



## 2011 ASSEMBLY BILL 269

September 20, 2011 – Introduced by Representatives BALLWEG, WYNN, BERCEAU, BROOKS, CLARK, ENDSLEY, HINTZ, JACQUE, KAUFERT, KERKMAN, KLEEFISCH, KRUG, T. LARSON, MARKLEIN, MILROY, MOLEPSKE JR, A. OTT, PASCH, PETROWSKI, RADCLIFFE, ROYS, SINICKI, SPANBAUER, STASKUNAS, STEINEKE, SUDER, C. TAYLOR and WILLIAMS, cosponsored by Senators WANGGAARD, OLSEN, ERPENBACH, HANSEN, C. LARSON, LASSA, LAZICH and TAYLOR. Referred to Committee on Public Health and Public Safety.

1     **AN ACT to renumber and amend 941.39; to amend 968.075 (5) (a) 2. and**  
2             **973.049 (2) and (3); and to create 941.39 (1) of the statutes; relating to:**  
3             **prohibitions against contacting certain persons and providing penalties.**

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### *Analysis by the Legislative Reference Bureau*

Under current law, an individual who has been arrested for a domestic abuse incident must, unless the victim of the alleged domestic abuse signs a waiver, avoid the victim's residence and avoid contacting the victim for 72 hours following the arrest. If the individual intentionally violates this requirement, the individual must forfeit not more than \$1,000 (a civil penalty). Under this bill, the individual is guilty of a misdemeanor and is subject to a fine of up to \$10,000 or imprisonment of up to nine months, or both.

Under current law, when a court imposes a sentence on an individual or places an individual on probation for a conviction for a crime, the court may prohibit the individual, during his or her sentence or probation period, from contacting victims of, or co-actors in, a crime considered at sentencing if the court determines that such a prohibition would be in the interest of public protection. An individual who violates the prohibition is guilty of a Class A misdemeanor. This bill adds that a court may also prohibit the individual from contacting witnesses to the crime. In addition, this bill changes the penalty for violating a prohibition imposed following a conviction for a felony to a Class H felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1           **SECTION 1.** 941.39 of the statutes is renumbered 941.39 (intro.) and amended  
2 to read:

3           **941.39 Victim, witness, or co-actor contact.** (intro.) Whoever intentionally  
4 violates a court order issued under s. 973.049 (2) is guilty of one of the following:

5           **(2)** If the court order results from a conviction for a misdemeanor, a Class A  
6 misdemeanor.

7           **SECTION 2.** 941.39 (1) of the statutes is created to read:

8           941.39 **(1)** If the court order results from a conviction for a felony, a Class H  
9 felony.

10          **SECTION 3.** 968.075 (5) (a) 2. of the statutes is amended to read:

11          968.075 **(5)** (a) 2. An arrested person who intentionally violates this paragraph  
12 shall be required to forfeit may be fined not more than \$1,000 \$10,000 or imprisoned  
13 for not more than 9 months or both.

14          **SECTION 4.** 973.049 (2) and (3) of the statutes are amended to read:

15          973.049 **(2)** When a court imposes a sentence on an individual or places an  
16 individual on probation for the conviction of a crime, the court may prohibit the  
17 individual from contacting victims of, witnesses to, or co-actors in, a crime  
18 considered at sentencing during any part of the individual's sentence or period of  
19 probation if the court determines that the prohibition would be in the interest of

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1 public protection. For purposes of the prohibition, the court may determine who are  
2 the victims of or witnesses to any crime considered at sentencing.

3 **(3)** If a court issues an order under sub. (2), the court shall inform the individual  
4 of the prohibition and ~~of the penalty under s. 941.39~~ include the prohibition in the  
5 judgment of conviction for the crime.

6 **SECTION 5. Initial applicability.**

7 (1) The treatment of section 973.049 (2) and (3) of the statutes first applies to  
8 sentences imposed or placements made on the effective date of this subsection.

9 (END)