

2005 Assembly Bill 636

Date of enactment: April 6, 2006  
Date of publication\*: April 19, 2006

## 2005 WISCONSIN ACT 272

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

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

**SECTION 1g.** 813.122 (4) (c) of the statutes is amended to read:

813.122 (4) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5). A judge shall hold a hearing on issuance of an injunction within 7 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 7 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

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

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

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

813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable grounds to believe that the

respondent has ~~violated s. 947.013~~ engaged in harassment with intent to harass or intimidate the petitioner.

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

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

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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