Received By: phurley

2011 DRAFTING REQUEST

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Received: 09/01/2011

Wanted: As time permits For: Van Wanggaard (608) 266-1832				Companion to LRB: By/Representing: Scott Kelly					
								May Contact:	
Subject:		garn/injunctmiscellaneou				Addl. Drafters:			
				Extra Copies:					
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Requeste	er's email:	Sen.Wang	gaard@legi	s.wisconsin.g	gov		•		
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2011 DRAFTING REQUEST

Bill

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Van Wanggaard (608) 266-1832

By/Representing: Scott Kelly

May Contact:

Drafter: phurley

Subject:

Courts - garn/injunct Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email:

Sen. Wanggaard@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Jurisdiction in domestic abuse cases

Instructions:

Companion to 11-2057

Drafting History:

Vers.

Drafted

Reviewed **Typed** Proofed

Submitted

Jacketed

Required

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phurley

FE Sent For:

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State of Misconsin 2011 - 2012 LEGISLATURE



2011 BILL

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AN ACT to create 801.05 (11m) and 813.015 of the statutes; relating to:

jurisdiction in matters relating to domestic abuse restraining orders and

injunctions, child abuse restraining orders and injunctions, and harassment

restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

Under current law, a court may entertain a civil action only when the court has jurisdiction over the subject matter of the action and over the persons who are served in the action. Jurisdiction is conferred by the U.S. Constitution, the Wisconsin Constitution, and by statute.

This bill clarifies when a court has subject matter and personal jurisdiction in certain actions for restraining orders or injunctions in cases of domestic abuse, child abuse, or harassment. Under the bill, a court has jurisdiction of the subject matter to entertain those actions regardless of whether the alleged abuse or harassment occurred within the state. Under the bill, a court has personal jurisdiction over a person who is in another state if any of the following applies:

- 1. The abuse or harassment has an effect in Wisconsin.
- 2. A petition for a restraining order or injunction has been filed in Wisconsin and the person does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
- 3. If the petitioner or the person resides in Wisconsin or the petitioner is temporarily living in Wisconsin and the abuse or harassment has an effect in Wisconsin.

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4. Jurisdiction is otherwise permitted under the U.S. Constitution or the Wisconsin Constitution.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 801.05 (11m) of the statutes is created to read:

- 801.05 (11m) CERTAIN RESTRAINING ORDERS OR INJUNCTIONS. Subject to subch. II of ch. 822, and in addition to personal jurisdiction under sub. (1) and s. 801.06, in any action filed pursuant to s. 813.12, 813.122, or 813.125, if any of the following applies:
 - (a) The abuse or harassment alleged in the action has an effect in Wisconsin.
- (b) The petitioner or alleged child victim resides or is living temporarily in Wisconsin.
- (c) The respondent is served but does not appear or does not file a response or motion asserting the defense of lack of personal jurisdiction.
- (d) Personal jurisdiction is permissible under the constitution of the United States or of the state of Wisconsin.
- **Section 2.** 813.015 of the statutes is created to read:
- 813.015 Subject matter jurisdiction. In an action filed pursuant to s. 813.12, 813.122, or 813.125, the court has jurisdiction of the subject matter under s. 801.04 regardless of whether the alleged abuse or harassment occurred within the state.

Basford, Sarah

From:

Sent:

To:

Subject:

Kelly, Scott Tuesday, September 06, 2011 9:04 AM LRB.Legal Draft Review: LRB 11-2789/1 Topic: Jurisdiction in domestic abuse cases

Please Jacket LRB 11-2789/1 for the SENATE.