

2015 DRAFTING REQUEST

Bill

Received: 12/15/2015 Received By: phurley
For: Jessie Rodriguez (608) 266-0610 Same as LRB: -3840
May Contact: By/Representing:
Subject: Courts - garn/injunct Drafter: phurley
Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Wireless communications accounts in domestic abuse cases

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 1/11/2016	eweiss 1/12/2016	_____	lparisi 12/16/2015		
/2			_____	mbarman 1/12/2016	mbarman 1/14/2016	

FE Sent For:

*None
needed*

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3840/1
PJH:emw

412311
comp
on

2015 BILL

12-16

S.A. ✓

1 AN ACT to create 813.12 (4g) of the statutes; relating to: domestic abuse
2 injunctions.

Analysis by the Legislative Reference Bureau

This bill allows a court that enjoins a person (respondent) from certain acts of domestic 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:

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

BILL**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. The name and address of the petitioner.

9 3. Each telephone number that will be transferred.

10 4. A statement that the provider transfers to the petitioner all financial
11 responsibility for and right to the use of any telephone number transferred under
12 this subsection. "Financial responsibility" includes monthly service costs and costs
13 associated with any mobile device associated with the number.

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

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

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

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

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



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4123/1
PJH:emw

2
mnr

2015 BILL

1-12

S.A. ✓
Xref ✓

against harassment
and abuse
Regen.

have

1 AN ACT to create 813.12 (4g) of the statutes; relating to: domestic abuse
2 injunctions

for other abuse

Analysis by the Legislative Reference Bureau

harassment

This bill allows a court that enjoins a person (respondent) from certain acts of domestic 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.

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BILL

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8 2. The name and address of the petitioner.

9 3. Each telephone number that will be transferred.

10 4. A statement that the provider transfers to the petitioner all financial
11 responsibility for and right to the use of any telephone number transferred under
12 this subsection. ^{In this subdivision,} "Financial responsibility" includes monthly service costs and costs
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14 (b) A wireless telephone service provider shall terminate the respondent's use
15 of, and shall transfer to the petitioner use of, the telephone number or numbers
16 indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives
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18 1. The account holder named in the order has terminated the account.

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

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

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

BILL

1 (c) The petitioner assumes all financial responsibility for and right to the use
2 of any telephone number transferred under this subsection. *In this paragraph,*
3 "Financial responsibility" includes monthly service costs and costs associated with any mobile
4 device associated with the number.

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

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

11 (END)

Insert

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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LRB-3840/1ms
PJH:emw

INSERT:

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SECTION 1. 813.12 (5m) of the statutes is amended to read:

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

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 223, 311, 321, 322; 2015 a. 109; s. 13.92 (2) (i)

SECTION 2. 813.122 (5c) of the statutes is created to read:

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

1. The name and billing telephone number of the account holder.
2. Each telephone number that will be transferred.
3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. "Financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

In this subdivision,

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

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

* (c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. ^{In this paragraph,} "Financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

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

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

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

813.122 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and the court order under sub. (4) or (5), or (5c) may not disclose the address of the petitioner or of the alleged child victim. The petitioner shall provide the clerk of

circuit court with the address of the petitioner and of the alleged child victim when he or she files a petition under this section. The clerk shall maintain the addresses in a confidential manner.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35; 2013 a. 223, 311, 321, 322; 2015 a. 109; s. 13.92 (2) (i).

SECTION 4. 813.123 (5c) of the statutes is created to read:

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

1. The name and billing telephone number of the account holder.
2. Each telephone number that will be transferred.
3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. ^{In this subdivision,} "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

*

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

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

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

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

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

(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. ^{In this paragraph,} "Financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

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

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

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

813.123 (5g) CONFIDENTIALITY OF ADDRESSES. The petition under sub. (6) and the court order under sub. (4) ~~or~~ (5), or (5c) may not disclose the address of the petitioner or of the individual at risk. The petitioner shall provide the clerk of circuit court with the address of the petitioner and of the individual at risk when he or she files a petition under this section. The clerk shall maintain the addresses in a confidential manner.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262; 2013 a. 223, 311, 321, 322; 2015 a. 109; s. 13.92 (2) (i).

SECTION 6. 813.125 (4g) of the statutes is created to read:

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

1. The name and billing telephone number of the account holder.
2. Each telephone number that will be transferred.
3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. *In this subdivision,* "Financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

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

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

* (c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. ^{In this paragraph,} "Financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

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

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

SECTION 7. 813.125 (5m) of the statutes is amended to read:

813.125 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5) and the court order under sub. (3) ~~or~~, (4), or (4g) may not disclose the address of the alleged victim. The petitioner shall provide the clerk of circuit court with the petitioner's address when he or she files a petition under this section. The clerk shall maintain the petitioner's address in a confidential manner.

History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 20, 223, 311, 321, 322; 2015 a. 109; s. 13.92 (2) (i).

Barman, Mike

From: Williams, Vincent
Sent: Thursday, January 14, 2016 10:28 AM
To: LRB.Legal
Subject: Draft Review: LRB -4123/2

Please Jacket LRB -4123/2 for the ASSEMBLY.