

State of Wisconsin



2015 Assembly Bill 10

Date of enactment: April 8, 2015

Date of publication*: April 9, 2015

2015 WISCONSIN ACT 4

AN ACT *to amend* 801.04 (1); and *to create* 801.05 (11m) and 813.015 of the statutes; **relating to:** jurisdiction in matters relating to domestic abuse restraining orders and injunctions, child and at-risk adult abuse restraining orders and injunctions, and harassment restraining orders and injunctions.

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

SECTION 1. 801.04 (1) of the statutes is amended to read:

801.04 (1) JURISDICTION OF SUBJECT MATTER REQUIRED FOR ALL CIVIL ACTIONS. A court of this state may entertain a civil action only when the court has power to hear the kind of action brought. The power of the court to hear the kind of action brought is called "jurisdiction of the subject matter". Jurisdiction of the subject matter is conferred by the constitution and statutes of this state and by statutes of the United States; it cannot be conferred by consent of the parties. Nothing Except as provided in s. 813.015, nothing in chs. 801 to 847 affects the subject matter jurisdiction of any court of this state.

SECTION 2. 801.05 (11m) of the statutes is created to read:

801.05 (11m) CERTAIN RESTRAINING ORDERS OR INJUNCTIONS. (a) 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, 813.123, or 813.125, if any of the following apply:

1. Subject to par. (b), an act or threat of the respondent giving rise to the petition occurred outside the state and is part of an ongoing pattern of harassment that has an

adverse effect on the petitioner or a member of the petitioner's family or household, and the petitioner resides in this state.

2. Subject to par. (b), the petitioner or a member of the petitioner's family or household has sought safety or protection in this state as a result of an act or threat of the respondent giving rise to the petition.

3. Personal jurisdiction is permissible under the constitution of the United States or of the state of Wisconsin.

(b) Paragraph (a) 1. or 2. applies if, while the petitioner or a member of the petitioner's family or household resides or is temporarily living in this state, the respondent has had direct or indirect communication with the petitioner or a member of the petitioner's family or household or if the respondent has indicated a threat to the physical health or safety of the petitioner or of a member of the petitioner's family or household. A communication or indication for the purpose of this paragraph includes communication through mail, telephone, electronic message or transmittal, and posting on an electronic communication site, web page, or other electronic medium. Communication on any electronic medium that is generally available to any individual residing in this state is sufficient to exercise jurisdiction under par. (a) 1. or 2.

(c) If a court has personal jurisdiction pursuant to par. (a) and a respondent has been served but does not appear

* 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."

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.

SECTION 3. 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.