



## PATRICK TESTIN

STATE SENATOR

DATE: January 22, 2020  
RE: **Testimony on Senate Bill 427**  
TO: The Senate Committee on Judiciary and Public Safety  
FROM: Senator Patrick Testin

---

I would like to thank Chairman Wanggaard and members of the committee for accepting my testimony on Senate Bill 427.

Unfortunately, elder abuse is becoming all too common in our society, and reports of elder abuse continue to grow. According to the Bureau of Aging & Disability Resources, there has been a 160% increase in reported elder abuse in Wisconsin since 2001. Research shows that for every reported case of elder abuse, 24 cases go unreported. These numbers are likely to grow as Wisconsin's senior population is set to increase by 72% in the coming decade.

Last session, I had the opportunity to serve as a member of the Attorney General's Task Force on Elder Abuse. The task force was made up of stakeholders from state agencies, law enforcement, the court system, long-term care agencies, financial service groups, and citizen advocacy organizations. We were tasked with studying the impact of elder abuse in the state and finding ways to improve outcomes for the elderly.

Senate Bill 427 makes criminal law changes that address crimes against elder populations. The task force found that crimes of elder abuse should better align with provisions under current law that address other vulnerable populations. This legislation will do the following:

- Modifies the law to require a sexual assault of a person over the age of 60 to be Class B Felony.
- Brings the physical abuse of an elder person in line with the age definition of other statutes.
- Creates a mechanism for freezing assets in elder financial abuse cases for the purpose of preserving the assets for restitution for the victim.
- Creates a system that allows a term of imprisonment that is imposed for a criminal conviction to be increased in length if the crime victim was elderly.
- Removes barriers for an individual to seek a restraining order by allowing them to appear in court by telephone or audiovisual means.

Thank you again for listening to my testimony and I hope that you will join me in supporting this bill.

**Senate Committee on Judiciary  
and Public Safety  
January 22, 2020  
Madison WI  
Helen Marks Dicks**

Good Morning. I am Helen Marks Dicks, State Issues Advocacy Director for AARP Wisconsin, which has over 840,000 members here in Wisconsin. We advocate on behalf of Wisconsin's 50 and older population. The issue of elder abuse and neglect is of grave concern to us and we greatly appreciate the attention being paid to this critical issue.

AARP supports SB 427 as a needed step to help curb abuse, neglect, and financial exploitation of Wisconsin's elders. There has been a 160% increase in reported elder abuse from 2001 to 2017. Even with this startling statistic we know most elder abuse goes unreported. It is estimated that 47% of adults with dementia suffer from some form of abuse. Elder abuse and neglect triple the likelihood of a victim being hospitalized or dying prematurely.

Financial exploitation is one of the most common forms of elder abuse and has a life-altering effect on Wisconsin residents' livelihoods with untold millions of dollars exploited, extorted, or stolen from older adults each year in Wisconsin. While nearly \$3 billion was reported lost to financial elder abuse in the USA, a study in New York State found that only 2% of elder financial exploitation cases were reported to law enforcement, suggesting that the actual number impact on older adult's financial wellbeing is far higher than official counts.

SB 427 increases penalties on those who abuse elders and would make it easier for older adults to file a restraining order, thus removing a major barrier to access for victims. The bill would also increase the likelihood of victims receiving financial

restitution in cases of financial exploitation as alleged perpetrators could have their assets frozen. Often victims of elder abuse have little or no chance of financial recovery and the rest of their lives might be spent in a compromised financial position or even in poverty.

I personally have one concern about all this bill. That is the assumption of vulnerability and decreased judgement at age 60. No one should be the victim of financial exploitation or any type of abuse regardless of age and I object to the ageist assumption of cognitive decline and judgement at the age of 60. Mere age should never be used as a measure of capacity.

However I am attributing good intentions and an attempt to conform to other statutes which deal with elder abuse to the authors and drafters of this bill so my concerns will in no way diminish AARP's support of this bill. I believe this ageist assumption can be dealt with a case-to-case review.

AARP Wisconsin strongly encourages the committee to vote in favor of SB 427 to protect Wisconsin's victims of elder abuse and financial exploitation. Thank you for your time and attention. As always I would be glad to answer any questions.

Wisconsin Coalition Against Domestic Violence  
1400 E. Washington Avenue, Suite 227  
Madison, Wisconsin 53703  
Phone: (608) 255-0539  
[abbys@endabusewi.org](mailto:abbys@endabusewi.org)



To: Members of the Senate Committee on Judiciary and Public Safety  
Date: January 22, 2020  
From: Abby Swetz, Policy and Systems Analyst, End Domestic Abuse Wisconsin  
Re: SB 427 re: increasing penalties for crimes against elder persons

Thank you for the opportunity to provide testimony regarding Senate Bill 427. This bill is an indication of the seriousness with which our state takes elder abuse, and we at End Domestic Abuse Wisconsin appreciate lawmakers for seeing the need to protect this vulnerable population. However, while we agree with this need, we do not believe that certain parts of this legislation would result in that increased protection. While End Abuse supports the provisions concerning the freezing of assets and the ability to attend hearings remotely, we cannot support the increase in prison time found in the other sections of this bill. We respectfully ask the Committee to reject this bill in its current form.

