



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

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SCC:.....Engel - CN7903, Domestic violence package

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 157, line 22: after that line insert:
- 3 **"SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to read:
- 4 106.50 (5m) (d) Nothing in this section requires that housing be made available
- 5 to an individual whose tenancy would constitute a direct threat to the safety of other
- 6 tenants or persons employed on the property or whose tenancy would result in
- 7 substantial physical damage to the property of others, if the risk of direct threat or
- 8 damage cannot be eliminated or sufficiently reduced through reasonable
- 9 accommodations. A claim that an individual's tenancy poses a direct threat or a
- 10 substantial risk of harm or damage must be evidenced by behavior by the individual

1 ~~which that~~ caused harm or damage, ~~which that~~ directly threatened harm or damage,
2 or ~~which that~~ caused a reasonable fear of harm or damage to other tenants, persons
3 employed on the property, or the property. No claim that an individual's tenancy
4 would constitute a direct threat to the safety of other persons or would result in
5 substantial damage to property may be based on the fact that a tenant has been or
6 may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am)."

7 **2.** Page 223, line 5: after that line insert:

8 "SECTION 514c. 767.11 (8) (b) 2. of the statutes is amended to read:

9 767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20
10 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

11 SECTION 514f. 767.11 (10) (e) 2. of the statutes is amended to read:

12 767.11 (10) (e) 2. There is evidence of interspousal battery as described under
13 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

14 SECTION 514h. 767.24 (1m) (b) of the statutes is amended to read:

15 767.24 (1m) (b) Where the parent lives currently and where the parent intends
16 to live during the next 2 years. If there is evidence that the other parent engaged in
17 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
18 as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting
19 plan, the parent providing the parenting plan is not required to disclose the specific
20 address but only a general description of where he or she currently lives and intends
21 to live during the next 2 years.

22 SECTION 514k. 767.24 (1m) (c) of the statutes is amended to read:

23 767.24 (1m) (c) Where the parent works and the hours of employment. If there
24 is evidence that the other parent engaged in interspousal battery, as described under

1 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with
2 respect to the parent providing the parenting plan, the parent providing the
3 parenting plan is not required to disclose the specific address but only a general
4 description of where he or she works.

5 **SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

6 767.24 (1m) (o) If there is evidence that either party engaged in interspousal
7 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined
8 in s. 813.12 (1) ~~(a)~~ (am), with respect to the other party, how the child will be
9 transferred between the parties for the exercise of physical placement to ensure the
10 safety of the child and the parties.

11 **SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

12 767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
13 making required under an award of joint legal custody. In making this finding the
14 court shall consider, along with any other pertinent items, any reasons offered by a
15 party objecting to joint legal custody. Evidence that either party engaged in abuse,
16 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
17 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
18 as defined in s. 813.12 (1) ~~(a)~~ (am), creates a rebuttable presumption that the parties
19 will not be able to cooperate in the future decision making required.

20 **SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

21 767.24 (5) (i) Whether there is evidence of interspousal battery as described
22 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).”.

23 **3.** Page 224, line 10: after that line insert:

1 **SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes are
2 renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as
3 renumbered, is amended to read:

4 813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged
5 in by an adult family member or adult household member against another adult
6 family member or adult household member, by an adult caregiver against an adult
7 who is under the caregiver’s care, by an adult against his or her adult former spouse,
8 by an adult against an adult with whom the individual has or had a dating
9 relationship, or by an adult against an adult with whom the person has a child in
10 common:

11 **SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered 813.12 (1) (am)
12 ~~5.~~ and amended to read:

13 813.12 (1) (am) ^{6.} ~~5.~~ A threat to engage in the conduct under subd. 1., 2. or 3., ~~5.~~ ^{or}

14 ~~SECTION 519mc.~~
15 **SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:

16 813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home
17 or community care to an individual through regular and direct contact.

18 **SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:

19 813.12 (1) (ag) “Dating relationship” means a romantic or intimate social
20 relationship between 2 adult individuals but “dating relationship” does not include
21 a casual relationship or an ordinary fraternization between 2 individuals in a
22 business or social context. A court shall determine if a dating relationship existed
23 by considering the length of the relationship, the type of the relationship, and the
24 frequency of the interaction between the adult individuals involved in the
25 relationship.

1 **SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to read:

2 813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to
3 the individual.

4 **SECTION 519mh.** 813.12 (1) (am) 6. of the statutes is created to read:

5 813.12 (1) (am) 6. A violation of s. 951.02, involving an animal that belongs to
6 the individual.

7 **SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:

8 813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific
9 event has occurred or will occur.

10 **SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

11 813.12 (1) (cj) “Regular and direct contact” means face-to-face physical
12 proximity to an individual that is planned, scheduled, expected, or periodic.

13 **SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

14 813.12 (2) (a) No action under this section may be commenced by complaint and
15 summons. An action under this section may be commenced only by a petition
16 described under sub. (5) (a). The action commences with service of the petition upon
17 the respondent if a copy of the petition is filed before service or promptly after service.
18 If the judge or family court commissioner extends the time for a hearing under sub.
19 (3) (c) and the petitioner files an affidavit with the court stating that personal service
20 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
21 because the respondent is avoiding service by concealment or otherwise, the judge
22 or family court commissioner shall inform the petitioner that he or she may serve the
23 respondent by publication of a summary of the petition as a class 1 notice, under ch.
24 985, and by mailing or sending a facsimile if the respondent’s post-office address or
25 facsimile number is known or can with due diligence be ascertained. The mailing or

1 sending of a facsimile may be omitted if the post-office address or facsimile number
2 cannot be ascertained with due diligence. A summary of the petition published as
3 a class 1 notice shall include the name of the respondent and of the petitioner, notice
4 of the temporary restraining order, and notice of the date, time, and place of the
5 hearing regarding the injunction.

