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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 519**

**Assembly  
Amendment 1**

### BACKGROUND

Wisconsin law contains procedures allowing a person to petition a court for an order that requires another individual to refrain from certain acts against the petitioner. While informally referred to as “restraining orders,” these types of procedures consist of two steps: a temporary restraining order (TRO) and an injunction. The four types of TROs and injunctions that are authorized in Wisconsin are: (1) domestic abuse; (2) child abuse; (3) individual-at-risk; and (4) harassment.

Injunctions are effective for a duration ordered by the court, though domestic abuse, individual-at-risk, and harassment injunctions may not exceed four years in duration, and child abuse injunctions may not exceed two years or until the child victim attains 18 years of age, whichever occurs first.

However, the court may issue a domestic abuse, individual-at-risk, or harassment injunction for up to 10 years, if the court finds there is a substantial risk that the respondent may commit certain forms of intentional homicide or sexual assault against the petitioner. Similarly, the court may order a child abuse injunction to be in effect for up to five years, if the court finds there is a substantial risk that the respondent may commit certain forms of intentional homicide or sexual assault against the child victim.

### 2021 SENATE BILL 519, AS PASSED BY THE SENATE

2021 Senate Bill 519, as passed by the Senate, requires the court to enter a permanent injunction in each of the four types of restraining orders that exist under current law, if requested by the petitioner and certain other conditions are met.

Under the bill, the court must, upon the petitioner’s request, order that an injunction be in effect permanently if the court finds that the respondent has been convicted of first-, second-, or third-degree sexual assault (or, in the case of a child abuse injunction, convicted of sexual assault of a child or repeated acts of sexual assault of the same child) and the petitioner (or child victim, if applicable) was the crime victim.

In addition, the bill creates a procedure for a respondent to request review of a permanent injunction if the respondent’s criminal conviction that formed the basis for a permanent injunction is vacated and, in that circumstance, requires a judge to vacate or modify the duration of the injunction. If modified, the injunction may not be in effect for a longer period than the maximum period that would have been possible when the injunction was first ordered, had the injunction not been permanent. The judge must vacate the injunction if the maximum possible period from the time the injunction was first ordered has elapsed.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 authorizes, but does not require, a court to enter a permanent injunction, at the request of the petitioner, if the respondent has been convicted of the specified crimes against the petitioner.

## **BILL HISTORY**

### **Senate Action**

Senator Petrowski offered Senate Substitute Amendment 2 on January 19, 2022. On January 20, 2022, the Senate Committee on Judiciary and Public Safety recommended adoption of Senate Substitute Amendment 2 on votes of Ayes, 6; Noes, 0; and passage of the bill, as amended, on votes of Ayes, 7; Noes, 0. On January 25, 2022, the Senate adopted Senate Substitute Amendment 2 and passed Senate Bill 519, as amended, on voice votes.

### **Assembly Action**

On January 25, 2022, the Assembly received Senate Bill 519, as amended and passed by the Senate. Representative Dittrich offered Assembly Amendment 1 on February 15, 2022. On February 23, 2022, the Assembly adopted Assembly Amendment 1 and passed Senate Bill 519, as amended, on voice votes.

AO:jal