



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3412/1  
CMH:klm

## 2019 SENATE BILL 368

1     **AN ACT** *to amend* 946.79 (1) (f) (intro.) and 946.79 (1) (f) 1.; and *to create*  
2             943.895, 946.79 (1) (f) 4. and 946.79 (1) (f) 5. of the statutes; **relating to:** money  
3             laundering and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 943.895 of the statutes is created to read:  
5             **943.895 Money laundering. (1) DEFINITIONS.** In this section:  
6             (a) “Proceeds” means property or anything of value acquired or derived directly  
7             or indirectly from, produced through, realized through, or caused by an act or  
8             omission.  
9             (b) “Transaction” has the meaning given in s. 946.79 (1) (f).  
10            **(2) PROHIBITED CONDUCT.** (a) Whoever does any of the following may be  
11            penalized as provided in sub. (3):

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

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

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

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

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

15           b. Avoid a transaction reporting requirement under federal law.

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

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

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

23           (a) If the total value of the proceeds involved in the transaction does not exceed  
24 \$2,500, a Class A misdemeanor.

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

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

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

7 (e) If the total value of the proceeds involved in the transaction exceeds  
8 \$100,000, a Class F felony.

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

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

13 946.79 (1) (f) (intro.) “Transaction” means the acquisition or disposition, or  
14 transfer of property or anything of value by any means, including any of the  
15 following:

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

17 946.79 (1) (f) 1. The purchase, sale, trade, transfer, transmission, exchange,  
18 loan, pledge, investment, delivery, deposit, or withdrawal of a monetary instrument,  
19 credit card, gift card, gift certificate, financial transaction card, or similar monetary  
20 device.

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

22 946.79 (1) (f) 4. The transfer of property or anything of value between accounts.

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