6 **SECTION 519mn.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

7 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a
8 temporary restraining order ordering the respondent to refrain from committing acts
9 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
10 as provided in par. (am), or any ~~premises~~ other location temporarily occupied by the
11 petitioner or both, or to avoid contacting or causing any person other than a party's
12 attorney or a law enforcement officer to contact the petitioner unless the petitioner
13 consents in writing, or any combination of these remedies requested in the petition,
14 or any other appropriate remedy not inconsistent with the remedies requested in the
15 petition, if all of the following occur:

16 **SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to read:

17 813.12 (3) (a) 2. The judge or family court commissioner finds reasonable
18 grounds to believe that the respondent has engaged in, or based on prior conduct of
19 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

20 (aj) In determining whether to issue a temporary restraining order, the judge
21 or family court commissioner shall consider the potential danger posed to the
22 petitioner and the pattern of abusive conduct of the respondent but may not base his
23 or her decision solely on the length of time since the last domestic abuse or the length
24 of time since the relationship ended. The judge or family court commissioner may
25 grant only the remedies requested or approved by the petitioner. The judge or family

1 court commissioner may not dismiss or deny granting a temporary restraining order
2 because of the existence of a pending action or of any other court order that bars
3 contact between the parties, nor due to the necessity of verifying the terms of an
4 existing court order.

5 **SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

6 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
7 on issuance of an injunction under sub. (4). The temporary restraining order is not
8 voided if the respondent is admitted into a dwelling that the order directs him or her
9 to avoid. A judge or family court commissioner shall hold a hearing on issuance of
10 an injunction within 7 14 days after the temporary restraining order is issued, unless
11 the time is extended upon the written consent of the parties or extended once for 14
12 days upon a finding that the respondent has not been served with a copy of the
13 temporary restraining order although the petitioner has exercised due diligence.

14 **SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

15 813.12 (4) (a) (intro.) A judge or family court commissioner may grant an
16 injunction ordering the respondent to refrain from committing acts of domestic abuse
17 against the petitioner, to avoid the petitioner's residence, except as provided in par.
18 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,
19 or to avoid contacting or causing any person other than a party's attorney or a law
20 enforcement officer to contact the petitioner unless the petitioner consents to that
21 contact in writing, or any combination of these remedies requested in the petition,
22 or any other appropriate remedy not inconsistent with the remedies requested in the
23 petition, if all of the following occur:

24 **SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to read:

1 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary
2 of the petition and notice of the time for hearing on the issuance of the injunction,
3 or the respondent serves upon the petitioner notice of the time for hearing on the
4 issuance of the injunction.

5 **SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to read:

6 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds
7 reasonable grounds to believe that the respondent has engaged in, or based upon
8 prior conduct of the petitioner and the respondent may engage in, domestic abuse of
9 the petitioner.

10 (aj) In determining whether to issue an injunction, the judge or family court
11 commissioner shall consider the potential danger posed to the petitioner and the
12 pattern of abusive conduct of the respondent but may not base his or her decision
13 solely on the length of time since the last domestic abuse or the length of time since
14 the relationship ended. The judge or family court commissioner may grant only the
15 remedies requested by the petitioner. The judge or family court commissioner may
16 not dismiss or deny granting an injunction because of the existence of a pending
17 action or of any other court order that bars contact between the parties, nor due to
18 the necessity of verifying the terms of an existing court order.

19 **SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to read:

20 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
21 terms, for the period of time that the petitioner requests, but not more than 24 years.
22 An injunction granted under this subsection is not voided if the petitioner allows or
23 initiates contact with the respondent or by the admittance of the respondent into a
24 dwelling that the injunction directs him or her to avoid.

25 **SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to read:

1 813.12 (4) (c) 2. When an injunction granted for less than 2 4 years expires, the
2 court shall extend the injunction if the petitioner states that an extension is
3 necessary to protect him or her. This extension shall remain in effect until 2 4 years
4 after the date the court first entered the injunction.

5 **SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

6 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
7 that he or she has been the subject of domestic abuse or by the guardian, as defined
8 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been
9 the subject of domestic abuse.

10 **SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

11 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
12 and the court order under sub. (3) or (4) shall not disclose the address of the alleged
13 victim.

14 **SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

15 813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable
16 despite the existence of any other criminal or civil order restricting or prohibiting
17 contact.

18 **SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

19 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
20 orders an injunction under s. 813.12 (4) but who has been served with a copy of the
21 petition and notice of the time for hearing under s. 813.12 (3) has constructive
22 knowledge of the existence of the injunction and shall be arrested for violation of the
23 injunction regardless of whether he or she has been served with a copy of the
24 injunction.

25 **SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

1 814.61 (1) (e) No fee charged under this subsection in any action commenced
2 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.
3 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or
4 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
5 (am) 1. to ~~4.~~^{6.} If no fee is collected under this paragraph, the fee charged under this
6 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall
7 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she
8 is convicted of violating a temporary restraining order or injunction issued under s.
9 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).”.

10 **4.** Page 225, line 3: after that line insert:

11 **“SECTION 523c.** 814.70 (1) of the statutes is amended to read:

12 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
13 summons or any other process for commencement of an action, a writ, an order of
14 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
15 is more than one defendant or person to be served at a given address, \$6 for each
16 additional defendant or person. No fee charged under this subsection in any action
17 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner
18 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any
19 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected
20 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of
21 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
22 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this
23 subsection in any action commenced under s. 813.125 may be collected from a
24 petitioner under s. 813.125 if the petition alleges conduct that is the same as or

1 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
2 (am) 1. to 4. ^{6.} If no fee is collected under this subsection from a petitioner under
3 s. 813.125, the fee charged under this subsection in any action commenced under s.
4 813.125 shall be collected from the respondent under s. 813.125 if he or she is
5 convicted of violating a temporary restraining order or injunction issued under s.
6 813.125 (3) or (4).

7 **SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

8 814.70 (3) (intro.) For travel in serving any summons, writ or other process,
9 except criminal warrants, and except that a fee under this subsection in any action
10 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a
11 petitioner but shall be collected from the respondent if he or she is convicted of
12 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
13 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under
14 this subsection in any action commenced under s. 813.125 may not be collected from
15 a petitioner if the petition alleges conduct that is the same as or similar to conduct
16 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a) (am) 1. to 4. ^{6.} but
17 shall be collected from the respondent if he or she is convicted of violating a
18 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

19 **SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

20 895.73 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
21 46.95 (1) (a), 813.12 (1) (a) (am), or 968.075 (1) (a), harassment, as defined under s.
22 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under
23 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.
24 948.02 to 948.11.

25 **SECTION 523j.** 895.78 of the statutes is created to read:

1 **895.78 Injury caused by preventing passage to and from a health care**
2 **facility.** (1) Any person who suffers physical injury to his or her person or emotional
3 distress by reason of conduct that is prohibited under s. 947.08 has a civil cause of
4 action against the person who causes the physical injury or emotional distress.

5 (2) The burden of proof in a civil action under sub. (1) rests with the person who
6 suffers the physical injury or emotional distress to prove his or her case by a
7 preponderance of the credible evidence.

