



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4123/2
PJH:emw

2015 ASSEMBLY BILL 767

January 22, 2016 – Introduced by Representatives RODRIGUEZ, BILLINGS, R. BROOKS, CONSIDINE, GANNON, KREMER, KULP, MACCO, PETERSEN, SCHRAA, TITTL, VORPAGEL, ZEPNICK and A. OTT, cosponsored by Senators ROTH, GUDEx, MARKLEIN, PETROWSKI, SHILLING and OLSEN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 813.12 (5m), 813.122 (5g), 813.123 (5g) and 813.125 (5m); and
2 **to create** 813.12 (4g), 813.122 (5c), 813.123 (5c) and 813.125 (4g) of the
3 statutes; **relating to:** injunctions against harrassment and abuse.

Analysis by the Legislative Reference Bureau

This bill allows a court that enjoins a person (respondent) from certain acts of harassment, domestic abuse, or other abuse to order a wireless telephone service provider (provider) to transfer, from the respondent to the person who requested the injunction (petitioner), all rights to, and responsibility for, the use of telephone numbers used by the petitioner or by his or her minor children.

The bill requires the provider to complete the transfer within 72 hours of receiving the order, unless the account has already been terminated, the transfer would make one or more devices inoperable or dysfunctional, or a transfer would cause geographic or other limitations on service to the petitioner. The bill grants immunity from civil liability to providers for their compliance with the court order.

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

4 **SECTION 1.** 813.12 (4g) of the statutes is created to read:
5 813.12 (4g) ORDER; TELEPHONE SERVICES. (a) Unless a condition described in par.
6 (b) exists, a judge or circuit court commissioner who issues an injunction under sub.

ASSEMBLY BILL 767**SECTION 1**

1 (4) may, upon request by the petitioner, order a wireless telephone service provider
2 to transfer to the petitioner the right to continue to use a telephone number or
3 numbers indicated by the petitioner and the financial responsibility associated with
4 the number or numbers, as set forth in par. (c). The petitioner may request transfer
5 of each telephone number he or she, or a minor child in his or her custody, uses. The
6 order shall contain all of the following:

7 1. The name and billing telephone number of the account holder.

8 2. Each telephone number that will be transferred.

9 3. A statement that the provider transfers to the petitioner all financial
10 responsibility for and right to the use of any telephone number transferred under
11 this subsection. In this subdivision, “financial responsibility” includes monthly
12 service costs and costs associated with any mobile device associated with the number.

13 (b) A wireless telephone service provider shall terminate the respondent’s use
14 of, and shall transfer to the petitioner use of, the telephone number or numbers
15 indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives
16 the order, that one of the following applies:

17 1. The account holder named in the order has terminated the account.

18 2. A difference in network technology would prevent or impair the functionality
19 of a device on a network if the transfer occurs.

20 3. The transfer would cause a geographic or other limitation on network or
21 service provision to the petitioner.

22 4. Another technological or operational issue would prevent or impair the use
23 of the telephone number if the transfer occurs.

24 (c) The petitioner assumes all financial responsibility for and right to the use
25 of any telephone number transferred under this subsection. In this paragraph,

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1 “financial responsibility” includes monthly service costs and costs associated with
2 any mobile device associated with the number.

3 (d) A wireless telephone service provider may apply to the petitioner its routine
4 and customary requirements for establishing an account or transferring a number,
5 including requiring the petitioner to provide proof of identification, financial
6 information, and customer preferences.

7 (e) A wireless telephone service provider is immune from civil liability for its
8 actions taken in compliance with a court order issued under this subsection.

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

10 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
11 and the court order under sub. (3) ~~or~~, (4), or (4g) may not disclose the address of the
12 alleged victim. The petitioner shall provide the clerk of circuit court with the
13 petitioner's address when he or she files a petition under this section. The clerk shall
14 maintain the petitioner's address in a confidential manner.

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

16 813.122 (5c) ORDER; TELEPHONE SERVICES. (a) Unless a condition described in
17 par. (b) exists, a judge or circuit court commissioner who issues an injunction under
18 sub. (5) may, upon request by the petitioner, order a wireless telephone service
19 provider to transfer to the petitioner the right to continue to use a telephone number
20 or numbers indicated by the petitioner and the financial responsibility associated
21 with the number or numbers, as set forth in par. (c). The petitioner may request
22 transfer of each telephone number he or she, or a minor child in his or her custody,
23 uses. The order shall contain all of the following:

- 24 1. The name and billing telephone number of the account holder.
- 25 2. Each telephone number that will be transferred.

ASSEMBLY BILL 767**SECTION 3**

1 3. A statement that the provider transfers to the petitioner all financial
2 responsibility for and right to the use of any telephone number transferred under
3 this subsection. In this subdivision, “financial responsibility” includes monthly
4 service costs and costs associated with any mobile device associated with the number.

5 (b) A wireless telephone service provider shall terminate the respondent’s use
6 of, and shall transfer to the petitioner use of, the telephone number or numbers
7 indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives
8 the order, that one of the following applies:

9 1. The account holder named in the order has terminated the account.

10 2. A difference in network technology would prevent or impair the functionality
11 of a device on a network if the transfer occurs.

