TENANT: SEXUAL ASSAULT. A
24 residential tenant may terminate his or her tenancy and remove from the premises

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1 if the tenant provides the landlord with notice in the manner provided under s.
2 704.21 and with a certified copy of any of the following:

3 (a) An injunction order under s. 813.125 (4) protecting the tenant or a child of
4 the tenant from another person, based on the other person's engaging in an act that
5 would constitute sexual assault under s. 940.225, 948.02, or 948.025, or attempting
6 or threatening to do the same.

7 **SECTION 7.** 704.16 (2m) of the statutes is created to read:

8 704.16 **(2m)** NOT LIABLE FOR RENT: SEXUAL ASSAULT. If a residential tenant
9 removes from the premises and provides the landlord with a certified copy specified
10 under sub. (1m) and with notice that complies with s. 704.21, the tenant shall not be
11 liable for any rent after the end of the month following the month in which he or she
12 provides the notice or removes from the premises, whichever is later. The tenant's
13 liability for rent under this subsection is subject to the landlord's duty to mitigate
14 damages as provided in s. 704.29 (2).

15 **SECTION 8.** 939.74 (2) (ar) of the statutes is amended to read:

16 939.74 **(2)** (ar) A prosecution for a violation of s. 940.225 (2) ~~or~~ may be
17 commenced within 20 years after the commission of the violation. A prosecution for
18 a violation of s. 940.225 (3) may be commenced within 10 years after the
19 commission of the violation.

20 **SECTION 9.** 961.444 of the statutes is created to read:

21 **961.444 Person seeking assistance following sexual assault;**
22 **immunity from prosecution. (1) DEFINITION.** In this section, "sexual assault"
23 means conduct that is in violation of s. 940.22 (2), 940.225, 940.302, or 944.06 or a
24 crime under ch. 948 that involves sexual contact or sexually explicit conduct.

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1 (2) IMMUNITY FOR AIDER. A person is immune from being charged or
2 prosecuted under s. 961.573 for the possession of drug paraphernalia, under s.
3 961.41 (3g) for the possession of a controlled substance or a controlled substance
4 analog, and under s. 961.69 (2) for possession of a masking agent if all of the
5 following apply:

6 (a) The person requested emergency assistance in connection with a sexual
7 assault by calling the telephone number “911” or by other means, the person
8 encountered a law enforcement officer at a medical facility at which the victim of
9 the sexual assault received treatment in connection with the sexual assault, or the
10 person sought to report the sexual assault or requested assistance for the sexual
11 assault.

12 (b) The evidence for the charge or prosecution is obtained as a result of the
13 person’s action described under par. (a).

14 (c) The person provides a name and contact information and furnishes any
15 requested information unless the person lacks capacity to cooperate.

16 (3) IMMUNITY FOR VICTIM. A victim of a sexual assault is immune from being
17 charged or prosecuted under s. 961.573 for the possession of drug paraphernalia,
18 under s. 961.41 (3g) for the possession of a controlled substance or a controlled
19 substance analog, and under s. 961.69 (2) for possession of a masking agent if all of
20 the following apply:

21 (a) The victim sought to report the sexual assault or was in need of assistance
22 due to the sexual assault.

1 (b) The evidence for the charge or prosecution was obtained as a result of the
2 victim's action described under par. (a).

3 (4) PROHIBITION ON REVOCATION. A person's pretrial release, probation,
4 extended supervision, parole, or supervised release may not be revoked based on an
5 incident for which the person is immune from prosecution under sub. (2) or (3).

6 SECTION 10. Initial applicability.

(1) Notwithstanding s. 990.06, the treatment of s. 939.74 (2) (ar) first applies to an act for which the time limit under s. 939.74 (2) (ar), 2023 stats., for prosecution has not expired as of the effective date of this subsection.

10 (END)