8 (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover
9 special and general damages, including damages for emotional distress; punitive
10 damages; and costs, including all reasonable attorney fees and other costs of the
11 investigation and litigation that were reasonably incurred.

12 (4) A person may bring a civil action under sub. (1), regardless of whether there
13 has been a criminal action related to the physical injury or emotional distress under
14 sub. (1) and regardless of the outcome of any such criminal action.

15 (5) This section does not limit the right of a person to recover from any parent
16 or parents under s. 895.035.

17 **SECTION 523m.** 905.045 of the statutes is created to read:

18 **905.045 Domestic violence or sexual assault advocate-victim**
19 **privilege.** (1) **DEFINITIONS.** In this section:

20 (a) "Abusive conduct" means abuse, as defined in s. 813.122 (1) (a), of a child,
21 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20
22 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.
23 940.225.

1 (b) “Advocate” means an individual who is an employee of or a volunteer for an
2 organization the purpose of which is to provide counseling, assistance, or support
3 services free of charge to a victim.

4 (c) A communication or information is “confidential” if not intended to be
5 disclosed to 3rd persons other than persons present to further the interest of the
6 person receiving counseling, assistance, or support services, persons reasonably
7 necessary for the transmission of the communication or information, and persons
8 who are participating in providing counseling, assistance, or support services under
9 the direction of an advocate, including family members of the person receiving
10 counseling, assistance, or support services and members of any group of individuals
11 with whom the person receives counseling, assistance, or support services.

12 (d) “Victim” means an individual who has been the subject of abusive conduct
13 or who alleges that he or she has been the subject of abusive conduct. It is immaterial
14 that the abusive conduct has not been reported to any government agency.

15 (2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and
16 to prevent any other person from disclosing confidential communications made or
17 information obtained or disseminated among the victim, an advocate who is acting
18 in the scope of his or her duties as an advocate, and persons who are participating
19 in providing counseling, assistance, or support services under the direction of an
20 advocate, if the communication was made or the information was obtained or
21 disseminated for the purpose of providing counseling, assistance, or support services
22 to the victim.

23 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,
24 by the victim’s guardian or conservator, or by the victim’s personal representative if
25 the victim is deceased. The advocate may claim the privilege on behalf of the victim.

1 The advocate's authority to do so is presumed in the absence of evidence to the
2 contrary.

3 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child
4 abuse that an advocate is required to make under s. 48.981.

5 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is
6 privileged under sub. (2) is also a communication or information that is privileged
7 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to
8 that communication or information.”.

9 **5.** Page 248, line 19: after that line insert:

10 “SECTION 657b. 940.32 (1) (a) of the statutes is renumbered 940.32 (1) (a)
11 (intro.) and amended to read:

12 940.32 (1) (a) (intro.) “Course of conduct” means ~~repeatedly maintaining a~~
13 ~~visual or physical proximity to a person. a series of 2 or more acts carried out over~~
14 time, however short or long, that show a continuity of purpose, including any of the
15 following:

16 SECTION 657c. 940.32 (1) (a) 1. of the statutes is created to read:

17 940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

18 SECTION 657d. 940.32 (1) (a) 2. of the statutes is created to read:

19 940.32 (1) (a) 2. Approaching or confronting the victim.

20 SECTION 657e. 940.32 (1) (a) 3. of the statutes is created to read:

21 940.32 (1) (a) 3. Appearing at the victim's workplace or contacting the victim's
22 employer or coworkers.

23 SECTION 657f. 940.32 (1) (a) 4. of the statutes is created to read:

1 940.32 (1) (a) 4. Appearing at the victim's home or contacting the victim's
2 neighbors.

3 **SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

4 940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

5 **SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

6 940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim's
7 telephone or any other person's telephone to ring repeatedly or continuously,
8 regardless of whether a conversation ensues.

9 **SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

10 940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose
11 of obtaining information about, disseminating information about, or communicating
12 with the victim, to a member of the victim's family or household or an employer,
13 coworker, or friend of the victim.

14 **SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

15 940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,
16 leased, or occupied by the victim.

17 **SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

18 940.32 (1) (a) 9. Delivering an object to a member of the victim's family or
19 household or an employer, coworker, or friend of the victim or placing an object on,
20 or delivering an object to, property owned, leased, or occupied by such a person with
21 the intent that the object be delivered to the victim.

22 **SECTION 657L.** 940.32 (1) (a) 10. of the statutes is created to read:

23 940.32 (1) (a) 10. Harming an animal owned or cared for by the victim or a
24 member of the victim's family or household.

25 **SECTION 657m.** 940.32 (1) (a) ¹⁰ of the statutes is created to read:

(1) 940.32 (1) (a) ¹⁰ ~~M~~. Causing a person to engage in any of the acts described in
(2) subds. 7. to ⁹ ~~10~~.

3 **SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

4 940.32 (1) (am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).

5 **SECTION 657no.** 940.32 (1) (ap) of the statutes is created to read:

6 940.32 (1) (ap) "Domestic abuse offense" means an act of domestic abuse that
7 constitutes a crime.

8 **SECTION 657p.** 940.32 (1) (b) of the statutes is renumbered 940.32 (1) (cb) and
9 amended to read:

10 940.32 (1) (cb) "~~Immediate family~~" "Member of a family" means a spouse,
11 parent, child, sibling, or any other person ~~who regularly resides in the household or~~
12 ~~who within the prior 6 months regularly resided in the household~~ who is related by
13 blood or adoption to another.

14 **SECTION 657q.** 940.32 (1) (cd) of the statutes is created to read:

15 940.32 (1) (cd) "Member of a household" means a person who regularly resides
16 in the household of another or who within the previous 6 months regularly resided
17 in the household of another.

18 **SECTION 657r.** 940.32 (1) (d) of the statutes is repealed.

19 **SECTION 657s.** 940.32 (2) (intro.) of the statutes is amended to read:

20 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
21 ~~A misdemeanor~~ E felony:".

22 **6.** Page 248, line 20: delete lines 20 to 22 and substitute:

23 "**SECTION 658b.** 940.32 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
24 Act (this act), is amended to read:

1 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
2 E I felony:

3 **SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

4 940.32 (2) (a) The actor intentionally engages in a course of conduct directed
5 at a specific person that would cause a reasonable person under the same
6 circumstances to fear bodily injury to ~~himself or herself or a member of his or her~~
7 ~~immediate family~~ or to fear the death of himself or herself or a member of his or her
8 ~~immediate family~~ or household.

