

State of Wisconsin



2013 Assembly Bill 707

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2013 WISCONSIN ACT 311

AN ACT to amend 813.12 (4) (c) 1., 813.12 (4) (c) 2., 813.122 (5) (d) 1., 813.122 (5) (d) 2., 813.122 (5) (d) 3., 813.123 (5) (c) 1., 813.123 (5) (c) 2., 813.123 (5) (c) 3. and 813.125 (4) (c); and to create 813.12 (4) (d), 813.122 (5) (dm), 813.123 (5) (d) and 813.125 (4) (d) of the statutes; relating to: extending the time certain injunctions remain in effect.

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

SECTION 1. 813.12 (4) (c) 1. of the statutes is amended to read:

813.12 (4) (c) 1. An injunction under this subsection is effective according to its terms, for the period of time that the petitioner requests, but not more than 4 years, except as provided in par. (d). An injunction granted under this subsection is not voided if the petitioner allows or initiates contact with the respondent or by the admittance of the respondent into a dwelling that the injunction directs him or her to avoid.

SECTION 2. 813.12 (4) (c) 2. of the statutes is amended to read:

813.12 (4) (c) 2. When an injunction ~~granted for less than 4 years~~ expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect him or her. This extension shall remain in effect until 4 years after the date the court first entered the injunction, except as provided in par. (d).

SECTION 3. 813.12 (4) (d) of the statutes is created to read:

813.12 (4) (d) 1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10

years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

SECTION 4. 813.122 (5) (d) 1. of the statutes is amended to read:

813.122 (5) (d) 1. An injunction under this subsection is effective according to its terms, but, except as provided in par. (dm), for not more than 2 years or until the child victim attains 18 years of age, whichever occurs first.

SECTION 5. 813.122 (5) (d) 2. of the statutes is amended to read:

813.122 (5) (d) 2. When an injunction ~~in effect for less than 6 months~~ expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the child victim. This extension shall

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

remain in effect until 6 months after the date the court first entered the injunction or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).

SECTION 6. 813.122 (5) (d) 3. of the statutes is amended to read:

813.122 (5) (d) 3. If the petitioner states that an extension is necessary to protect the child victim, the court may extend the injunction for not more than 2 years or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).

SECTION 7. 813.122 (5) (dm) of the statutes is created to read:

813.122 (5) (dm) 1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 5 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the child victim.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the child victim.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

SECTION 8. 813.123 (5) (c) 1. of the statutes is amended to read:

813.123 (5) (c) 1. An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).

SECTION 9. 813.123 (5) (c) 2. of the statutes is amended to read:

813.123 (5) (c) 2. When an injunction ~~that has been in effect for less than 6 months~~ expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the individual at risk. This extension shall remain in effect until 6 months after the date on which the court first entered the injunction, except as provided in par. (d).

SECTION 10. 813.123 (5) (c) 3. of the statutes is amended to read:

813.123 (5) (c) 3. If the petitioner states that an extension is necessary to protect the individual at risk, the court

may extend the injunction for not more than 2 years, except as provided in par. (d).

SECTION 11. 813.123 (5) (d) of the statutes is created to read:

813.123 (5) (d) 1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the person at risk.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the person at risk.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

SECTION 12. 813.125 (4) (c) of the statutes is amended to read:

813.125 (4) (c) An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).

SECTION 13. 813.125 (4) (d) of the statutes is created to read:

813.125 (4) (d) 1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

SECTION 14. Initial applicability.

(1) This act first applies to injunctions issued or extended on the effective date of this subsection.