



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 188
[2017 Assembly Bill 737]

**Maximum Penalty for Domestic
Abuse Repeat Offenders**

BACKGROUND

Under Wisconsin law, if a person commits an act of domestic abuse and the act constituted the commission of a crime, the maximum term of imprisonment for that crime could be increased by up to two years if the person is a domestic abuse repeat offender. Under prior law, a person was a domestic abuse repeat offender under either of the following circumstances:

- The person committed an act of domestic abuse that constitutes the commission of a crime during the 72 hours immediately following an arrest for a domestic abuse incident.
- The person was convicted, on two separate occasions, of a felony or misdemeanor for which the domestic abuse surcharge applied during the 10-year period immediately prior to the commission of the crime for which the person presently is being sentenced.

Also under Wisconsin law, the domestic abuse surcharge applies in either of the following circumstances: (1) a court convicts a person of one of various specified crimes or ordinance violations¹ and the court finds that the conduct constituting a violation of that crime involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided, or against an adult with whom the adult person has created a child; or (2) a court convicts a person of violating a domestic abuse restraining order or injunction. [s. 973.055 (1), Stats.]

¹ The specified crimes and ordinance violations are listed in s. 973.055 (1) (a) 1., Stats.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

2017 WISCONSIN ACT 188

2017 Wisconsin Act 188 provides that prior domestic abuse offenses committed out-of-state may count for purposes of determining whether a person is a domestic abuse repeat offender. Specifically, the Act provides that a person may also be penalized as a domestic abuse repeat offender if the person was convicted, during the 10-year period immediately prior to the commission of the crime for which the person is presently being sentenced, of a felony or misdemeanor that was committed in another state if either of the following apply:

- The crime would have subjected the person to a domestic abuse surcharge had it been committed in Wisconsin.
- The crime is a crime of domestic abuse under the laws of that state.

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