
Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Senior Staff Attorney

March 9, 2020

2019 Wisconsin Act 112
[2019 Assembly Bill 804]

**Intimidating a Victim or Witness
in Domestic Abuse Cases**

BACKGROUND

State law criminalizes various acts related to the intimidation of a victim or a witness. Specifically, the **crime of intimidating a victim** prohibits a person from knowingly and maliciously preventing or dissuading, or attempting to so prevent or dissuade, a victim of a crime from doing any of the following:

- Reporting the victimization to any peace officer, law enforcement or prosecuting agency, or judge.
- Causing a criminal complaint to be sought or prosecuted, or assisting in the prosecution of the complaint.
- Arresting, or causing or seeking the arrest of, any person in connection with the victimization.

In addition, the **crime of intimidating a witness** prohibits a person from knowingly and maliciously preventing or dissuading, or attempting to so prevent or dissuade, any witness of a crime from attending or giving testimony at any trial, proceeding, or lawful inquiry.

The penalty for the crimes of intimidating a victim and intimidating a witness is generally a Class A misdemeanor. The penalty for both increases to a Class G felony under certain aggravating circumstances, such as when the act is accompanied by force or violence or for monetary gain.

2019 WISCONSIN ACT 112

2019 Wisconsin Act 112 increases the penalty applicable to the crime of intimidating a victim to a Class G felony if the underlying crime is: (1) an act of domestic abuse¹ that constitutes the commission of a crime; or (2) a crime that, following a conviction, is subject to the domestic abuse surcharge.²

Similarly, the act also increases the penalty applicable to the crime of intimidating a witness to a Class G felony if the proceeding is a criminal trial, where the crime is: (1) an act of domestic abuse that constitutes the commission of a crime; or (2) a crime that, following a conviction, is subject to the domestic abuse surcharge.

Effective date: March 1, 2020

MS:mca;ksm

¹ “Domestic abuse” means certain physical acts engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common. [s. 968.075(1)(a), Stats.]

² A court must impose a domestic abuse surcharge of \$100 if a person is convicted of knowingly violating a domestic abuse temporary restraining order or injunction, or is otherwise convicted of violating certain specified crimes and the court finds the conduct constituting the violation involved an act by an adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided, or against an adult with whom the adult person has created a child. [s. 973.055, Stats.]