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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2011 Senate Bill 177**

**Senate  
Amendment 1**

*Memo published:* January 10, 2012

*Contact:* Margit Kelley, Staff Attorney (266-9280)

**Senate Bill 177** specifies that a court has subject matter jurisdiction in certain actions for restraining orders or injunctions in cases of domestic abuse, child abuse, or harassment regardless of whether the alleged abuse or harassment occurred within Wisconsin.

The bill also specifies that a court has personal jurisdiction over a person served in an action in those cases if any of the following applies:

1. The abuse or harassment alleged in the action has an effect in Wisconsin.
2. The petitioner or alleged child victim resides or is living temporarily in Wisconsin.
3. The respondent is served but does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
4. Personal jurisdiction is otherwise permissible under the U.S. Constitution or the Wisconsin Constitution.

**Senate Amendment 1** amends the first basis for personal jurisdiction described above by providing that a court has personal jurisdiction over a person who is in another state if the abuse or harassment *could have* an effect in Wisconsin.

**Senate Amendment 1** also eliminates the third basis for jurisdiction, above, and instead provides that if a court has personal jurisdiction under any of the bases set forth in the bill, 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 must hear the action. The amendment also specifies that the bill does not limit the respondent's right to challenge personal jurisdiction on appeal.

**Legislative History**

Senate Amendment 1 was offered by Senator Wanggaard on January 6, 2012. On January 10, 2012, the Senate Committee on Labor, Public Safety, and Urban Affairs voted to recommend adoption of the amendment, and passage of the bill, as amended, on successive votes of Ayes, 4; Noes, 1.

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