

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/23/99

Received By: olsenje

Wanted: Today

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters:

Subject: Criminal Law - domestic abuse  
Courts - garn/injunct

Extra Copies: RPN  
MGD

**Pre Topic:**

ARC:.....Dake - Am. # 222,

**Topic:**

Penalty for violation of restraining order

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 06/23/99	chanaman 06/23/99	mclark 06/23/99	_____	lrb_docadmin 06/23/99		
			hhagen 06/23/99	_____			

FE Sent For:

<END>

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/1	olsenje	cmh 6/23	MRC 6/23	MRC/IS 6/23			

FE Sent For:

1

<END>

# To Be Drafted

61057

Agency

Amendment#

ARC Analyst

LRB#

Tax Cut

## Summary

Under current law, the penalty for violation of a domestic abuse restraining order is a fine of not more than \$1,000 or imprisonment for not more than nine months or both.

The amendment would require the court to sentence an individual to a minimum of five days imprisonment for a second, or subsequent, violation of a domestic abuse restraining order.

## Fiscal Impact

None.

## Statement of Intent

DHFS. Requires the court to sentence an individual to a minimum of five days imprisonment for a second, or subsequent, violation of a domestic abuse restraining order.

Request#

Wednesday, June 23, 1999



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1057/1  
JEO:.....  
cmw

Soon!  
D-Note

ARC:.....Dake - Am. # 222, Penalty for violation of restraining order  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1426, line 12: after that line insert:

3 "SECTION 3088s. 813.12 (8) (a) of the statutes is renumbered 813.12 (8) (a) 1.

4 and amended to read:

5 813.12 (8) (a) 1. ~~Whoever~~ Except as provided in subd. 2., whoever knowingly  
6 violates a temporary restraining order or injunction issued under sub. (3) or (4) shall  
7 be fined not more than \$1,000 or imprisoned for not more than 9 months or both.

8 History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306.

8 SECTION 3088t. 813.12 (8) (a) 2. of the statutes is created to read:

9 813.12 (8) (a) 2. Whoever knowingly violates a temporary restraining order or  
10 injunction issued under sub. (3) or (4) shall be imprisoned for not less than 5 days nor

1 more than 9 months and may be fined not more than \$1,000 if, at any time preceding  
 2 the violation, the person has been convicted of knowingly violating a temporary  
 3 restraining order or injunction issued under sub. (3) or (4). This subdivision applies  
 4 whether the person previously violated the same temporary restraining order or  
 5 injunction or a different temporary restraining order or injunction.”.

6 **2.** Page 1603, line 24: after that line insert:

*Initial  
App*

7 “(3) <sup>g ← letter “g”</sup> VIOLATION OF DOMESTIC ABUSE RESTRAINING ORDERS. The treatment of  
 8 section 813.12 (8) (a) 2. of the statutes first applies to violations of temporary  
 9 restraining orders or injunctions that occur on the effective date of this subsection,  
 10 but does not preclude counting violations that occurred before the effective date of  
 11 this subsection for purposes of determining whether the person has previously been  
 12 convicted of a violation of a temporary restraining order or injunction.”.

13 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1057/1dn

JEO:.....

*cmj*

This amendment counts only previous violations of TROs or injunctions issued under s. 813.12, stats. Do you also want to count violations of TROs or injunctions issued under the law of another state or under federal law?

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [Jefren.Olsen@legis.state.wi.us](mailto:Jefren.Olsen@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1057/1dn  
JEO:cmh:mrc

June 23, 1999

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1057/1  
JEO:cmh:mrc

ARC:.....Dake - Am. # 222, Penalty for violation of restraining order

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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13 (END)