



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 707

Assembly Amendments 1 and 2

Memo published: February 13, 2014 *Contact:* Jessica Karls-Ruplinger, Senior Staff Attorney (266-2230)

Under **current law**, a court may issue a restraining order (injunction) against a person who has engaged in, or may engage in, acts of abuse, harassment, or threats against a victim. A domestic abuse injunction, individuals-at-risk injunction, or harassment injunction may be in effect for a maximum period of four years. A child abuse injunction may be in effect for a maximum period of two years or until the child victim attains 18 years of age, whichever occurs first.

2013 Assembly Bill 707 provides that a judge may, upon issuing an injunction or granting an extension of an injunction, order that the injunction is in effect for not more than eight years, or four years for a child abuse injunction, if the court finds that there is a substantial risk that the person may commit first-degree or second-degree intentional homicide, first-degree, second-degree, or third-degree sexual assault, or first-degree or second-degree sexual assault of a child against the victim.

Assembly Amendment 1 allows a judge to order that the injunction is in effect for not more than eight years, or four years for a child abuse injunction, if the court finds, **by a preponderance of the evidence stated on the record**, that there is a substantial risk that the person may commit first-degree or second-degree intentional homicide, first-degree, second-degree, or third-degree sexual assault, or first-degree or second-degree sexual assault of a child against the victim.

Assembly Amendment 2 increases the number of years that an injunction, issued under the bill, may be in effect. Under the amendment, a judge may, upon issuing an injunction or granting an extension of an injunction, order that the injunction is in effect for not more than **10 years**, or **five years** for a child abuse injunction, if the court makes the finding in the bill. The amendment also clarifies that the bill does not prohibit a petitioner from requesting a new temporary restraining order or injunction before or at the expiration of a previously entered order or injunction.

Bill History

Assembly Amendment 1 was offered by Representative Goyke. On February 11, 2014, the Assembly Committee on Judiciary recommended adoption of the amendment on a vote of Ayes, 9; Noes, 0. The committee recommended passage of Assembly Bill 707, as amended, on a vote of Ayes, 8; Noes, 1.

Assembly Amendment 2 was offered by Representatives J. Ott and Rodriguez. On February 13, 2014, the Assembly adopted Assembly Amendments 1 and 2 and passed Assembly Bill 707, as amended, on voice votes.

JKR:ksm