My name is Abby Swetz, and I am here as a representative of End Domestic Abuse Wisconsin to explain our stance regarding this bill relating elder abuse. End Abuse is Wisconsin's statewide membership organization that serves as the voice for survivors of domestic violence and local domestic violence victim service providers. The National Clearinghouse for Abuse in Later Life (NCALL) is a project housed within our organization. NCALL provides training, advocacy, and technical assistance concerning elder abuse across the country. I have prepared this testimony in collaboration with the Justice Systems Coordinator at NCALL.

Three sections of Senate Bill 427 pertain to increasing the length of a prison sentence when the perpetrated crime is against an elder person. These are the provisions amending Wisconsin state statutes 940 (Crimes against Life and Bodily Security) and 939 (Crimes - General Provisions). We appreciate that these policy proposals indicate that the legislature understands that the elder population, as a vulnerable one, deserves protection. But increasing sentences for these crimes would not reduce this population's vulnerability. We fear it would actually open the door to the potential of further penalizing oppressed communities within the vulnerable elder population as we all know Wisconsin's statistics concerning racially disproportionate incarceration rates. SB 427 is reactive legislation, and we would prefer to see proactive legislation. Wisconsin should be investing in supports for survivors rather than putting more resources towards the carceral state. Elder abuse survivors – and elders in general – need access to emergency shelter, affordable housing, long-term care, and convenient public transportation. Putting resources, specifically increased funding, towards these programs would do more to help the vulnerable population of Wisconsin's elders than this current legislation would. If any lawmakers are interested in drafting such legislation, End Abuse would be happy to assist in that process.

As I have previously stated, there are sections of this bill that End Abuse supports. We support the creation of a procedure for courts to freeze assets from a defendant who has been charged with a crime of financial exploitation against an elder person. Scams targeting older Wisconsinites are far too common and can have devastating impacts. We also support the policy change making it possible for an elder person seeking a restraining order to appear in court through telephone or live audiovisual means.

Were these sections of the bill their own separate legislation, we would support their passage. However, in its current form, we cannot support it, and we respectfully request members of the Committee vote "no" on Senate Bill 427.



Greater Wisconsin  
Agency on Aging Resources, Inc.

Date: January 22, 2020

To: Chair Wanggaard, Vice-Chair Jacque, and Members of the Senate Committee on  
Judiciary and Public Safety

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Support for SB 427** – increased penalties for crimes against elder persons; restraining order for elder persons; freezing assets of a defendant charged with financial exploitation of an elder person; sexual assault of an elder person; physical abuse of an elder person; and providing a penalty.

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. We provide lead aging agencies in our service area with training, technical assistance, and advocacy to ensure the availability and quality of programs and services to meet the changing needs of older people in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin. There are over one million adults age 60 and older residing in our service area.

Thank you for this opportunity to share testimony on SB 427. The number of reported elder abuse cases in the state continues to rise, increasing by 52 percent from 2010 to 2018 when there were 8,803 reported cases. The actual number of elder abuse cases is likely much higher, as fear and embarrassment lead to underreporting of abuse. According to the American Bar Association approximately 10% of older adults experience some form of elder abuse (2017).

The consequences of elder abuse can be devastating; placing abused elders at increased risk of hospitalization, nursing home admission, and even death. Given the significant negative impacts of elder abuse, we support SB 427 which increases the penalties for crimes against older people. We also support the bill's proposal to freeze or seize assets from a defendant who has been charged with a financial exploitation crime against an older adult. Too often victims of elder financial exploitation are unable to recoup their financial losses, freezing or seizing assets from the defendant may help victims to receive the restitution they deserve. Additionally, we support changes made in this bill to allow an older adult seeking a domestic violence, individual-at-risk, or harassment restraining order to appear in court by phone or live-video, thereby minimizing any further negative impacts on the victim's health, independence, and dignity.

We appreciate the interest in and efforts of policy makers to protect older adults against elder abuse, neglect and exploitation and to address this growing problem. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

Thank you for your consideration of these comments supporting SB 427.

Contact: Janet Zander, Advocacy & Public Policy Coordinator  
Greater Wisconsin Agency on Aging Resources, Inc.

[janet.zander@gwaar.org](mailto:janet.zander@gwaar.org)

(715) 677-6723 or (608) 228-7253 (cell)