

2013 DRAFTING REQUEST

Bill

Received: 1/16/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Amy Loudenbeck (608) 266-9967 By/Representing: Lana
May Contact: Drafter: phurley
Subject: Courts - garn/injunct Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Loudenbeck@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Jurisdiction in restraining order cases

Instructions:

2011 AB 247, as amended by AA1

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>
/?	phurley 1/16/2013	kfollett 1/31/2013	rschluet 2/1/2013	_____			
/1				_____	sbasford 2/1/2013	lparisi 4/3/2013	State S&L

FE Sent For:

af
intro

<END>

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/?	phurley	1/16/13 1/31/13		_____ _____			
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FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2057/A
PJH:jld/nd

Handwritten initials and date: kjf, 11/9/11, mnr

2011 ASSEMBLY BILL 247

September 7, 2011 - Introduced by Representatives LOUDENBECK, ROYS, STEINEKE, NASS, PETROWSKI, A. OTT, POCAN, DANOU, WYNN, BROOKS, MILROY, STRACHOTA, NYGREN, KERKMAN, JACQUE, SRANBAUER, KRUG, T. LARSON, KLEEFISCH, KAUFERT, VAN ROY, BALLWEG and C. TAYLOR, cosponsored by Senators WANGGAARD, CARPENTER, KEDZIE and HARSDORF. Referred to Committee on Public Health and Public Safety.

1 AN ACT ^{repeal} to create 801.05 (11m) and 813.015 of the statutes; relating to:
2 jurisdiction in matters relating to domestic abuse restraining orders and
3 injunctions, child abuse restraining orders and injunctions, and harassment
4 restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

Under current law, a court may entertain a civil action only when the court has jurisdiction over the subject matter of the action and over the persons who are served in the action. Jurisdiction is conferred by the U.S. Constitution, the Wisconsin Constitution, and by statute.

This bill clarifies when a court has subject matter and personal jurisdiction in certain actions for restraining orders or injunctions in cases of domestic abuse, child abuse, or harassment. Under the bill, a court has jurisdiction of the subject matter to entertain those actions regardless of whether the alleged abuse or harassment occurred within the state. Under the bill, a court has personal jurisdiction over a person who is in another state if any of the following applies:

1. The abuse or harassment has an effect in Wisconsin.
2. A petition for a restraining order or injunction has been filed in Wisconsin and the person does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
3. If the petitioner or the person resides in Wisconsin or the petitioner is temporarily living in Wisconsin and the abuse or harassment has an effect in Wisconsin.

Handwritten note: a copy of...

ASSEMBLY BILL 247

4. Jurisdiction is otherwise permitted under the U.S. Constitution or the Wisconsin Constitution.

(For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 801.05 (11m) of the statutes is created to read:

801.05 (11m) CERTAIN RESTRAINING ORDERS OR INJUNCTIONS. Subject to subch.

II of ch. 822, and in addition to personal jurisdiction under sub. (1) and s. 801.06, in

any action filed pursuant to s. 813.12, 813.122, or 813.125, if any of the following applies:

(a) The abuse or harassment alleged in the action has an effect in Wisconsin.

(b) The petitioner or alleged child victim resides or is living temporarily in Wisconsin.

(c) The respondent is served but does not appear or does not file a response or motion asserting the defense of lack of personal jurisdiction.

(d) Personal jurisdiction is permissible under the constitution of the United States or of the state of Wisconsin.

SECTION 2. 813.015 of the statutes is created to read:

813.015 Subject matter jurisdiction. In an action filed pursuant to s. 813.12, 813.122, or 813.125, the court has jurisdiction of the subject matter under s. 801.04 regardless of whether the alleged abuse or harassment occurred within the state.

(END)

Insert 2.12

Insert Analysis

(a)



**ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 247**

October 5, 2011 - Offered by Representative LOUDENBECK.

Insert
2.12

At the locations indicated, amend the bill as follows:

1. Page 2, line 2: before "Subject" insert "(a)".

2. Page 2, line 4: delete lines 4 to 12 and substitute "any action filed pursuant to s. 813.12, 813.122, or 813.125, if the abuse or harassment alleged in the action could have an effect in Wisconsin or the petitioner or alleged child victim resides or is living temporarily in Wisconsin, or if jurisdiction is otherwise permissible under the constitution of the United States or of the state of Wisconsin.

(b) If a court has personal jurisdiction pursuant to par. (a) and a respondent has been served but does not appear or does not file a response or motion asserting the defense of lack of personal jurisdiction, the court shall hear the action. This paragraph does not limit the respondent's right to challenge personal jurisdiction on appeal".

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1191/?ins
.....

1 **INSERT ANALYSIS:**

1. The abuse or harassment alleged in the action could have an effect in Wisconsin.

2. The petitioner or alleged child victim resides or is living temporarily in Wisconsin.

3. Jurisdiction is otherwise permissible under the constitution of the United States or of the state of Wisconsin.

If a court has personal jurisdiction on any of the listed grounds and a respondent has been served but does not appear or file a response or motion asserting the defense of lack of personal jurisdiction, the bill requires the court to hear the action.

Parisi, Lori

From: Loudenbeck, Amy
Sent: Wednesday, April 03, 2013 10:29 AM
To: LRB.Legal
Subject: Draft Review: LRB -1191/1 Topic: Jurisdiction in restraining order cases

Please Jacket LRB -1191/1 for the ASSEMBLY.