9 **SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

10 940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that
11 at least one of the acts that constitute the course of conduct will place the specific
12 person ~~will be placed~~ in reasonable fear of bodily injury to ~~himself or herself or a~~
13 ~~member of his or her immediate family~~ or ~~will be placed in reasonable fear of the~~
14 death of himself or herself or a member of his or her ~~immediate family~~ or household.

15 **SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

16 940.32 (2) (c) The actor's acts induce fear in the specific person of bodily injury
17 to ~~himself or herself or a member of his or her immediate family~~ or ~~induce fear in the~~
18 ~~specific person~~ of the death of himself or herself or a member of his or her ~~immediate~~
19 family or household.

20 **SECTION 658f.** 940.32 (2e) of the statutes is created to read:

21 940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E
22 felony:

23 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or
24 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.

10.
(1) (a) 1. to ~~M.~~, if the act is directed at the victim of the sexual assault or the domestic
2 abuse offense.

3 (b) The actor intends that the act will place the specific person in reasonable
4 fear of bodily injury to or the death of himself or herself or a member of his or her
5 family or household.

6 (c) The actor's act induces fear in the specific person of bodily injury to or the
7 death of himself or herself or a member of his or her family or household.

8 **SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by 2001 Wisconsin
9 Act (this act), is amended to read:

10 940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a
11 Class ~~E~~ I felony:

12 **SECTION 658h.** 940.32 (2m) of the statutes is renumbered 940.32 (2m) (intro.)
13 and amended to read:

14 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if ~~he~~
15 ~~or she~~ any of the following applies:

16 (c) The actor intentionally gains access or causes another person to gain access
17 to a record in electronic format that contains personally identifiable information
18 regarding the victim in order to facilitate the violation ~~under sub. (2).~~”.

19 **7.** Page 248, line 23: delete the material beginning with that line and ending
20 on page 249, line 2, and substitute:

21 **SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by 2001
22 Wisconsin Act (this act), is amended to read:

23 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if
24 any of the following applies:

1 **SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

2 940.32 (2m) (a) The actor has a previous conviction for a violent crime, as
3 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013
4 (1r), (1t), (1v), or (1x).

5 **SECTION 659d.** 940.32 (2m) (b) of the statutes is created to read:

6 940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of
7 that crime is the victim of the present violation of sub. (2), and the present violation
8 occurs within 7 years after the prior conviction.

9 **SECTION 659e.** 940.32 (2m) (d) of the statutes is created to read:

10 940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to
11 facilitate the violation.

12 **SECTION 659f.** 940.32 (2m) (e) of the statutes is created to read:

13 940.32 (2m) (e) The victim is under the age of 18 years at the time of the
14 violation.

15 **SECTION 659g.** 940.32 (3) (intro.) of the statutes is amended to read:

16 940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following~~
17 ~~circumstances~~ is guilty of a Class ~~E~~ C felony if any of the following applies.”

18 **8.** Page 249, line 3: delete lines 3 to 5 and substitute:

19 “**SECTION 660b.** 940.32 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
20 Act ... (this act), is amended to read:

21 940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any
22 of the following applies:

23 **SECTION 660c.** 940.32 (3) (a) of the statutes is amended to read:

1 940.32 (3) (a) The act results in bodily harm to the victim or a member of the
2 victim's family or household.

3 **SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

4 940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined
5 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),
6 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of
7 the present violation of sub. (2), and the present violation occurs within 7 years after
8 the prior conviction.

9 **SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

10 940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts
11 listed in sub. (1) (a) 1. to ^{9.} ~~10.~~”

12 **9.** Page 249, line 6: delete lines 6 to 8 and substitute:

13 “**SECTION 661b.** 940.32 (3m) of the statutes is repealed.”

14 **10.** Page 282, line 8: after that line insert:

15 “**SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

16 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person
17 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
18 (2e), (2m), or (3) or (3m) involving the same victim and the present violation occurs
19 within 7 years of the prior conviction.”

20 **11.** Page 282, line 9: delete lines 9 to 13 and substitute:

21 “**SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001 Wisconsin Act
22 (this act), is amended to read:

23 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
24 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.

1 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
2 occurs within 7 years of the prior conviction.”.

3 **12.** Page 282, line 21: after that line insert:

4 “SECTION 877g. 947.013 (1x) (a) of the statutes is amended to read:

5 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
6 or this subsection or s. 940.32 (2), (2e), (2m), or (3) ~~or (3m)~~.”.

7 **13.** Page 283, line 2: after that line insert:

8 “SECTION 878g. 947.08 of the statutes is created to read:

9 **947.08 Preventing passage to and from a health care facility;
10 prohibited activities near a facility. (1)** In this section, “health care facility”
11 means all of the following:

12 (a) A place or service that is licensed, registered, certified, or approved by the
13 department of health and family services under s. 50.02, 50.03, 50.032, 50.033,
14 50.034, 50.35, 50.49, 50.52, or 50.93.

15 (b) A place that is operated, certified, or licensed by a county under s. 49.70,
16 49.71, 49.72, 49.73, 50.032, or 50.033.

17 (c) A local health department under s. 251.02 or a public health dispensary
18 under s. 252.10.

19 (d) The Wisconsin Veterans Home at King and the southeastern facility under
20 s. 45.365.

21 (e) A medical clinic, including a private, free-standing medical clinic that is
22 situated on private property and a family planning clinic.

23 (f) A care management organization under s. 46.284.

24 (g) A facility, as defined in s. 647.01 (4).

1 (h) A facility or service that is not included under pars. (a) to (g) and that is
2 certified under s. 49.45 (2) (a) 11. as a provider of health care services.

3 (2) Whoever does any of the following is guilty of a Class A misdemeanor:

4 (a) Intentionally obstructs, detains, hinders, impedes, or blocks another
5 person's entry to or exit from a health care facility.

6 (b) Intentionally approaches another person within 8 feet of the person, unless
7 the person consents, for the purpose of doing any of the following on a public way or
8 sidewalk area within a radius of 100 feet from an entrance door to a health care
9 facility:

10 1. Passing a leaflet or handbill to the person.

11 2. Displaying a sign to the person.

12 3. Engaging in oral protest, education, or counseling with the person."

13 **14.** Page 435, line 2: after that line insert:

14 "(2zy) DOMESTIC VIOLENCE PRIVILEGE. The treatment of section 905.045 of the
15 statutes first applies to communications made or information obtained or
16 disseminated on the effective date of this subsection.

