

Wisconsin Legislative Council

ACT MEMO



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2025 Wisconsin Act 24 [2025 Senate Bill 121]

Recodification of Battery Statutes

BACKGROUND

Battery Generally

2025 Wisconsin Act 24 recodifies Wisconsin's battery statutes. Prior to the act, the crimes of battery, substantial battery, and aggravated battery were codified together in one statute.

The penalty for simple battery was a Class A misdemeanor; the penalty for substantial battery was a Class I felony; and the penalty for aggravated battery was either a Class H or Class E felony, depending upon the severity of bodily harm done to the victim, and the severity of harm the actor intended to cause.

Additionally, the crime of causing bodily harm, substantial bodily harm, or great bodily harm to an unborn child was subject to the same penalties as under the general battery statute. The intent of the actor might be to cause harm to the unborn child, the mother of the unborn child, or another. The crime of intentionally or recklessly causing bodily harm to an elder person was subject to penalties ranging from a Class I to Class C felony, depending on the degree of harm to the elder person and the intent of the actor.

Special Circumstance Battery

Greater penalties, either a Class H or Class I felony, applied if a simple battery was committed by a particular class of persons or committed against a particular class of persons. These batteries, called "special circumstance" batteries, were codified in several different statutes. Prior law imposed the same penalty for threatening to commit certain special circumstance batteries.

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The act recodifies the general battery and the special circumstance battery statutes by moving those crimes into a newly created subchapter entitled "Bodily security; battery."

The act does not change the penalty for any crime within the battery statutes, but does combine, recategorize, and reorganize the special circumstance battery statutes. Additionally, the act recodifies and harmonizes definitions used in the special circumstance battery statutes and moves the crime of threatening to batter under a special circumstance to a different statutory chapter.

The act generally reorganizes the various crimes of special circumstance battery by: (1) the identity of the actor; and (2) the identity of the victim. The act does all of the following:

- Moves the definitions that are used in the battery statutes to the beginning of the new subchapter and ensures the definitions are consistent throughout the subchapter. The act expands the definition of "family member" for all of the battery statutes that include a family member to also include a "grandparent" or "legal guardian."

- Renumbers the special circumstance batteries to create two separate statutes:
 - The first statute codifies special circumstance batteries on the basis of the identity of the actor.
 - The second statute codifies special circumstance batteries on the basis of the identity of the victim.
- Retains the Class H or Class I felony penalty for each special circumstance battery.
- Combines the various battery statutes that include a threat to commit a battery into one crime, entitled “Threatening to cause bodily harm,” and moves it to ch. 947, Stats., relating to crimes against public peace, order, and other interests.
- Changes the titles of the crimes of “battery, substantial battery, and aggravated battery to an unborn child” and “physical abuse of an elder person,” but otherwise retains the structure of these crimes in their own separate statutes.

Effective date: August 10, 2025

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

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