

2007 DRAFTING REQUEST

Bill

Received: 02/07/2007

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Kelly**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous
Courts - garn/injunct**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice for child abuse, vulnerable adult, and harassment injunctions

Instructions:

See Attached--companion to -1256

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>
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FE Sent For:

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FE Sent For:

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JACKET
FOR
SENATE

-1855/1

~~No changes~~

Body
if possible

stays

2007 BILL

Refer cat

1 AN ACT *to renumber* 813.12 (7) (intro.), 813.12 (7) (a), 813.12 (7) (b), 813.122 (10)
 2 (intro.), 813.122 (10) (a), 813.122 (10) (b), 813.123 (9) (intro.), 813.123 (9) (a),
 3 813.123 (9) (b), 813.125 (6) (intro.), 813.125 (6) (a) and 813.125 (6) (b); *to amend*
 4 813.12 (7) (c); and *to create* 813.122 (10) (c), 813.123 (9) (c) and 813.125 (6) (c)
 5 of the statutes; **relating to:** notice for child abuse, vulnerable adult, and
 6 harassment injunctions.

Analysis by the Legislative Reference Bureau

Current law allows a court to impose four types of restraining orders: domestic abuse, child abuse, vulnerable adult, and harassment. For each petition for an order, the court first holds a hearing to determine whether to issue a temporary restraining order and later holds a hearing to determine whether to issue an injunction. Temporary restraining orders are effective until the court holds the injunctive hearing. At the hearing, if the court issues a child abuse, vulnerable adult, or harassment injunction, the injunction is effective once the subject of the injunction is served with the injunction. If the court issues a domestic abuse injunction, however, it is effective as soon as the court issues it as long as the subject was served with the petition and the notice of the time for the injunctive hearing.

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This bill makes a child abuse injunction, vulnerable adult injunction, or harassment injunction effective as soon as the court issues it as long as the subject was served with the petition and notice of the time for the injunctive hearing.

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

1 **SECTION 1.** 813.12 (7) (intro.) of the statutes is renumbered 813.12 (7) (am)
2 (intro.).

3 **SECTION 2.** 813.12 (7) (a) of the statutes is renumbered 813.12 (7) (am) 1.

4 **SECTION 3.** 813.12 (7) (b) of the statutes is renumbered 813.12 (7) (am) 2.

5 **SECTION 4.** 813.12 (7) (c) of the statutes is amended to read:

6 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
7 orders an injunction under s. ~~813.12~~ sub. (4) but who has been served with a copy of
8 the petition and notice of the time for hearing under s. ~~813.12 (3)~~ sub. (4) (a) 2. has
9 constructive knowledge of the existence of the injunction and shall be arrested for
10 violation of the injunction regardless of whether he or she has been served with a
11 copy of the injunction.

12 **SECTION 5.** 813.122 (10) (intro.) of the statutes is renumbered 813.122 (10) (am)
13 (intro.).

14 **SECTION 6.** 813.122 (10) (a) of the statutes is renumbered 813.122 (10) (am) 1.

15 **SECTION 7.** 813.122 (10) (b) of the statutes is renumbered 813.122 (10) (am) 2.

16 **SECTION 8.** 813.122 (10) (c) of the statutes is created to read:

17 813.122 (10) (c) A respondent who does not appear at a hearing at which the
18 court orders an injunction under sub. (5) but who has been served with a copy of the
19 petition and notice of the time for hearing under sub. (5) (a) 2. has constructive
20 knowledge of the existence of the injunction and shall be arrested for violation of the

BILL

1 injunction regardless of whether he or she has been served with a copy of the
2 injunction.

3 **SECTION 9.** 813.123 (9) (intro.) of the statutes is renumbered 813.123 (9) (am)
4 (intro.).

5 **SECTION 10.** 813.123 (9) (a) of the statutes is renumbered 813.123 (9) (am) 1.

6 **SECTION 11.** 813.123 (9) (b) of the statutes is renumbered 813.123 (9) (am) 2.

7 **SECTION 12.** 813.123 (9) (c) of the statutes is created to read:

8 813.123 (9) (c) A respondent who does not appear at a hearing at which the
9 court orders an injunction under sub. (5) but who has been served with a copy of the
10 petition and notice of the time for hearing under sub. (5) (a) 2. has constructive
11 knowledge of the existence of the injunction and may be arrested for violation of the
12 injunction regardless of whether he or she has been served with a copy of the
13 injunction.

14 **SECTION 13.** 813.125 (6) (intro.) of the statutes is renumbered 813.125 (6) (am)
15 (intro.).

16 **SECTION 14.** 813.125 (6) (a) of the statutes is renumbered 813.125 (6) (am) 1.

17 **SECTION 15.** 813.125 (6) (b) of the statutes is renumbered 813.125 (6) (am) 2.

18 **SECTION 16.** 813.125 (6) (c) of the statutes is created to read:

19 813.125 (6) (c) A respondent who does not appear at a hearing at which the
20 court orders an injunction under sub. (4) but who has been served with a copy of the
21 petition and notice of the time for hearing under sub. (4) (a) 2. 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 17. Initial applicability.**

