



1995 ASSEMBLY BILL 229

March 17, 1995 - Introduced by Representatives UNDERHEIM, OWENS, KREIBICH, ZIEGELBAUER, BRANDEMUEHL, TURNER, ALBERS, MUSSER, BOYLE, SILBAUGH, RILEY, SERATTI, WARD, HASENOHRL and GUNDERSON, cosponsored by Senators DARLING, BUETTNER and CLAUSING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 939.621, 968.075 (5) (a) 1., 968.075 (5) (b) 1., 968.075 (5) (c) and
2 968.075 (6) of the statutes; **relating to:** arrests in domestic abuse incidents.

Analysis by the Legislative Reference Bureau

Under current law, unless there is a waiver by the alleged victim, a person arrested in a domestic abuse incident must avoid contact with the alleged victim for the 24 hours immediately following the arrest. If a person violates this no-contact order, he or she may be required to forfeit not more than \$1,000. Further, any subsequent domestic abuse crime that the person commits in that 24-hour period increases the maximum period of imprisonment for that crime by up to 2 years. This bill increases the 24-hour no-contact period to 72 hours.

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

3 **SECTION 1.** 939.621 of the statutes is amended to read:
4 **939.621 Increased penalty for certain domestic abuse offenses.** If a
5 person commits an act of domestic abuse, as defined in s. 968.075 (1) (a) and the act
6 constitutes the commission of a crime, the maximum term of imprisonment for that
7 crime may be increased by not more than 2 years if the crime is committed during
8 the 24 72 hours immediately following an arrest for a domestic abuse incident, as set
9 forth in s. 968.075 (5). The ~~24-hour~~ 72-hour period applies whether or not there has

1 been a waiver by the victim under s. 968.075 (5) (c). The victim of the domestic abuse
2 crime does not have to be the same as the victim of the domestic abuse incident that
3 resulted in the arrest. The penalty increase under this section changes the status
4 of a misdemeanor to a felony.

5 **SECTION 2.** 968.075 (5) (a) 1. of the statutes is amended to read:

6 968.075 (5) (a) 1. Unless there is a waiver under par. (c), during the 24 72 hours
7 immediately following an arrest for a domestic abuse incident, the arrested person
8 shall avoid the residence of the alleged victim of the domestic abuse incident and, if
9 applicable, any premises temporarily occupied by the alleged victim, and avoid
10 contacting or causing any person, other than law enforcement officers and attorneys
11 for the arrested person and alleged victim, to contact the alleged victim.

12 **SECTION 3.** 968.075 (5) (b) 1. of the statutes is amended to read:

13 968.075 (5) (b) 1. Unless there is a waiver under par. (c), a law enforcement
14 officer or other person who releases a person arrested for a domestic abuse incident
15 from custody less than 24 72 hours after the arrest shall inform the arrested person
16 orally and in writing of the requirements under par. (a), the consequences of violating
17 the requirements and the provisions of s. 939.621. The arrested person shall sign an
18 acknowledgment on the written notice that he or she has received notice of, and
19 understands the requirements, the consequences of violating the requirements and
20 the provisions of s. 939.621. If the arrested person refuses to sign the notice, he or
21 she may not be released from custody.

22 **SECTION 4.** 968.075 (5) (c) of the statutes is amended to read:

23 968.075 (5) (c) At any time during the ~~24-hour~~ 72-hour period specified in par.
24 (a), the alleged victim may sign a written waiver of the requirements in par. (a). The
25 law enforcement agency shall have a waiver form available.

1 **SECTION 5.** 968.075 (6) of the statutes is amended to read:

2 968.075 (6) **CONDITIONAL RELEASE.** A person arrested and taken into custody for
3 a domestic abuse incident is eligible for conditional release. Unless there is a waiver
4 under sub. (5) (c), as part of the conditions of any such release that occurs during the
5 24 72 hours immediately following such an arrest, the person shall be required to
6 comply with the requirements under sub. (5) (a) and to sign the acknowledgment
7 under sub. (5) (b). The arrested person's release shall be conditioned upon his or her
8 signed agreement to refrain from any threats or acts of domestic abuse against the
9 alleged victim or other person.

10 **SECTION 6. Initial applicability.**

11 (1) This act first applies to arrests made on the effective date of this
12 subsection.

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(END)