



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 175**

**Assembly  
Amendment 1**

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Under current law, a law enforcement officer is generally required to arrest a person if the officer has reasonable grounds to believe that the person has committed domestic abuse and the person's actions constitute the commission of a crime. If the officer does not arrest a person under these circumstances, the officer is required to prepare a report stating why the person was not arrested. The report is then reviewed by the district attorney, who must then determine whether to charge the person.

### **2013 Assembly Bill 175**

Assembly Bill 175 requires a law enforcement officer who responds to a situation in which domestic abuse was reported or who knows or should have known that domestic abuse was involved to also file a report if an arrest was not made because the officer determined he or she lacked reasonable grounds to believe that the person was committing or has committed domestic abuse and that the person's acts constituted commission of a crime.

Additionally, Assembly Bill 175 requires the law enforcement standards board to establish standards for the training of law enforcement officers in handling domestic abuse incidents. This training must include specified components, including educating the officer about his or her duty to inform the victim of shelters and services, give the victim notice of his or her legal rights and remedies, explain how to file a petition for a domestic abuse or harassment injunction, and explain that the victim may contact a district attorney to file a criminal complaint.

### **Assembly Amendment 1**

Assembly Amendment 1 deletes the language requiring a law enforcement officer to explain the procedure for filing a petition for a domestic abuse or harassment injunction and instead requires an officer to inform the victim of his or her right to contact a domestic violence victim service provider to

plan for the victim's safety and to take steps to protect the victim, including filing a petition for a domestic abuse or harassment injunction.

Assembly Amendment 1 also exempts an officer from filing a report stating why an arrest was not made if the reason the officer did not make the arrest was because the officer determined the person was not the primary aggressor. Finally, Assembly Amendment 1 requires an officer who determines he or she lacks reasonable grounds to believe domestic abuse had occurred and that a person's acts constituted commission of a crime to document that the officer investigated various statutorily specified factors.

**Legislative History**

Representative Jacque offered Assembly Amendment 1 on May 28, 2013. On May 30, 2013, the Assembly Committee on Public Safety and Homeland Security unanimously recommended adoption of Amendment 1 and passage of Assembly Bill 175, as amended.

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