

2003 DRAFTING REQUEST

Bill

Received: 03/24/2003

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing:

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krug@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Extending time limit for harrassment injuncion hearing and for service of process

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	mlief 03/24/2003	jdye 03/25/2003	chaskett 03/25/2003		mbarman 03/25/2003	amentkow 03/27/2003	

FE Sent For:

*None needed*

<END>

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/?	mlief	1 3/4 JLD		_____			

FE Sent For:

<END>

DEAR BOB,

Rep. Kelly would like THIS BILL

DRAFTED JUST AS THE CONSTITUENT IN THE

LETTER REQUESTS. IF YOU HAVE ANY

QUESTIONS PLEASE CALL 266-5813.

THANK-YOU.

JOHNA LUSH

**MICHAEL J. SKWIERAWSKI**

Chief Judge  
Telephone: (414) 278-5116

**MICHAEL P. SULLIVAN**

Deputy Chief Judge  
Telephone: (414) 278-5113

**BRUCE M. HARVEY**

District Court Administrator  
Telephone: (414) 278-5115

**BETH BISHOP PERRIGO**

Deputy District Court Administrator  
Telephone: (414) 278-5025

STATE OF WISCONSIN

## FIRST JUDICIAL DISTRICT

MILWAUKEE COUNTY COURTHOUSE  
901 NORTH NINTH STREET, ROOM 609  
MILWAUKEE, WISCONSIN 53233-1425

TELEPHONE (414) 278-5112  
FAX (414) 223-1264

March 18, 2003



*get it handled*

Representative Shirley Krug  
State of Wisconsin Assembly  
State Capitol  
Post Office Box 8952  
Madison, Wisconsin 53798

Re: **Wisconsin Statute Section 813.125**  
**(Harassment Restraining Orders and Injunctions)**

Dear Representative Krug:

Our Family Court Commissioner, Michael J. Bruch, has spoken with me regarding his meeting with you and your concerns about our procedures with regard to processing harassment actions under this section of the statutes. Commissioner Bruch has indicated to you that we are trying to resolve some of your concerns by virtue of our planning for a type of "unified" court approach to civil harassment cases and civil domestic abuse cases.

It is our present plan to bring all of the processing of Section 813.12 domestic abuse cases and Section 813.125 harassment cases under the responsibility of the Family Court Commissioner including the establishment of a single court hearing room for both types of injunction hearings and a more streamlined common procedure for the filing of both types of petitions. This combined project will result in assigning a court commissioner full-time to this court.

However, as Commissioner Bruch also mentioned to you, due to the very large volume of these types of cases, there is a difference in certain statutory time requirements which will make this court more problematic to administer.

Because of legislative changes enacted in 2001, the time limits for the court to hold a hearing on a domestic abuse injunction request pursuant to Sec. 813.12 (3)(c) as well as for the granting of an extension of time to effect service on the respondent was lengthened from 7 days to 14 days. This statutory change was very helpful because it solved scheduling problems on "3-day" weekends and other holidays. It also served to give a more realistic timeframe for the service of process.

However, those same time limits in Sec. 813.125 were not addressed at that time by the legislature. So, Section 813.125(3)(c) still requires that the court hold a hearing on harassment injunction requests within 7 days and limits the granting of an extension to 7 days, thus maintaining the old problems with 3-day weekends and holidays.

While this has always been a problem, we have been able to adjust to it because domestic abuse and harassment cases have been held in different courts in different buildings with different scheduling issues. As we develop our concept of a "unified" court, running full time in one location with one staff and with the combining of the calendar, the different timeframes will become problematic. We would like to see the two statutes harmonized in this regard.

Commissioner Bruch has mentioned to me that you indicated your willingness to consider the possibility of introducing a bill which would address this very limited issue and change the timeframes in Sec. 813.125(3)(c) to reflect and be the same as those found in Sec. 813.12(3)(c).

We would be most grateful if you would be willing to explore this request as soon as you could find the time to do so. Commissioner Bruch indicates that he is willing to work with your staff, and anyone else necessary, in the development and explanation of this proposal.

As I believe your staff already knows, Commissioner Bruch is available at:

[Voice]	(414) 278-5288
[FAX]	(414) 223-1947
[E-mail]	<a href="mailto:michael.bruch@milwaukee.courts.stste.wi.us">michael.bruch@milwaukee.courts.stste.wi.us</a>

We would appreciate hearing from you and/or your staff concerning this, and I want to thank you in advance for your concern and assistance in this matter.

Very truly yours,



Michael J. Skwierawski  
Chief Judge, First Judicial District

MJS:MJB:bjs

c: Commissioner Michael J. Bruch



Jld

2003 BILL

SOON

To editing 3/24

Gen

1 AN ACT ...; relating to: extending time limits in harassment injunction actions. ✓

*Analysis by the Legislative Reference Bureau*

\* Current law requires an harassment injunction hearing to be held within 7 days and a domestic abuse hearing to be held within 14 days after a temporary restraining order is issued. The deadline for a harassment injunction hearing may be extended by 7 days and the deadline for a domestic abuse hearing may be extended by 14 days if the petitioner, despite his or her due diligence, is unable to serve the respondent. ✓

seven

✓ This bill changes the deadlines for harassment injunctions to 14 days, to correspond to the deadlines for domestic abuse injunctions.

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

2 SECTION 1. 813.125 (3) (c) ✓ of the statutes is amended to read:

3 813.125 (3) (c) The temporary restraining order is in effect until a hearing is  
4 held on issuance of an injunction under sub. (4). A judge or circuit court  
5 commissioner shall hold a hearing on issuance of an injunction within 7 ✓ 14 days after  
6 the temporary restraining order is issued, unless the time is extended upon the

**BILL**

**SECTION 1**

1 written consent of the parties or extended once for 7 ~~14~~<sup>✓</sup> days upon a finding that the  
2 respondent has not been served with a copy of the temporary restraining order  
3 although the petitioner has exercised due diligence.

4 **History:** 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105.

**SECTION 2. Initial applicability.**

5 (1) This act first applies to actions filed on the effective date of this ~~subsection~~<sup>✓</sup>.

6 (END)

**Mentkowski, Annie**

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**From:** Lush2, Johnna  
**Sent:** Thursday, March 27, 2003 3:01 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2397/1 Topic: Extending time limit for harrassment injunction hearing and for service of process

It has been requested by <Lush2, Johnna> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2397/1 Topic: Extending time limit for harrassment injunction hearing and for service of process