



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 247

**Assembly
Amendment 1**

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Assembly Bill 247 specifies that a court has subject matter jurisdiction in certain actions for restraining orders or injunctions in cases of domestic abuse, child abuse, or harassment regardless of whether the alleged abuse or harassment occurred within Wisconsin.

The bill also specifies that a court has personal jurisdiction over a person served in an action in those cases if any of the following applies:

1. The abuse or harassment alleged in the action has an effect in Wisconsin.
2. The petitioner or alleged child victim resides or is living temporarily in Wisconsin.
3. The respondent is served but does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
4. Personal jurisdiction is otherwise permissible under the U.S. Constitution or the Wisconsin Constitution.

Assembly Amendment 1 amends the first basis for personal jurisdiction described above by providing that a court has personal jurisdiction over a person who is in another state if the abuse or harassment *could have* an effect in Wisconsin.

Assembly Amendment 1 also eliminates the third basis for jurisdiction, above, and instead provides that if a court has personal jurisdiction under any of the bases set forth in the bill, and a respondent has been served, but does not appear or does not file a response or motion asserting the defense of lack of personal jurisdiction, the court must hear the action. The amendment also specifies that the bill does not limit the respondent's right to challenge personal jurisdiction on appeal.

Legislative History

Assembly Amendment 1 was offered by Representative Loudenbeck on October 5, 2011. On October 6, 2011, the Assembly Committee on Public Health and Public Safety voted to recommend adoption of the amendment, and passage of the bill, as amended, on successive votes of Ayes, 6; Noes, 0.

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