17 (2zz) DOMESTIC ABUSE INJUNCTIONS. The treatment of sections 106.50 (5m) (d),
18 767.11 (8) (b) 2. and (10) (e) 2., 767.24 (1m) (b), (c), and (o), (2) (b) 2. c., and (5) (i),
19 813.12 (1) (a) (intro.) 1., 2., 3., and 4., (ad), (ag), (am) 5. ~~(cg)~~ (cg), and (cj), (2) (a),
20 (3) (a) (intro.) and 2. and (c), (4) (a) (intro.), 2., and 3. and (c) 1. and 2., (5) (d), (5m),
21 (6) (d), and (7) (c), 814.61 (1) (e), 814.70 (1) and (3) (intro.), and 895.73 (1) (a) of the
22 statutes first applies to actions commenced on the effective date of this subsection."

23 **15.** Page 440, line 17: after "940.32 (2) (intro.)" insert "(by SECTION 658b),
24 940.32 (2e) (intro.) (by SECTION 658g)".

- 1 **16.** Page 440, line 17: after “(2m)” insert “(intro.) (by SECTION 659b)”.
- 2 **17.** Page 440, line 18: after “(3) (intro.)” insert “(by SECTION 660b)”.
- 3 **18.** Page 440, line 18: delete “940.32 (3m) (intro.)”.
- 4 **19.** Page 441, line 24: after “947.013 (1t)” insert “(by SECTION 875b)”.
- 5 **20.** Page 451, line 20: after “940.32 (2) (intro.)” insert “(by SECTION 658b),
- 6 940.32 (2e) (intro.) (by SECTION 658g)”.
- 7 **21.** Page 451, line 20: after “940.32 (2m)” insert “(intro.) (by SECTION 659b)”.
- 8 **22.** Page 451, line 20: after “940.32 (3) (intro.)” insert “(by SECTION 660b)”.
- 9 **23.** Page 451, line 20: delete “940.32 (3m) (intro.)”.
- 10 **24.** Page 453, line 2: after “947.013 (1t)” insert “(by SECTION 875b)”.

11

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2892/3
RPN&MGD:kg&cs:pg

SCC:.....Engel – CN7903, Domestic violence package

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

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

2 1. Page 157, line 22: after that line insert:

3 "SECTION 274m. 106.50 (5m) (d) of the statutes is amended to read:

4 106.50 (5m) (d) Nothing in this section requires that housing be made available
5 to an individual whose tenancy would constitute a direct threat to the safety of other
6 tenants or persons employed on the property or whose tenancy would result in
7 substantial physical damage to the property of others, if the risk of direct threat or
8 damage cannot be eliminated or sufficiently reduced through reasonable
9 accommodations. A claim that an individual's tenancy poses a direct threat or a
10 substantial risk of harm or damage must be evidenced by behavior by the individual

1 ~~which that~~ caused harm or damage, ~~which that~~ directly threatened harm or damage,
2 or ~~which that~~ caused a reasonable fear of harm or damage to other tenants, persons
3 employed on the property, or the property. No claim that an individual's tenancy
4 would constitute a direct threat to the safety of other persons or would result in
5 substantial damage to property may be based on the fact that a tenant has been or
6 may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am)."

7 **2.** Page 223, line 5: after that line insert:

8 **"SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

9 767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20
10 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

11 **SECTION 514f.** 767.11 (10) (e) 2. of the statutes is amended to read:

12 767.11 (10) (e) 2. There is evidence of interspousal battery as described under
13 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

14 **SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

15 767.24 (1m) (b) Where the parent lives currently and where the parent intends
16 to live during the next 2 years. If there is evidence that the other parent engaged in
17 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
18 as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting
19 plan, the parent providing the parenting plan is not required to disclose the specific
20 address but only a general description of where he or she currently lives and intends
21 to live during the next 2 years.

22 **SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

23 767.24 (1m) (c) Where the parent works and the hours of employment. If there
24 is evidence that the other parent engaged in interspousal battery, as described under

1 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with
2 respect to the parent providing the parenting plan, the parent providing the
3 parenting plan is not required to disclose the specific address but only a general
4 description of where he or she works.

5 **SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

6 767.24 (1m) (o) If there is evidence that either party engaged in interspousal
7 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined
8 in s. 813.12 (1) ~~(a)~~ (am), with respect to the other party, how the child will be
9 transferred between the parties for the exercise of physical placement to ensure the
10 safety of the child and the parties.

11 **SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

12 767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
13 making required under an award of joint legal custody. In making this finding the
14 court shall consider, along with any other pertinent items, any reasons offered by a
15 party objecting to joint legal custody. Evidence that either party engaged in abuse,
16 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
17 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
18 as defined in s. 813.12 (1) ~~(a)~~ (am), creates a rebuttable presumption that the parties
19 will not be able to cooperate in the future decision making required.

20 **SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

21 767.24 (5) (i) Whether there is evidence of interspousal battery as described
22 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).”.

23 **3.** Page 224, line 10: after that line insert:

1 **SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes are
2 renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as
3 renumbered, is amended to read:

4 813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged
5 in by an adult family member or adult household member against another adult
6 family member or adult household member, by an adult caregiver against an adult
7 who is under the caregiver’s care, by an adult against his or her adult former spouse,
8 by an adult against an adult with whom the individual has or had a dating
9 relationship, or by an adult against an adult with whom the person has a child in
10 common:

11 **SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered 813.12 (1) (am)
12 6. and amended to read:

13 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3., or
14 5.

15 **SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:
16 813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home
17 or community care to an individual through regular and direct contact.

18 **SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:

19 813.12 (1) (ag) “Dating relationship” means a romantic or intimate social
20 relationship between 2 adult individuals but “dating relationship” does not include
21 a casual relationship or an ordinary fraternization between 2 individuals in a
22 business or social context. A court shall determine if a dating relationship existed
23 by considering the length of the relationship, the type of the relationship, and the
24 frequency of the interaction between the adult individuals involved in the
25 relationship.

1 **SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to read:

2 813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to
3 the individual.

4 **SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:

5 813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific
6 event has occurred or will occur.

7 **SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

8 813.12 (1) (cj) “Regular and direct contact” means face-to-face physical
9 proximity to an individual that is planned, scheduled, expected, or periodic.

