

2015 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB97)

Received: 3/30/2015 Received By: phurley
Wanted: As time permits Same as LRB:
For: Tim Carpenter (608) 266-8535 By/Representing: Stu Ewy
May Contact: Drafter: phurley
Subject: Courts - garn/injunct Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Including pets in domestic abuse orders

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 3/31/2015			_____			
/1	phurley 4/2/2015	eweiss 4/3/2015		_____	sbasford 4/3/2015	sbasford 4/3/2015	

FE Sent For:

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0976/1
PJH:kjf:kf

2015 SENATE BILL 97

March 27, 2015 - Introduced by Senators CARPENTER, WANGGAARD, HARRIS DODD, RISSER, NASS and C. LARSON, cosponsored by Representatives JACQUE, BERCEAU, BALLWEG, ALLEN, SINICKI, STEFFEN, SHANKLAND, A. OTT, ZEPNICK, T. LARSON, SPREITZER, SUBECK, C. TAYLOR, JOHNSON, HINTZ, OHNSTAD and BILLINGS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 813.12 (3) (aj) and 813.12 (4) (aj); and **to create** 813.12 (1) (ce),
2 813.122 (1) (e), 813.122 (4) (bg), 813.122 (5) (bg), 813.123 (1) (ek), 813.123 (4)
3 (av), 813.123 (5) (av), 813.125 (3) (ag) and 813.125 (4) (aL) of the statutes;
4 **relating to:** including orders pertaining to household pets in certain
5 restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

Under current law, an individual who is, or who acts on behalf of, a victim of abuse, harassment, or threats may obtain a temporary restraining order against the person who has committed the acts of abuse or harassment or making a threat. The restraining order generally prohibits the person from engaging in additional threats or acts of abuse or harassment, bars the person from contacting the victim, and requires the person to stay away from the victim's residence and other places temporarily occupied by the victim until a court conducts a hearing to determine whether the restraining order should be incorporated into a longer-lasting injunction.

If the court determines that the person has engaged in, or may engage in, acts of abuse, harassment, or threats against the victim, the court may issue a longer-term injunction against the person. An injunction generally bars the person from contacting the victim, requires the person to stay away from the victim's residence, and may require the person to stay away from other locations temporarily occupied by the victim.

SENATE BILL 97

Under this bill, a court may include in a restraining order or an injunction order provisions pertaining to household pets. Under the bill, a court may order the person subject to the restraining order or injunction to refrain from removing, damaging, hiding, harming, or mistreating, or disposing of a household pet. The restraining order or injunction may also allow the victim of the abuse, harassment, or threats, or a person acting on his or her behalf, to retrieve a household pet from the person subject to the restraining order or injunction.

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

1 **SECTION 1.** 813.12 (1) (ce) of the statutes is created to read:

2 813.12 (1) (ce) "Household pet" means a domestic animal that is not a farm
3 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner
4 or by a family member or a household member of the petitioner.

5 **SECTION 2.** 813.12 (3) (aj) of the statutes is amended to read:

6 813.12 (3) (aj) In determining whether to issue a temporary restraining order,
7 the judge or circuit court commissioner shall consider the potential danger posed to
8 the petitioner and the pattern of abusive conduct of the respondent but may not base
9 his or her decision solely on the length of time since the last domestic abuse or the
10 length of time since the relationship ended. The judge or circuit court commissioner
11 may grant only the remedies requested or approved by the petitioner. The judge or
12 circuit court commissioner may order the respondent not to remove, hide, damage,
13 harm, or mistreat, or dispose of, a household pet and may order the respondent to
14 allow the petitioner or a family member or household member of the petitioner acting
15 on his or her behalf to retrieve a household pet. The judge or circuit court
16 commissioner may not dismiss or deny granting a temporary restraining order
17 because of the existence of a pending action or of any other court order that bars

SENATE BILL 97**SECTION 5**

1 member or household member of the child victim acting on his or her behalf to
2 retrieve a household pet.

