

2013 DRAFTING REQUEST

Senate Amendment (SA-SB153)

Received: 9/25/2013 Received By: phurley
 Wanted: As time permits Same as LRB:
 For: Jerry Petrowski (608) 266-2502 By/Representing: Lane
 May Contact: Drafter: phurley
 Subject: Criminal Law - domestic abuse Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Petrowski@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Personal jurisdiction in restraining order cases

Instructions:

See attached

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>
/1	phurley 9/25/2013	jdyer 9/26/2013	jfrantze 9/26/2013	_____	mbarman 9/26/2013	mbarman 9/26/2013	

FE Sent For:

<END>

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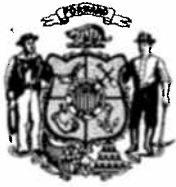
See attached

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/1	phurley	1 9/25 jld					

FE Sent For:

<END>



2013 SENATE BILL 153

April 25, 2013 - Introduced by Senators HARSDORF, KEDZIE, CARPENTER, GUDEX, HANSEN, JAUCH, LASSA, LEHMAN, MOULTON, OLSEN, PETROWSKI, RISSER and SHILLING, cosponsored by Representatives LOUDENBECK, BALLWEG, BERCEAU, BERNARD SCHABER, BIES, BILLINGS, BORN, BROOKS, ENDSLEY, HEBL, HINTZ, JACQUE, KERKMAN, KLEEFISCH, T. LARSON, MARKLEIN, MURPHY, MURSAU, OHNSTAD, A. OTT, PRIDEMORE, RICHARDS, RIPP, SCHRAA, STEINEKE, STRACHOTA, TITTL, WRIGHT and SWEARINGEN. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

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 alleged in the action could have an effect in Wisconsin.
2. The petitioner or alleged child victim resides or is living temporarily in Wisconsin.
3. Jurisdiction is otherwise permissible under the constitution of the United States or of the state of Wisconsin.

Hurley, Peggy

From: Oling, Lane
Sent: Wednesday, September 25, 2013 4:03 PM
To: Hurley, Peggy
Subject: RE: SB 135

Peggy,

As one amendment. Thank you!

Lane

From: Hurley, Peggy
Sent: Wednesday, September 25, 2013 4:03 PM
To: Oling, Lane
Subject: RE: SB 135

Hi Lane,

I can draft those amendments – do you want them included in one amendment, or drafted as two separate amendments?

Peggy

From: Oling, Lane
Sent: Wednesday, September 25, 2013 4:01 PM
To: Hurley, Peggy
Subject: SB 135

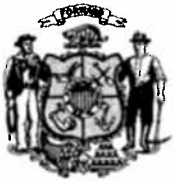
Good afternoon Peggy,

I'd like to draft an amendment to Senate Bill 153. The amendment would strike the language "if the abuse or harassment alleged in the action could have an effect in Wisconsin." The only way the court would have PJ under the amendment is if the person resides or temporarily lives in Wisconsin or it is "otherwise permissible under the constitution of the United States or of the State of Wisconsin," as is encompassed in current bill language. It seems if a person resides in Wisconsin, the first clause of that sentence is unnecessary, and if the person does not reside in Wisconsin, the law likely isn't applicable to them. Additionally, we would like the amendment to specifically allow a court to have the discretion to allow the respondent appear via teleconference or videoconference to avoid the respondent from having to travel all the way to Wisconsin or have no way to defend themselves.

Please let me know if you have any questions.

Thank you so much!

Lane Oling, J.D.
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0873/1

PJH:....

jcd

SOON

**SENATE AMENDMENT ,
TO SENATE BILL 153**

9.25.13

LPS:
Print w/
line #s



At the locations indicated, amend the bill as follows: ✓

1. Page 2, line 4: delete "the abuse or harassment". ✓

2. Page 2, line 5: delete "alleged in the action could have an effect in Wisconsin or". ✓

3. Page 2, line 13: after that line insert: ✓

"(c) If a court has personal jurisdiction pursuant to par. (a), the court may allow a respondent who lives or resides in another state to testify on the record, or otherwise participate in any proceeding in the action, by telephone or live audiovisual means, as prescribed in s. 807.13. ✓ The request and the showing of good cause for admitting testimony by telephone or live audiovisual means may be made by telephone." ✓

(end)