10 **SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

11 813.12 (2) (a) No action under this section may be commenced by complaint and
12 summons. An action under this section may be commenced only by a petition
13 described under sub. (5) (a). The action commences with service of the petition upon
14 the respondent if a copy of the petition is filed before service or promptly after service.
15 If the judge or family court commissioner extends the time for a hearing under sub.
16 (3) (c) and the petitioner files an affidavit with the court stating that personal service
17 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
18 because the respondent is avoiding service by concealment or otherwise, the judge
19 or family court commissioner shall inform the petitioner that he or she may serve the
20 respondent by publication of a summary of the petition as a class 1 notice, under ch.
21 985, and by mailing or sending a facsimile if the respondent’s post-office address or
22 facsimile number is known or can with due diligence be ascertained. The mailing or
23 sending of a facsimile may be omitted if the post-office address or facsimile number
24 cannot be ascertained with due diligence. A summary of the petition published as
25 a class 1 notice shall include the name of the respondent and of the petitioner, notice

1 of the temporary restraining order, and notice of the date, time, and place of the
2 hearing regarding the injunction.

3 **SECTION 519mn.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

4 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a
5 temporary restraining order ordering the respondent to refrain from committing acts
6 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
7 as provided in par. (am), or any premises other location temporarily occupied by the
8 petitioner or both, or to avoid contacting or causing any person other than a party's
9 attorney or a law enforcement officer to contact the petitioner unless the petitioner
10 consents in writing, or any combination of these remedies requested in the petition,
11 or any other appropriate remedy not inconsistent with the remedies requested in the
12 petition, if all of the following occur:

13 **SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to read:

14 813.12 (3) (a) 2. The judge or family court commissioner finds reasonable
15 grounds to believe that the respondent has engaged in, or based on prior conduct of
16 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

17 (aj) In determining whether to issue a temporary restraining order, the judge
18 or family court commissioner shall consider the potential danger posed to the
19 petitioner and the pattern of abusive conduct of the respondent but may not base his
20 or her decision solely on the length of time since the last domestic abuse or the length
21 of time since the relationship ended. The judge or family court commissioner may
22 grant only the remedies requested or approved by the petitioner. The judge or family
23 court commissioner may not dismiss or deny granting a temporary restraining order
24 because of the existence of a pending action or of any other court order that bars

1 contact between the parties, nor due to the necessity of verifying the terms of an
2 existing court order.

3 **SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

4 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
5 on issuance of an injunction under sub. (4). The temporary restraining order is not
6 voided if the respondent is admitted into a dwelling that the order directs him or her
7 to avoid. A judge or family court commissioner shall hold a hearing on issuance of
8 an injunction within 7 14 days after the temporary restraining order is issued, unless
9 the time is extended upon the written consent of the parties or extended once for 14
10 days upon a finding that the respondent has not been served with a copy of the
11 temporary restraining order although the petitioner has exercised due diligence.

12 **SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

13 813.12 (4) (a) (intro.) A judge or family court commissioner may grant an
14 injunction ordering the respondent to refrain from committing acts of domestic abuse
15 against the petitioner, to avoid the petitioner's residence, except as provided in par.
16 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,
17 or to avoid contacting or causing any person other than a party's attorney or a law
18 enforcement officer to contact the petitioner unless the petitioner consents to that
19 contact in writing, or any combination of these remedies requested in the petition,
20 or any other appropriate remedy not inconsistent with the remedies requested in the
21 petition, if all of the following occur:

22 **SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to read:

23 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary
24 of the petition and notice of the time for hearing on the issuance of the injunction,

1 or the respondent serves upon the petitioner notice of the time for hearing on the
2 issuance of the injunction.

3 **SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to read:

4 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds
5 reasonable grounds to believe that the respondent has engaged in, or based upon
6 prior conduct of the petitioner and the respondent may engage in, domestic abuse of
7 the petitioner.

8 (aj) In determining whether to issue an injunction, the judge or family court
9 commissioner shall consider the potential danger posed to the petitioner and the
10 pattern of abusive conduct of the respondent but may not base his or her decision
11 solely on the length of time since the last domestic abuse or the length of time since
12 the relationship ended. The judge or family court commissioner may grant only the
13 remedies requested by the petitioner. The judge or family court commissioner may
14 not dismiss or deny granting an injunction because of the existence of a pending
15 action or of any other court order that bars contact between the parties, nor due to
16 the necessity of verifying the terms of an existing court order.

17 **SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to read:

18 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
19 terms, for the period of time that the petitioner requests, but not more than 24 years.
20 An injunction granted under this subsection is not voided if the petitioner allows or
21 initiates contact with the respondent or by the admittance of the respondent into a
22 dwelling that the injunction directs him or her to avoid.

23 **SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to read:

24 813.12 (4) (c) 2. When an injunction granted for less than 24 years expires, the
25 court shall extend the injunction if the petitioner states that an extension is

1 necessary to protect him or her. This extension shall remain in effect until 2 4 years
2 after the date the court first entered the injunction.

3 **SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

4 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
5 that he or she has been the subject of domestic abuse or by the guardian, as defined
6 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been
7 the subject of domestic abuse.

8 **SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

9 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
10 and the court order under sub. (3) or (4) shall not disclose the address of the alleged
11 victim.

12 **SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

13 813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable
14 despite the existence of any other criminal or civil order restricting or prohibiting
15 contact.

16 **SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

17 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
18 orders an injunction under s. 813.12 (4) but who has been served with a copy of the
19 petition and notice of the time for hearing under s. 813.12 (3) has constructive
20 knowledge of the existence of the injunction and shall be arrested for violation of the
21 injunction regardless of whether he or she has been served with a copy of the
22 injunction.

23 **SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

24 814.61 (1) (e) No fee charged under this subsection in any action commenced
25 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.

1 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or
2 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
3 (am) 1. to ~~4.~~ 6. If no fee is collected under this paragraph, the fee charged under this
4 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall
5 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she
6 is convicted of violating a temporary restraining order or injunction issued under s.
7 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).”.

8 **4.** Page 225, line 3: after that line insert:

9 **“SECTION 523c.** 814.70 (1) of the statutes is amended to read:

10 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
11 summons or any other process for commencement of an action, a writ, an order of
12 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
13 is more than one defendant or person to be served at a given address, \$6 for each
14 additional defendant or person. No fee charged under this subsection in any action
15 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner
16 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any
17 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected
18 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of
19 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
20 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this
21 subsection in any action commenced under s. 813.125 may be collected from a
22 petitioner under s. 813.125 if the petition alleges conduct that is the same as or
23 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
24 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under

1 s. 813.125, the fee charged under this subsection in any action commenced under s.
2 813.125 shall be collected from the respondent under s. 813.125 if he or she is
3 convicted of violating a temporary restraining order or injunction issued under s.
4 813.125 (3) or (4).

