

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB161)

Received: 1/6/2014 Received By: phurley
Wanted: As time permits Same as LRB:
For: Glenn Grothman (608) 266-7513 By/Representing:
May Contact: Drafter: phurley
Subject: Courts - garn/injunct Addl. Drafters:
Courts - miscellaneous/other Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Right of appeal

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>
/?	phurley 1/6/2014			_____			
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FE Sent For:

<END>

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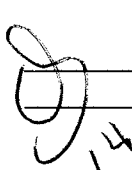
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FE Sent For:

<END>

Hurley, Peggy

From: Schacht, Nathan
Sent: Monday, January 06, 2014 3:04 PM
To: Hurley, Peggy
Cc: Gibbs, Adam
Subject: Senate Amendment to AB 161

Importance: High

Peggy,

Please remove sections 1-5, and delete "under ch. 752" on line 1 of page 3 as well as "to the supreme court" on page 3 lines 4-5.

Please jacket this as a Senate amendment to AB 161 and send it to Sen. Grothman's office as soon as possible.

Thanks,
Nate

Nathan Schacht

Office of State Representative David Craig

83rd Assembly District

P: (608) 266-3363

E: nathan.schacht@legis.wi.gov

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SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 161

January 6, 2014 – Offered by Senator GROTHMAN.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 808.05; *to amend* 809.12, 809.60 (1) and
2 813.025 (title); and *to create* 808.05 (1m) (d), 808.05 (2m) and 813.025 (3) of the
3 statutes; **relating to:** injunctions suspending or restraining the enforcement
4 or execution statewide of a statute of this state.

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

5 **SECTION 1.** 808.05 of the statutes is renumbered 808.05 (1m), and 808.05 (1m)
6 (intro.), (a) and (b), as renumbered, are amended to read:
7 808.05 (1m) (intro.) The supreme court may take jurisdiction of an appeal or
8 any other proceeding pending in the court of appeals if any of the following applies:
9 (a) It grants direct review upon a petition to bypass filed by a party; ~~or~~
10 (b) It grants direct review upon certification from the court of appeals prior to
11 the court of appeals hearing and deciding the matter; ~~or~~

1 **SECTION 2.** 808.05 (1m) (d) of the statutes is created to read:

2 808.05 (1m) (d) It grants direct review pursuant to s. 813.025 (3).

3 **SECTION 3.** 808.05 (2m) of the statutes is created to read:

4 808.05 (2m) The supreme court may take jurisdiction of a proceeding pending
5 in a circuit court if it grants direct review pursuant to s. 813.025 (3).

6 **SECTION 4.** 809.12 of the statutes is amended to read:

7 **809.12 Rule (Motion for relief pending appeal).** ~~A~~ Except as provided in
8 s. 813.025 (3), a person seeking relief under s. 808.07 shall file a motion in the trial
9 court unless it is impractical to seek relief in the trial court. A motion in the court
10 must show why it was impractical to seek relief in the trial court or, if a motion had
11 been filed in the trial court, the reasons given by the trial court for its action. A person
12 aggrieved by an order of the trial court granting the relief requested may file a motion
13 for relief from the order with the court. A judge of the court may issue an ex parte
14 order granting temporary relief pending a ruling by the court on a motion filed
15 pursuant to this rule. A motion filed in the court under this section must be filed in
16 accordance with s. 809.14.

17 **SECTION 5.** 809.60 (1) of the statutes is amended to read:

18 809.60 (1) A party may file with the supreme court a petition to bypass the court
19 of appeals pursuant to s. 808.05 (1m) no later than 14 days following the filing of the
20 respondent's brief under s. 809.19 or response. The petition must include a
21 statement of reasons for bypassing the court of appeals.

22 **SECTION 6.** 813.025 (title) of the statutes is amended to read:

23 **813.025 (title) Ex parte restraining orders; right of review of certain**
24 **orders.**

25 **SECTION 7.** 813.025 (3) of the statutes is created to read:

1 813.025 (3) If a circuit court or a court of appeals under ch. 752 enters an
2 injunction, restraining order, or any other final or interlocutory order suspending or
3 restraining the enforcement of any statute of this state, the injunction, restraining
4 order, or other final or interlocutory order is immediately appealable to the supreme
5 court as a matter of right.

6 **SECTION 8. Initial applicability.**

7 (1) This act first applies to an injunction, restraining order, or other final or
8 interlocutory order issued by a circuit court or by an appellate court under chapter
9 752 of the statutes on the effective date of this subsection.

10

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0226/1

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Now

SENATE SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 161

gen cat

1 AN ACT ^{gen cat} relating to: injunctions suspending or restraining the enforcement
2 or execution of a statute of this state.

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

3 SECTION 1. 813.025 (title) of the statutes is amended to read:

4 **813.025 (title) Ex parte restraining orders; right of review of certain**
5 **orders.**

6 SECTION 2. 813.025 (3) of the statutes is created to read:

7 813.025 (3) If a circuit court or a court of appeals enters an injunction,
8 a) restraining order, or any other final or interlocutory order suspending or restraining
9 the enforcement of any statute of this state, the injunction, restraining order, or other
10 final or interlocutory order is immediately appealable ³ as a matter of right.

11 SECTION 3. Initial applicability.

1

(1) This act first applies to an injunction, ^arestraining order, or other final or
interlocutory order issued by a circuit court or by an appellate court on the effective
date of this subsection.

2

3

4

(END)