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STATE REPRESENTATIVE • 83rd ASSEMBLY DISTRICT

Testimony for 2023 Assembly Bill 78

Assembly Committee on Criminal Justice and Public Safety

March 23, 2023

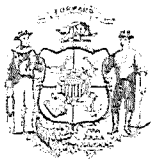
Thank you, Chairman Spiros and other distinguished members of the Committee on Criminal Justice and Public Safety, for allowing me to testify on the importance of adding increased protections for one of our most vulnerable communities, which is adults at risk.

The definition of “adult at risk” refers to any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Assembly Bill 78 will provide increased protections to this community by changes to the statutes in 5 areas, which are:

- Increasing penalties for any acts of sexual misconduct. Presently, if a person engages in any of the specified acts of sexual misconduct, they're guilty of a Class C Felony. Our bill increases this to a Class B felony if the victim is an adult at risk, regardless of whether or not the guilty party knew of the victim's status of as an adult at risk.
- Allows prosecutors to request that a court freeze or seize assets from a defendant who has been charged with a crime of financial exploitation when the victim is an adult at risk
- Applies same penalties applicable to physical abuse of an elder person to physical abuse of an adult at risk.
- Allows a term of imprisonment to be increased if the victim is an adult at risk, regardless of whether the defendant knew that the victim was an adult at risk
- Finally, our bill allows an adult at risk who is seeking a restraining order for domestic violence, individual-at-risk, or harassment to appear in court by telephone or live audiovisual means

While we recognize we cannot stop every crime for adults at risk, we have a duty to do everything we can to deter those who seek to harm this vulnerable population. I wish to thank Chairman Spiros, again, for holding a hearing on AB 78 and will take the committee's questions.



Testimony before the Assembly Committee on Criminal Justice and Public Safety

Senator André Jacque

March 23, 2023

Thank you Mr. Chairman and Members of the Assembly Committee on Criminal Justice and Public Safety:

It is critical that we protect the most vulnerable in our society, recognizing that vulnerability can often be present irrespective of youthfulness or advanced age.

Wisconsin has a longstanding definition of "adult at risk", which refers to any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Assembly Bill 78 will institute a number of protections for adults at risk which already apply under Wisconsin statute when a crime victim is age 60 and above:

- Allowing prosecutors to request that a court freeze or seize assets from a defendant who has been charged with a financial exploitation crime when the victim is an adult at risk in order to preserve them for restitution.
- Allowing an adult at risk who is seeking a domestic violence, individual-at-risk, or harassment restraining order to appear in a court hearing by telephone or live audiovisual means.
- Increasing the penalty for forcible sexual misconduct that is currently a second degree sexual assault to a first degree sexual assault (going from a Class C to a Class B Felony) if the victim is an adult at risk.
- Allowing a term of imprisonment that is imposed for a criminal conviction to be increased in length if the crime victim was an adult at risk.

Assembly Bill 78/Senate Bill 72 was introduced last session as 2021 SB 388/AB 922 and passed the Senate Judiciary and Public Safety Committee and Assembly Criminal Justice and Public Safety Committees with nearly unanimous bi-partisan votes, and the full Senate by a vote of 31-2. It was supported by the Alzheimer's Association and the Wisconsin Chapter of A-TEAM, a grassroots network of families who work legislatively to advance the cause of people with disabilities in the workplace, society, and home.

Thank you for your consideration of Assembly Bill 78.