5 **SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

6 814.70 (3) (intro.) For travel in serving any summons, writ or other process,
7 except criminal warrants, and except that a fee under this subsection in any action
8 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a
9 petitioner but shall be collected from the respondent if he or she is convicted of
10 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
11 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under
12 this subsection in any action commenced under s. 813.125 may not be collected from
13 a petitioner if the petition alleges conduct that is the same as or similar to conduct
14 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4~~ 6 but
15 shall be collected from the respondent if he or she is convicted of violating a
16 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

17 **SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

18 895.73 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
19 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s.
20 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under
21 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.
22 948.02 to 948.11.

23 **SECTION 523m.** 905.045 of the statutes is created to read:

24 **905.045 Domestic violence or sexual assault advocate-victim**
25 **privilege. (1) DEFINITIONS.** In this section:

1 (a) "Abusive conduct" means abuse, as defined in s. 813.122 (1) (a), of a child,
2 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20
3 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.
4 940.225.

5 (b) "Advocate" means an individual who is an employee of or a volunteer for an
6 organization the purpose of which is to provide counseling, assistance, or support
7 services free of charge to a victim.

8 (c) A communication or information is "confidential" if not intended to be
9 disclosed to 3rd persons other than persons present to further the interest of the
10 person receiving counseling, assistance, or support services, persons reasonably
11 necessary for the transmission of the communication or information, and persons
12 who are participating in providing counseling, assistance, or support services under
13 the direction of an advocate, including family members of the person receiving
14 counseling, assistance, or support services and members of any group of individuals
15 with whom the person receives counseling, assistance, or support services.

16 (d) "Victim" means an individual who has been the subject of abusive conduct
17 or who alleges that he or she has been the subject of abusive conduct. It is immaterial
18 that the abusive conduct has not been reported to any government agency.

19 (2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and
20 to prevent any other person from disclosing confidential communications made or
21 information obtained or disseminated among the victim, an advocate who is acting
22 in the scope of his or her duties as an advocate, and persons who are participating
23 in providing counseling, assistance, or support services under the direction of an
24 advocate, if the communication was made or the information was obtained or

1 disseminated for the purpose of providing counseling, assistance, or support services
2 to the victim.

3 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,
4 by the victim's guardian or conservator, or by the victim's personal representative if
5 the victim is deceased. The advocate may claim the privilege on behalf of the victim.
6 The advocate's authority to do so is presumed in the absence of evidence to the
7 contrary.

8 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child
9 abuse that an advocate is required to make under s. 48.981.

10 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is
11 privileged under sub. (2) is also a communication or information that is privileged
12 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to
13 that communication or information.”

14 5. Page 248, line 19: after that line insert:

15 “SECTION 657b. 940.32 (1) (a) of the statutes is renumbered 940.32 (1) (a)
16 (intro.) and amended to read:

17 940.32 (1) (a) (intro.). “Course of conduct” means ~~repeatedly maintaining a~~
18 ~~visual or physical proximity to a person.~~ a series of 2 or more acts carried out over
19 time, however short or long, that show a continuity of purpose, including any of the
20 following:

21 SECTION 657c. 940.32 (1) (a) 1. of the statutes is created to read:

22 940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

23 SECTION 657d. 940.32 (1) (a) 2. of the statutes is created to read:

24 940.32 (1) (a) 2. Approaching or confronting the victim.

1 **SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

2 940.32 (1) (a) 3. Appearing at the victim's workplace or contacting the victim's
3 employer or coworkers.

4 **SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

5 940.32 (1) (a) 4. Appearing at the victim's home or contacting the victim's
6 neighbors.

7 **SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

8 940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

9 **SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

10 940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim's
11 telephone or any other person's telephone to ring repeatedly or continuously,
12 regardless of whether a conversation ensues.

13 **SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

14 940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose
15 of obtaining information about, disseminating information about, or communicating
16 with the victim, to a member of the victim's family or household or an employer,
17 coworker, or friend of the victim.

18 **SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

19 940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,
20 leased, or occupied by the victim.

21 **SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

22 940.32 (1) (a) 9. Delivering an object to a member of the victim's family or
23 household or an employer, coworker, or friend of the victim or placing an object on,
24 or delivering an object to, property owned, leased, or occupied by such a person with
25 the intent that the object be delivered to the victim.

1 **SECTION 657m.** 940.32 (1) (a) 10. of the statutes is created to read:

2 940.32 (1) (a) 10. Causing a person to engage in any of the acts described in
3 subds. 7. to 9.

4 **SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

5 940.32 (1) (am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

6 **SECTION 657no.** 940.32 (1) (ap) of the statutes is created to read:

7 940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that
8 constitutes a crime.

9 **SECTION 657p.** 940.32 (1) (b) of the statutes is renumbered 940.32 (1) (cb) and
10 amended to read:

11 940.32 (1) (cb) ~~“Immediate family”~~ “Member of a family” means a spouse,
12 parent, child, sibling, or any other person who regularly resides in the household or
13 ~~who within the prior 6 months regularly resided in the household~~ who is related by
14 blood or adoption to another.

15 **SECTION 657q.** 940.32 (1) (cd) of the statutes is created to read:

16 940.32 (1) (cd) “Member of a household” means a person who regularly resides
17 in the household of another or who within the previous 6 months regularly resided
18 in the household of another.

19 **SECTION 657r.** 940.32 (1) (d) of the statutes is repealed.

20 **SECTION 657s.** 940.32 (2) (intro.) of the statutes is amended to read:

21 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
22 ~~A misdemeanor~~ E felony:”.

