



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3851/1
MJW&SWB:wlj

2025 BILL

1 **AN ACT** *to renumber and amend* 940.13; *to amend* 939.75 (2) (b) 1.; *to create*
2 20.9278, 175.43, 895.539 (2), 940.11 (4) and 948.23 (4) of the statutes;
3 **relating to:** investigation of any pregnancy outcome and civil and criminal
4 liability exemptions relating to pregnancy outcome.

Analysis by the Legislative Reference Bureau

Under current law, no fine or imprisonment may be imposed or enforced against and no prosecution may be brought against a woman who obtains an abortion or otherwise violates any provision of any abortion statute with respect to her unborn child or fetus and certain criminal statutes do not apply to such a woman. Other current abortion-related statutory restrictions do not apply, or no penalty may be assessed against, a woman obtaining an abortion.

This bill adds specific protections for women with regard to their own pregnancy outcomes. The bill provides that, in addition to existing protections, no fine or imprisonment may be imposed or enforced against and no prosecution may be brought against a woman for the outcome of her own pregnancy, including stillbirth, miscarriage, abortion, or any other pregnancy outcome that does not result in a live birth. Also, under the bill, no person may be held civilly liable for, discriminated against, or otherwise punished or penalized for the outcome of her own pregnancy, including stillbirth, miscarriage, abortion, or any other pregnancy outcome that does not result in a live birth.

BILL**SECTION 1**

The bill provides that no law enforcement officer or law enforcement agency may investigate a person as a crime suspect because of any pregnancy outcome that the person has experienced and further provides that a law enforcement officer or law enforcement agency may investigate a case in which the conduct that constitutes a crime is related to any pregnancy outcome of a person other than the crime suspect only if the law enforcement officer or law enforcement agency first obtains the consent of the person whose pregnancy was affected.

The bill specifies that for the purposes of criminal penalties associated with mutilating or hiding a corpse and concealing or not reporting the death or disappearance of a child, the term "corpse" does not include fetal tissue that is the result of a pregnancy outcome other than a live birth or stillbirth.

The bill also prohibits any funds of this state, of any county, city, village, town, or long-term care district, of any subdivision of this state, or of any subdivision or agency of any county, city, village, or town or any federal funds passing through the state treasury from being authorized for or paid to any person to subsidize, reimburse, or otherwise provide compensation for the investigation of a person as a crime suspect because of any pregnancy outcome that the person has experienced.

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

1 **SECTION 1.** 20.9278 of the statutes is created to read:

2 **20.9278 Prohibition on funding pregnancy outcome investigations.**

3 Except as provided in sub. (2), no funds of this state or of any county, city, village,
4 town, or long-term care district under s. 46.2895 or of any subdivision or agency of
5 this state, including an authority created in ch. 233, or of any subdivision or agency
6 of any county, city, village, or town and no federal funds passing through the state
7 treasury shall be authorized for or paid to any person to subsidize, reimburse, or
8 otherwise provide compensation for the investigation of a person as a crime suspect
9 because of any pregnancy outcome that the person has experienced.

10 **(2)** The prohibition under sub. (1) does not apply to the department of health
11 services with regard to the requirements under s. 69.186.

12 **SECTION 2.** 175.43 of the statutes is created to read:

BILL**SECTION 2**

1 **175.43 Investigation of pregnancy outcomes.** (1) DEFINITIONS. In this
2 section:

3 (a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

4 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c) and
5 includes a tactical emergency medical services professional, as defined in s. 165.85
6 (2) (fh), certified under s. 165.85 (3).

7 **(2) INVESTIGATION OF PREGNANCY OUTCOMES.** (a) No law enforcement officer
8 or law enforcement agency may investigate a person as a crime suspect because of
9 any pregnancy outcome that the person has experienced.

10 (b) A law enforcement officer or law enforcement agency may investigate a
11 case in which the conduct that constitutes a crime is related to any pregnancy
12 outcome of a person other than the crime suspect only if the law enforcement officer
13 or law enforcement agency first obtains the consent of the person whose pregnancy
14 was affected.

15 **SECTION 3.** 895.539 (2) of the statutes is created to read:

16 895.539 (2) No woman shall be held civilly liable for, discriminated against, or
17 otherwise punished or penalized for the outcome of her own pregnancy, including
18 stillbirth, miscarriage, abortion, or any other pregnancy outcome that does not
19 result in a live birth.

20 **SECTION 4.** 939.75 (2) (b) 1. of the statutes is amended to read:

21 939.75 (2) (b) 1. An act committed during an induced abortion. This
22 subdivision does not limit the applicability of ss. 895.539 (1), 940.04, ~~940.13~~, 940.15
23 and 940.16 to an induced abortion.

24 **SECTION 5.** 940.11 (4) of the statutes is created to read:

BILL

SECTION 5

940.11 (4) For purposes of this subsection, “corpse” does not include fetal tissue that is the result of a pregnancy outcome other than a live birth or stillbirth.

SECTION 6. 940.13 of the statutes is renumbered 895.539 (1) and amended to read:

895.539 ~~Abortion exception~~ Civil and criminal liability exemptions;
pregnancy outcomes. (1) No fine or imprisonment may be imposed or enforced against and no prosecution may be brought against a woman who obtains an abortion or otherwise violates any provision of any abortion statute with respect to her unborn child or fetus, ~~and s.~~ or against a woman for the outcome of her own pregnancy, including stillbirth, miscarriage, abortion, or any other pregnancy outcome that does not result in a live birth. Sections 939.05, 939.30 or and 939.31 ~~does~~ do not apply to a woman who obtains an abortion or otherwise violates any provision of any abortion statute with respect to her unborn child or fetus.

SECTION 7. 948.23 (4) of the statutes is created to read:

948.23 (4) For purposes of this subsection, “corpse” does not include fetal tissue that is the result of a pregnancy outcome other than a live birth or stillbirth.

(END)