



2013 SENATE BILL 567

February 5, 2014 – Introduced by Senator LAZICH, cosponsored by Representatives RODRIGUEZ and J. OTT. Referred to Committee on Judiciary and Labor.

1 **AN ACT to amend** 813.12 (4) (c) 1., 813.12 (4) (c) 2., 813.122 (5) (d) 1., 813.122 (5)
2 (d) 2., 813.122 (5) (d) 3., 813.123 (5) (c) 1., 813.123 (5) (c) 2., 813.123 (5) (c) 3. and
3 813.125 (4) (c); and **to create** 813.12 (4) (d), 813.122 (5) (dm), 813.123 (5) (d) and
4 813.125 (4) (d) of the statutes; **relating to:** extending the time certain
5 injunctions remain in effect.

Analysis by the Legislative Reference Bureau

Under current law, an individual who is, or who acts on behalf of, a victim of abuse, harassment, or threats may obtain a temporary restraining order against the person who has committed the acts of abuse or harassment or making a threat. The restraining order bars the person from contacting the victim and requires the person to stay away from the victim's residence and other places temporarily occupied by the victim until a court conducts a hearing to determine whether the restraining order should be incorporated into a longer-lasting injunction.

If the court determines that the person has engaged in, or may engage in, acts of abuse, harassment, or threats against the victim, the court may issue an injunction against the person. An injunction generally bars the person from contacting the victim, requires the person to stay away from the victim's residence, and may require the person to stay away from other locations temporarily occupied by the victim. An injunction may stay in effect for a maximum period of four years, except that if the victim is a child, the injunction may stay in effect for a maximum period of two years, or until the child reaches the age of 18, whichever occurs first.

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Under current law, if an injunction expires before the maximum period allowable for the injunction, the court may extend the injunction, but only up to the maximum allowable period.

Under this bill, if a judge issues an injunction or extends an injunction that has expired, the judge may order that the injunction stay in effect for up to eight years, or up to four years if the victim is a child, if the judge finds that there is a substantial risk that the person may commit first-degree or second-degree homicide or first-degree, second-degree, or third-degree sexual assault against the victim.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 813.12 (4) (c) 1. of the statutes is amended to read:

2 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
3 terms, for the period of time that the petitioner requests, but not more than 4 years,
4 except as provided in par. (d). An injunction granted under this subsection is not
5 voided if the petitioner allows or initiates contact with the respondent or by the
6 admittance of the respondent into a dwelling that the injunction directs him or her
7 to avoid.

8 **SECTION 2.** 813.12 (4) (c) 2. of the statutes is amended to read:

9 813.12 (4) (c) 2. When an injunction ~~granted for less than 4 years~~ expires, the
10 court shall extend the injunction if the petitioner states that an extension is
11 necessary to protect him or her. This extension shall remain in effect until 4 years
12 after the date the court first entered the injunction, except as provided in par. (d).

13 **SECTION 3.** 813.12 (4) (d) of the statutes is created to read:

14 813.12 (4) (d) A judge or circuit court commissioner may, upon issuing an
15 injunction or granting an extension of an injunction issued under this subsection,
16 order that the injunction is in effect for not more than 8 years, if the court finds that
17 any of the following are true:

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1 1. There is a substantial risk that the respondent may commit first-degree
2 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.
3 940.05, against the petitioner.

4 2. There is a substantial risk that the respondent may commit sexual assault
5 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

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

7 813.122 (5) (d) 1. An injunction under this subsection is effective according to
8 its terms, but, except as provided in par. (dm), for not more than 2 years or until the
9 child victim attains 18 years of age, whichever occurs first.

10 **SECTION 5.** 813.122 (5) (d) 2. of the statutes is amended to read:

11 813.122 (5) (d) 2. When an injunction ~~in effect for less than 6 months~~ expires,
12 the court shall extend the injunction if the petitioner states that an extension is
13 necessary to protect the child victim. This extension shall remain in effect until 6
14 months after the date the court first entered the injunction or until the child attains
15 18 years of age, whichever occurs first, except as provided in par. (dm).

16 **SECTION 6.** 813.122 (5) (d) 3. of the statutes is amended to read:

17 813.122 (5) (d) 3. If the petitioner states that an extension is necessary to
18 protect the child victim, the court may extend the injunction for not more than 2
19 years or until the child attains 18 years of age, whichever occurs first, except as
20 provided in par. (dm).

21 **SECTION 7.** 813.122 (5) (dm) of the statutes is created to read:

22 813.122 (5) (dm) A judge may, upon issuing an injunction or granting an
23 extension of an injunction issued under this subsection, order that the injunction is
24 in effect for not more than 4 years, if the court finds that any of the following are true:

SENATE BILL 567**SECTION 7**

1 1. There is a substantial risk that the respondent may commit first-degree
2 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.
3 940.05, against the child victim.

4 2. There is a substantial risk that the respondent may commit sexual assault
5 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the child victim.

6 **SECTION 8.** 813.123 (5) (c) 1. of the statutes is amended to read:

7 813.123 (5) (c) 1. An injunction under this subsection is effective according to
8 its terms, but for not more than 4 years, except as provided in par. (d).

9 **SECTION 9.** 813.123 (5) (c) 2. of the statutes is amended to read:

10 813.123 (5) (c) 2. When an injunction ~~that has been in effect for less than 6~~
11 ~~months~~ expires, the court shall extend the injunction if the petitioner states that an
12 extension is necessary to protect the individual at risk. This extension shall remain
13 in effect until 6 months after the date on which the court first entered the injunction,
14 except as provided in par. (d).

15 **SECTION 10.** 813.123 (5) (c) 3. of the statutes is amended to read:

16 813.123 (5) (c) 3. If the petitioner states that an extension is necessary to
17 protect the individual at risk, the court may extend the injunction for not more than
18 2 years, except as provided in par. (d).

19 **SECTION 11.** 813.123 (5) (d) of the statutes is created to read:

20 813.123 (5) (d) A judge may, upon issuing an injunction or granting an
21 extension of an injunction issued under this subsection, order that the injunction is
22 in effect for not more than 8 years, if the court finds that any of the following are true:

23 1. There is a substantial risk that the respondent may commit first-degree
24 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.
25 940.05, against the person at risk.

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1 2. There is a substantial risk that the respondent may commit sexual assault
2 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the person at risk.

3 **SECTION 12.** 813.125 (4) (c) of the statutes is amended to read:

4 813.125 (4) (c) An injunction under this subsection is effective according to its
5 terms, but for not more than 4 years, except as provided in par. (d).

6 **SECTION 13.** 813.125 (4) (d) of the statutes is created to read:

7 813.125 (4) (d) A judge or circuit court commissioner may, upon issuing an
8 injunction or granting an extension of an injunction issued under this subsection,
9 order that the injunction is in effect for not more than 8 years, if the court finds that
10 any of the following are true:

11 1. There is a substantial risk that the respondent may commit first-degree
12 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.
13 940.05, against the petitioner.

14 2. There is a substantial risk that the respondent may commit sexual assault
15 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

16 **SECTION 14. Initial applicability.**

17 (1) This act first applies to injunctions issued or extended on the effective date
18 of this subsection.

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(END)