3 **SECTION 6.** 813.122 (5) (bg) of the statutes is created to read:

4 813.122 (5) (bg) An injunction under this subsection may include an order to
5 the respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
6 household pet and may include an order to the respondent to allow the child victim
7 or a family member or household member of the child victim acting on his or her
8 behalf to retrieve a household pet.

9 **SECTION 7.** 813.123 (1) (ek) of the statutes is created to read:

10 813.123 (1) (ek) "Household pet" means a domestic animal that is not a farm
11 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by an individual
12 at risk or an elder adult at risk or by a family member or a household member of an
13 individual at risk or an elder adult at risk.

14 **SECTION 8.** 813.123 (4) (av) of the statutes is created to read:

15 813.123 (4) (av) A temporary restraining order issued under par. (a) may
16 include an order to the respondent not to remove, hide, damage, harm, or mistreat,
17 or dispose of, a household pet and may include an order to the respondent to allow
18 the individual at risk, the elder adult at risk, or a family member, household member,
19 or other person acting on behalf of the individual at risk or the elder adult at risk to
20 retrieve a household pet.

21 **SECTION 9.** 813.123 (5) (av) of the statutes is created to read:

22 813.123 (5) (av) An injunction issued under par. (a) may include an order to the
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
24 household pet and may include an order to the respondent to allow the individual at
25 risk, the elder adult at risk, or a family member, household member, or other person

SENATE BILL 97

1 acting on behalf of the individual at risk or the elder adult at risk to retrieve a
2 household pet.

3 **SECTION 10.** 813.125 (3) (ag) of the statutes is created to read:

4 813.125 (3) (ag) The judge or circuit court commissioner may order the
5 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic
6 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or
7 cared for by the petitioner or by a family member or a household member of the
8 petitioner and may order the respondent to allow the petitioner or a family member
9 or household member of the petitioner acting on his or her behalf to retrieve the
10 animal.

11 **SECTION 11.** 813.125 (4) (aL) of the statutes is created to read:

12 813.125 (4) (aL) The judge or circuit court commissioner may order the
13 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic
14 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or
15 cared for by the petitioner or by a family member or a household member of the
16 petitioner and may order the respondent to allow the petitioner or a family member
17 or household member of the petitioner acting on his or her behalf to retrieve the
18 animal.

19 (END)

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For: Tim Carpenter (608) 266-8535 By/Representing: Stu Ewy
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Topic:

Including pets in domestic abuse orders

Instructions:

See attached

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/?	phurley			_____			

FE Sent For:

<END>

SENATE BILL 97

1 contact between the parties, nor due to the necessity of verifying the terms of an
2 existing court order.

3 **SECTION 3.** 813.12 (4) (aj) of the statutes is amended to read:

4 813.12 (4) (aj) In determining whether to issue an injunction, the judge or
5 circuit court commissioner shall consider the potential danger posed to the petitioner
6 and the pattern of abusive conduct of the respondent but may not base his or her
7 decision solely on the length of time since the last domestic abuse or the length of time
8 since the relationship ended. The judge or circuit court commissioner may grant only
9 the remedies requested by the petitioner. The judge or circuit court commissioner
10 may order the respondent not to remove, hide, damage, harm, or mistreat, or dispose
11 of, a household pet and may order the respondent to allow the petitioner or a family
12 member or household member of the petitioner acting on his or her behalf to retrieve
13 a household pet. The judge or circuit court commissioner may not dismiss or deny
14 granting an injunction because of the existence of a pending action or of any other
15 court order that bars contact between the parties, nor due to the necessity of verifying
16 the terms of an existing court order.

17 **SECTION 4.** 813.122 (1) (e) of the statutes is created to read:

18 813.122 (1) (e) "Household pet" means a domestic animal that is not a farm
19 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by a child victim
20 or by a family member or a household member of a child victim.

21 **SECTION 5.** 813.122 (4) (bg) of the statutes is created to read:

22 813.122 (4) (bg) The judge or circuit court commissioner may order the
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a
24 household pet and may order the respondent to allow the child victim or a family

Hurley, Peggy

From: Ewy, Stuart
Sent: Monday, March 30, 2015 2:05 PM
To: Hurley, Peggy
Subject: RE: amendment drafting request

Hi Peggy,
April 14th?

