

## 2005 ASSEMBLY BILL 636

1     **AN ACT** *to amend* 813.122 (4) (c), 813.125 (1) (a), 813.125 (3) (a) 2., 813.125 (3)  
2           (c), 813.125 (4) (a) 3., 813.125 (4) (c), 813.125 (5) (a) 3., 814.61 (1) (d) and 814.61  
3           (1) (e) of the statutes; **relating to:** child abuse and harassment restraining  
4           orders.

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*Analysis by the Legislative Reference Bureau*

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

5           **SECTION 1g.** 813.122 (4) (c) of the statutes is amended to read:  
6           813.122 (4) (c) The temporary restraining order is in effect until a hearing is  
7           held on issuance of an injunction under sub. (5). A judge shall hold a hearing on  
8           issuance of an injunction within ~~7~~ 14 days after the temporary restraining order is  
9           issued, unless the time is extended upon the written consent of the parties or  
10          extended once for ~~7~~ 14 days upon a finding that the respondent has not been served

**ASSEMBLY BILL 636****SECTION 1g**

1 with a copy of the temporary restraining order although the petitioner has exercised  
2 due diligence.

3 **SECTION 1m.** 813.125 (1) (a) of the statutes is amended to read:

4 813.125 (1) (a) Striking, shoving, kicking or otherwise subjecting another  
5 person to physical contact; engaging in an act that would constitute abuse under s.  
6 48.02 (1), sexual assault under s. 940.225, or stalking under s. 940.32; or attempting  
7 or threatening to do the same.

8 **SECTION 2.** 813.125 (3) (a) 2. of the statutes is amended to read:

9 813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable  
10 grounds to believe that the respondent has ~~violated s. 947.013~~ engaged in  
11 harassment with intent to harass or intimidate the petitioner.

12 **SECTION 3.** 813.125 (3) (c) of the statutes is amended to read:

13 813.125 (3) (c) The temporary restraining order is in effect until a hearing is  
14 held on issuance of an injunction under sub. (4). A judge or circuit court  
15 commissioner shall hold a hearing on issuance of an injunction within ~~7~~ 14 days after  
16 the temporary restraining order is issued, unless the time is extended upon the  
17 written consent of the parties or extended once for ~~7~~ 14 days upon a finding that the  
18 respondent has not been served with a copy of the temporary restraining order  
19 although the petitioner has exercised due diligence.

20 **SECTION 4.** 813.125 (4) (a) 3. of the statutes is amended to read:

21 813.125 (4) (a) 3. After hearing, the judge or circuit court commissioner finds  
22 reasonable grounds to believe that the respondent has ~~violated s. 947.013~~ engaged  
23 in harassment with intent to harass or intimidate the petitioner.

24 **SECTION 5.** 813.125 (4) (c) of the statutes is amended to read:

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1           813.125 (4) (c) An injunction under this subsection is effective according to its  
2 terms, but for not more than ~~2~~ 4 years.

3           **SECTION 6.** 813.125 (5) (a) 3. of the statutes is amended to read:

4           813.125 (5) (a) 3. That the respondent has ~~violated s. 947.013~~ engaged in  
5 harassment with intent to harass or intimidate the petitioner.

6           **SECTION 7.** 814.61 (1) (d) of the statutes is amended to read:

7           814.61 (1) (d) No fee charged under this subsection in any action commenced  
8 under s. 813.12, 813.122, or 813.123 may be collected from a petitioner under s.  
9 813.12, 813.122, or 813.123. The fee charged under this subsection for petitions filed  
10 and granted under s. 813.12, 813.122, or 813.123 shall be collected from the  
11 respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of violating  
12 a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122  
13 (4) or (5), or 813.123 (4) or (5).

14           **SECTION 8.** 814.61 (1) (e) of the statutes is amended to read:

15           814.61 (1) (e) No fee charged under this subsection in any action commenced  
16 under s. ~~813.122, 813.123, or 813.125~~ may be collected from a petitioner under s.  
17 ~~813.122, 813.123, or 813.125~~ if the petition alleges conduct that is the same as or  
18 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (am)  
19 1. to 6. If no fee is collected under this paragraph, the fee charged under this  
20 subsection for petitions filed and granted under s. ~~813.122, 813.123, or 813.125~~ shall  
21 be collected from the respondent under s. ~~813.122, 813.123, or 813.125~~ if he or she  
22 is convicted of violating a temporary restraining order or injunction issued under s.  
23 ~~813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).~~

24

(END)