

1999 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB133)

Received: **06/29/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Republican Caucus**

By/Representing: **Bill Skewes**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

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Subject: **Criminal Law - sentencing
Courts - garn/injunct**

Extra Copies: **MGD
RPN**

Pre Topic:

No specific pre topic given

Topic:

Violation of domestic abuse restraining order

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|----------------------|----------------|--------------------------|--------------------------|-----------------|
| /? | olsenje 06/29/99 | jgeller 06/29/99 | | _____ | | | |
| /1 | | | jfrantze 06/30/99 | _____ | lrb_docadmin 06/30/99 | lrb_docadmin 06/30/99 | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | olsenje | 1/6/29 jlg | 6/30 | 7/6/me 6/30 | | | |

FE Sent For:

<END>

b1533



Possible Amendment From SRSC

SRSC #9

RE: Penalties for Repeated Violation of Domestic Abuse Restraining Order

Under current law the penalty for violation of a domestic abuse restraining order is a fine of not more than \$1,000 or imprisonment for not more than nine months or both.

This motion is identical to one that Senator Huelsman submitted to and was passed by Assembly Republicans during their budget caucus. This motion would require the court to sentence an individual to a minimum of five days imprisonment for a second, or subsequent violation of a domestic abuse restraining order.

SRC

1999 - 2000 LEGISLATURE

LRBb1057/1
JEO:cmh:mrc

Soon

4/16

~~ARC:.....Dake - Am. # 222, Penalty for violation of restraining order
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION~~

61533/1

CAUCUS AMENDMENT

SENATE

~~TO ASSEMBLY~~ SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1426, line 12: after that line insert:

3 "SECTION 3088s. 813.12 (8) (a) of the statutes is renumbered 813.12 (8) (a) 1.
4 and amended to read:

5 813.12 (8) (a) 1. ~~Whoever~~ Except as provided in subd. 2., whoever knowingly
6 violates a temporary restraining order or injunction issued under sub. (3) or (4) shall
7 be fined not more than \$1,000 or imprisoned for not more than 9 months or both.

8 SECTION 3088t. 813.12 (8) (a) 2. of the statutes is created to read:

9 813.12 (8) (a) 2. Whoever knowingly violates a temporary restraining order or
10 injunction issued under sub. (3) or (4) shall be imprisoned for not less than 5 days nor

1 more than 9 months and may be fined not more than \$1,000 if, at any time preceding
2 the violation, the person has been convicted of knowingly violating a temporary
3 restraining order or injunction issued under sub. (3) or (4). This subdivision applies
4 whether the person previously violated the same temporary restraining order or
5 injunction or a different temporary restraining order or injunction.”.

6 **2.** Page 1603, line 24: after that line insert:

7 “(3g) VIOLATION OF DOMESTIC ABUSE RESTRAINING ORDERS. The treatment of
8 section 813.12 (8) (a) 2. of the statutes first applies to violations of temporary
9 restraining orders or injunctions that occur on the effective date of this subsection,
10 but does not preclude counting violations that occurred before the effective date of
11 this subsection for purposes of determining whether the person has previously been
12 convicted of a violation of a temporary restraining order or injunction.”.

13

(END)