

2011 DRAFTING REQUEST

Bill

Received: **09/01/2011**

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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 09/01/2011	jdye 09/06/2011		_____			S&L
/1			phenry 09/06/2011	_____	sbasford 09/06/2011	sbasford 09/06/2011	

FE Sent For:

*at intro
9-7-11*

<END>

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/?	phurley	1/9/11 jld	9/16 ph	X			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2011/2
PJH:jld:md

↑
keep

2789/1

rmr

2011 BILL

9-1-11

W

Regen

1 AN ACT *to create* 801.05 (11m) and 813.015 of the statutes; relating to:
2 jurisdiction in matters relating to domestic abuse restraining orders and
3 injunctions, child abuse restraining orders and injunctions, and harassment
4 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.

Basford, Sarah

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

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