



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0976/1
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2015 SENATE BILL 97

March 27, 2015 - Introduced by Senators CARPENTER, WANGGAARD, HARRIS DODD, RISSER, NASS and C. LARSON, cosponsored by Representatives JACQUE, BERCEAU, BALLWEG, ALLEN, SINICKI, STEFFEN, SHANKLAND, A. OTT, ZEPNICK, T. LARSON, SPREITZER, SUBECK, C. TAYLOR, JOHNSON, HINTZ, OHNSTAD and BILLINGS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 813.12 (3) (aj) and 813.12 (4) (aj); and *to create* 813.12 (1) (ce),
2 813.122 (1) (e), 813.122 (4) (bg), 813.122 (5) (bg), 813.123 (1) (ek), 813.123 (4)
3 (av), 813.123 (5) (av), 813.125 (3) (ag) and 813.125 (4) (aL) of the statutes;
4 **relating to:** including orders pertaining to household pets in certain
5 restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

Under current law, an individual who is, or who acts on behalf of, a victim of abuse, harassment, or threats may obtain a temporary restraining order against the person who has committed the acts of abuse or harassment or making a threat. The restraining order generally prohibits the person from engaging in additional threats or acts of abuse or harassment, bars the person from contacting the victim, and requires the person to stay away from the victim's residence and other places temporarily occupied by the victim until a court conducts a hearing to determine whether the restraining order should be incorporated into a longer-lasting injunction.

If the court determines that the person has engaged in, or may engage in, acts of abuse, harassment, or threats against the victim, the court may issue a longer-term injunction against the person. An injunction generally bars the person from contacting the victim, requires the person to stay away from the victim's residence, and may require the person to stay away from other locations temporarily occupied by the victim.

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Under this bill, a court may include in a restraining order or an injunction order provisions pertaining to household pets. Under the bill, a court may order the person subject to the restraining order or injunction to refrain from removing, damaging, hiding, harming, or mistreating, or disposing of a household pet. The restraining order or injunction may also allow the victim of the abuse, harassment, or threats, or a person acting on his or her behalf, to retrieve a household pet from the person subject to the restraining order or injunction.

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

1 **SECTION 1.** 813.12 (1) (ce) of the statutes is created to read:

2 813.12 (1) (ce) "Household pet" means a domestic animal that is not a farm
3 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner
4 or by a family member or a household member of the petitioner.

5 **SECTION 2.** 813.12 (3) (aj) of the statutes is amended to read:

6 813.12 (3) (aj) In determining whether to issue a temporary restraining order,
7 the judge or circuit court commissioner shall consider the potential danger posed to
8 the petitioner and the pattern of abusive conduct of the respondent but may not base
9 his or her decision solely on the length of time since the last domestic abuse or the
10 length of time since the relationship ended. The judge or circuit court commissioner
11 may grant only the remedies requested or approved by the petitioner. The judge or
12 circuit court commissioner may order the respondent not to remove, hide, damage,
13 harm, or mistreat, or dispose of, a household pet and may order the respondent to
14 allow the petitioner or a family member or household member of the petitioner acting
15 on his or her behalf to retrieve a household pet. The judge or circuit court
16 commissioner may not dismiss or deny granting a temporary restraining order
17 because of the existence of a pending action or of any other court order that bars

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1 contact between the parties, nor due to the necessity of verifying the terms of an
2 existing court order.

3 **SECTION 3.** 813.12 (4) (aj) of the statutes is amended to read:

4 813.12 (4) (aj) In determining whether to issue an injunction, the judge or
5 circuit court commissioner shall consider the potential danger posed to the petitioner
6 and the pattern of abusive conduct of the respondent but may not base his or her
7 decision solely on the length of time since the last domestic abuse or the length of time
8 since the relationship ended. The judge or circuit court commissioner may grant only
9 the remedies requested by the petitioner. The judge or circuit court commissioner
10 may order the respondent not to remove, hide, damage, harm, or mistreat, or dispose
11 of, a household pet and may order the respondent to allow the petitioner or a family
12 member or household member of the petitioner acting on his or her behalf to retrieve
13 a household pet. The judge or circuit court commissioner may not dismiss or deny
14 granting an injunction because of the existence of a pending action or of any other
15 court order that bars contact between the parties, nor due to the necessity of verifying
16 the terms of an existing court order.

17 **SECTION 4.** 813.122 (1) (e) of the statutes is created to read:

18 813.122 (1) (e) "Household pet" means a domestic animal that is not a farm
19 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by a child victim
20 or by a family member or a household member of a child victim.

21 **SECTION 5.** 813.122 (4) (bg) of the statutes is created to read:

22 813.122 (4) (bg) The judge or circuit court commissioner may order the
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
24 household pet and may order the respondent to allow the child victim or a family

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1 member or household member of the child victim acting on his or her behalf to
2 retrieve a household pet.

3 **SECTION 6.** 813.122 (5) (bg) of the statutes is created to read:

4 813.122 (5) (bg) An injunction under this subsection may include an order to
5 the respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
6 household pet and may include an order to the respondent to allow the child victim
7 or a family member or household member of the child victim acting on his or her
8 behalf to retrieve a household pet.

9 **SECTION 7.** 813.123 (1) (ek) of the statutes is created to read:

10 813.123 (1) (ek) "Household pet" means a domestic animal that is not a farm
11 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by an individual
12 at risk or an elder adult at risk or by a family member or a household member of an
13 individual at risk or an elder adult at risk.

14 **SECTION 8.** 813.123 (4) (av) of the statutes is created to read:

15 813.123 (4) (av) A temporary restraining order issued under par. (a) may
16 include an order to the respondent not to remove, hide, damage, harm, or mistreat,
17 or dispose of, a household pet and may include an order to the respondent to allow
18 the individual at risk, the elder adult at risk, or a family member, household member,
19 or other person acting on behalf of the individual at risk or the elder adult at risk to
20 retrieve a household pet.

21 **SECTION 9.** 813.123 (5) (av) of the statutes is created to read:

22 813.123 (5) (av) An injunction issued under par. (a) may include an order to the
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
24 household pet and may include an order to the respondent to allow the individual at
25 risk, the elder adult at risk, or a family member, household member, or other person

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1 acting on behalf of the individual at risk or the elder adult at risk to retrieve a
2 household pet.

3 **SECTION 10.** 813.125 (3) (ag) of the statutes is created to read:

4 813.125 (3) (ag) The judge or circuit court commissioner may order the
5 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic
6 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or
7 cared for by the petitioner or by a family member or a household member of the
8 petitioner and may order the respondent to allow the petitioner or a family member
9 or household member of the petitioner acting on his or her behalf to retrieve the
10 animal.

11 **SECTION 11.** 813.125 (4) (aL) of the statutes is created to read:

12 813.125 (4) (aL) The judge or circuit court commissioner may order the
13 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic
14 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or
15 cared for by the petitioner or by a family member or a household member of the
16 petitioner and may order the respondent to allow the petitioner or a family member
17 or household member of the petitioner acting on his or her behalf to retrieve the
18 animal.

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(END)