12 3. The transfer would cause a geographic or other limitation on network or
13 service provision to the petitioner.

14 4. Another technological or operational issue would prevent or impair the use
15 of the telephone number if the transfer occurs.

16 (c) The petitioner assumes all financial responsibility for and right to the use
17 of any telephone number transferred under this subsection. In this paragraph,
18 “financial responsibility” includes monthly service costs and costs associated with
19 any mobile device associated with the number.

20 (d) A wireless telephone service provider may apply to the petitioner its routine
21 and customary requirements for establishing an account or transferring a number,
22 including requiring the petitioner to provide proof of identification, financial
23 information, and customer preferences.

24 (e) A wireless telephone service provider is immune from civil liability for its
25 actions taken in compliance with a court order issued under this subsection.

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

2 813.122 **(5g)** CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
3 the court order under sub. (4) ~~or~~, (5), or (5c) may not disclose the address of the
4 petitioner or of the alleged child victim. The petitioner shall provide the clerk of
5 circuit court with the address of the petitioner and of the alleged child victim when
6 he or she files a petition under this section. The clerk shall maintain the addresses
7 in a confidential manner.

8 **SECTION 5.** 813.123 (5c) of the statutes is created to read:

9 813.123 **(5c)** ORDER; TELEPHONE SERVICES. (a) Unless a condition described in
10 par. (b) exists, a judge or circuit court commissioner who issues an injunction under
11 sub. (5) may, upon request by the petitioner, order a wireless telephone service
12 provider to transfer to the petitioner the right to continue to use a telephone number
13 or numbers indicated by the petitioner and the financial responsibility associated
14 with the number or numbers, as set forth in par. (c). The petitioner may request
15 transfer of each telephone number he or she, or a minor child in his or her custody,
16 uses. The order shall contain all of the following:

- 17 1. The name and billing telephone number of the account holder.
- 18 2. Each telephone number that will be transferred.
- 19 3. A statement that the provider transfers to the petitioner all financial
20 responsibility for and right to the use of any telephone number transferred under
21 this subsection. In this subdivision, “financial responsibility” includes monthly
22 service costs and costs associated with any mobile device associated with the number.

23 (b) A wireless telephone service provider shall terminate the respondent’s use
24 of, and shall transfer to the petitioner use of, the telephone number or numbers

ASSEMBLY BILL 767**SECTION 5**

1 indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives
2 the order, that one of the following applies:

3 1. The account holder named in the order has terminated the account.

4 2. A difference in network technology would prevent or impair the functionality
5 of a device on a network if the transfer occurs.

6 3. The transfer would cause a geographic or other limitation on network or
7 service provision to the petitioner.

8 4. Another technological or operational issue would prevent or impair the use
9 of the telephone number if the transfer occurs.

10 (c) The petitioner assumes all financial responsibility for and right to the use
11 of any telephone number transferred under this subsection. In this paragraph,
12 “financial responsibility” includes monthly service costs and costs associated with
13 any mobile device associated with the number.

14 (d) A wireless telephone service provider may apply to the petitioner its routine
15 and customary requirements for establishing an account or transferring a number,
16 including requiring the petitioner to provide proof of identification, financial
17 information, and customer preferences.

18 (e) A wireless telephone service provider is immune from civil liability for its
19 actions taken in compliance with a court order issued under this subsection.

20 **SECTION 6.** 813.123 (5g) of the statutes is amended to read:

21 813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and
22 the court order under sub. (4) ~~or~~, (5), or (5c) may not disclose the address of the
23 petitioner or of the individual at risk. The petitioner shall provide the clerk of circuit
24 court with the address of the petitioner and of the individual at risk when he or she

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1 files a petition under this section. The clerk shall maintain the addresses in a
2 confidential manner.

3 **SECTION 7.** 813.125 (4g) of the statutes is created to read:

4 813.125 (4g) ORDER; TELEPHONE SERVICES. (a) Unless a condition described in
5 par. (b) exists, a judge or circuit court commissioner who issues an injunction under
6 sub. (4) may, upon request by the petitioner, order a wireless telephone service
7 provider to transfer to the petitioner the right to continue to use a telephone number
8 or numbers indicated by the petitioner and the financial responsibility associated
9 with the number or numbers, as set forth in par. (c). The petitioner may request
10 transfer of each telephone number he or she, or a minor child in his or her custody,
11 uses. The order shall contain all of the following:

- 12 1. The name and billing telephone number of the account holder.
- 13 2. Each telephone number that will be transferred.
- 14 3. A statement that the provider transfers to the petitioner all financial
15 responsibility for and right to the use of any telephone number transferred under
16 this subsection. In this subdivision, “financial responsibility” includes monthly
17 service costs and costs associated with any mobile device associated with the number.

18 (b) A wireless telephone service provider shall terminate the respondent’s use
19 of, and shall transfer to the petitioner use of, the telephone number or numbers
20 indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives
21 the order, that one of the following applies:

- 22 1. The account holder named in the order has terminated the account.
- 23 2. A difference in network technology would prevent or impair the functionality
24 of a device on a network if the transfer occurs.