23 **6.** Page 248, line 20: delete lines 20 to 22 and substitute:

1 **SECTION 658b.** 940.32 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
2 Act (this act), is amended to read:

3 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
4 E I felony:

5 **SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

6 940.32 (2) (a) The actor intentionally engages in a course of conduct directed
7 at a specific person that would cause a reasonable person under the same
8 circumstances to fear bodily injury to ~~himself or herself or a member of his or her~~
9 ~~immediate family or to fear~~ the death of himself or herself or a member of his or her
10 ~~immediate family or household.~~

11 **SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

12 940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that
13 at least one of the acts that constitute the course of conduct will place the specific
14 person ~~will be placed~~ in reasonable fear of bodily injury to ~~himself or herself or a~~
15 ~~member of his or her immediate family or will be placed in reasonable fear of the~~
16 death of himself or herself or a member of his or her ~~immediate family or household.~~

17 **SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

18 940.32 (2) (c) The actor's acts induce fear in the specific person of bodily injury
19 to ~~himself or herself or a member of his or her immediate family or induce fear in the~~
20 ~~specific person of the death of himself or herself or a member of his or her immediate~~
21 ~~family or household.~~

22 **SECTION 658f.** 940.32 (2e) of the statutes is created to read:

23 940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E
24 felony:

1 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or
2 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.
3 (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic
4 abuse offense.

5 (b) The actor intends that the act will place the specific person in reasonable
6 fear of bodily injury to or the death of himself or herself or a member of his or her
7 family or household.

8 (c) The actor's act induces fear in the specific person of bodily injury to or the
9 death of himself or herself or a member of his or her family or household.

10 **SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by 2001 Wisconsin
11 Act (this act), is amended to read:

12 940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a
13 Class E I felony:

14 **SECTION 658h.** 940.32 (2m) of the statutes is renumbered 940.32 (2m) (intro.)
15 and amended to read:

16 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if ~~he~~
17 ~~or she~~ any of the following applies:

18 (c) The actor intentionally gains access or causes another person to gain access
19 to a record in electronic format that contains personally identifiable information
20 regarding the victim in order to facilitate the violation ~~under sub. (2).~~”.

21 **7.** Page 248, line 23: delete the material beginning with that line and ending
22 on page 249, line 2, and substitute:

23 **“SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by 2001
24 Wisconsin Act (this act), is amended to read:

1 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if
2 any of the following applies:

3 **SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

4 940.32 (2m) (a) The actor has a previous conviction for a violent crime, as
5 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013
6 (1r), (1t), (1v), or (1x).

7 **SECTION 659d.** 940.32 (2m) (b) of the statutes is created to read:

8 940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of
9 that crime is the victim of the present violation of sub. (2), and the present violation
10 occurs within 7 years after the prior conviction.

11 **SECTION 659e.** 940.32 (2m) (d) of the statutes is created to read:

12 940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to
13 facilitate the violation.

14 **SECTION 659f.** 940.32 (2m) (e) of the statutes is created to read:

15 940.32 (2m) (e) The victim is under the age of 18 years at the time of the
16 violation.

17 **SECTION 659g.** 940.32 (3) (intro.) of the statutes is amended to read:

18 940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following~~
19 ~~circumstances~~ is guilty of a Class ~~E~~ C felony if any of the following applies:”.

20 **8.** Page 249, line 3: delete lines 3 to 5 and substitute:

21 **“SECTION 660b.** 940.32 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
22 Act (this act), is amended to read:

23 940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any
24 of the following applies:

1 **SECTION 660c.** 940.32 (3) (a) of the statutes is amended to read:

2 940.32 (3) (a) The act results in bodily harm to the victim or a member of the
3 victim's family or household.

4 **SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

5 940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined
6 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),
7 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of
8 the present violation of sub. (2), and the present violation occurs within 7 years after
9 the prior conviction.

10 **SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

11 940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts
12 listed in sub. (1) (a) 1. to 9.”.

13 **9.** Page 249, line 6: delete lines 6 to 8 and substitute:

14 “**SECTION 661b.** 940.32 (3m) of the statutes is repealed.”.

15 **10.** Page 282, line 8: after that line insert:

16 “**SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

17 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person
18 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
19 (2e), (2m), or (3) or (3m) involving the same victim and the present violation occurs
20 within 7 years of the prior conviction.”.

21 **11.** Page 282, line 9: delete lines 9 to 13 and substitute:

22 “**SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001 Wisconsin Act

23 (this act), is amended to read:

1 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
2 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.
3 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
4 occurs within 7 years of the prior conviction.”

5 **12.** Page 282, line 21: after that line insert:

6 “SECTION 877g. 947.013 (1x) (a) of the statutes is amended to read:

7 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
8 or this subsection or s. 940.32 (2), (2e), (2m), or (3) ~~or (3m)~~.”

9 **13.** Page 435, line 2: after that line insert:

10 “(2zy) DOMESTIC VIOLENCE PRIVILEGE. The treatment of section 905.045 of the
11 statutes first applies to communications made or information obtained or
12 disseminated on the effective date of this subsection.

13 (2zz) DOMESTIC ABUSE INJUNCTIONS. The treatment of sections 106.50 (5m) (d),
14 767.11 (8) (b) 2. and (10) (e) 2., 767.24 (1m) (b), (c), and (o), (2) (b) 2. c., and (5) (i),
15 813.12 (1) (a) (intro.) 1., 2., 3., and 4., (ad), (ag), (am) 5., (cg), and (cj), (2) (a), (3) (a)
16 (intro.) and 2. and (c), (4) (a) (intro.), 2., and 3. and (c) 1. and 2., (5) (d), (5m), (6) (d),
17 and (7) (c), 814.61 (1) (e), 814.70 (1) and (3) (intro.), and 895.73 (1) (a) of the statutes
18 first applies to actions commenced on the effective date of this subsection.”

19 **14.** Page 440, line 17: after “940.32 (2) (intro.)” insert “(by SECTION 658b),
20 940.32 (2e) (intro.) (by SECTION 658g)”.

21 **15.** Page 440, line 17: after “(2m)” insert “(intro.) (by SECTION 659b)”.

22 **16.** Page 440, line 18: after “(3) (intro.)” insert “(by SECTION 660b)”.

23 **17.** Page 440, line 18: delete “940.32 (3m) (intro.)”.

24 **18.** Page 441, line 24: after “947.013 (1t)” insert “(by SECTION 875b)”.

1 **19.** Page 451, line 20: after “940.32 (2) (intro.)” insert “(by SECTION 658b),
2 940.32 (2e) (intro.) (by SECTION 658g)”.

3 **20.** Page 451, line 20: after “940.32 (2m)” insert “(intro.) (by SECTION 659b)”.

4 **21.** Page 451, line 20: after “940.32 (3) (intro.)” insert “(by SECTION 660b)”.

5 **22.** Page 451, line 20: delete “940.32 (3m) (intro.)”.

6 **23.** Page 453, line 2: after “947.013 (1t)” insert “(by SECTION 875b)”.

7

(END)