The bill has not yet been noticed for a hearing yet, so not a big rush at the moment.
If you like, I can let you know if the bill gets noticed for a hearing soon.
Thanks again,
Stuart

From: Hurley, Peggy
Sent: Monday, March 30, 2015 12:48 PM
To: Ewy, Stuart
Cc: Sen.Carpenter
Subject: RE: amendment drafting request

Hi Stuart,

I can make those changes. I can leave in the created definitions and incorporate the new language into the injunction/order paragraphs for ss. 813.12 (3) (a) (intro) and (4) (a) (intro), 813.122 (4) (a) (intro) and (5) (a) (intro) , and 813.125 (3) (a) (intro) and (4) (a) (intro). I can create a new subdivision for these orders under s. 813.123 (4) (ar) and (5) (ar).

This will be a substitute amendment, not a technical one, because of the substantive changes. Is there particular date by which you would like to have this draft?

Peggy Hurley
Legislative Reference Bureau
608 266 8906

From: Ewy, Stuart
Sent: Monday, March 30, 2015 12:26 PM
To: Hurley, Peggy
Cc: Sen.Carpenter
Subject: amendment drafting request

Peggy Hurley

Hi Peggy,

Thanks for your help in drafting LRB 0976 which has now been introduced as SB 97 (with a companion introduced as AB 141) re putting pets on protective orders.
<http://docs.legis.wisconsin.gov/2015/related/proposals/sb97.pdf>

We have had some feedback on the bill, and Tim would like to know if we can have a technical amendment drafted that moves the new language to another section of the statute. Please see the attached.

<< File: 201503301204.pdf >>

Let me know what you think. If you have any questions or comments please feel free to contact me.

Thanks very much!

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

These changes would be more effectively made as shown below. Structuring the changes as suggested will keep the structure similar for all four types of orders and allow the court system to more seamlessly integrate the changes into the existing forms.

813.12 (3) Temporary restraining order.

(a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to not remove, hide, damage, harm, or mistreat, or dispose of, a household, or to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

813.12 (4) Injunction

(a) A judge or circuit court commissioner may issue an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to not remove, hide, damage, harm, or mistreat, or dispose of, a household, or to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

Similar changes to s. 813.122(4)&(5), s. 813.123(4)&(5), and s. 813.125(3)&(4), the TRO and injunction subsections for each kind of order.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs00587?

PJH:.....

ehw
RM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE SUBSTITUTE AMENDMENT ,
TO ²⁰¹⁵ SENATE BILL 97**

4.3

S.A. ✓
Xref ✓

Gen.

1 **AN ACT** ...; **relating to:** including orders pertaining to household pets in certain
2 restraining orders and injunctions.

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

3 **SECTION 1.** 813.12 (1) (ce) of the statutes is created to read:
4 813.12 (1) (ce) "Household pet" means a domestic animal that is not a farm
5 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner
6 or by a family member or a household member of the petitioner.

7 **SECTION 2.** 813.12 (3) (a) (intro.) of the statutes is amended to read:
8 813.12 (3) (a) (intro.) A judge or circuit court commissioner shall issue a
9 temporary restraining order ordering the respondent to refrain from committing acts
10 of domestic abuse against the petitioner, to avoid the petitioner's residence, except

1 as provided in par. (am), or any other location temporarily occupied by the petitioner
 2 or both, or to avoid contacting or causing any person other than a party's attorney
 3 or a law enforcement officer to contact the petitioner unless the petitioner consents
 4 in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or
 5 disposing of, a household pet, to allow the petitioner or a family member or household
 6 member of the petitioner acting on his or her behalf to retrieve a household pet, or
 7 any combination of these remedies requested in the petition, or any other
 8 appropriate remedy not inconsistent with the remedies requested in the petition, if
 9 all of the following occur:

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).

10 **SECTION 3. 813.12 (4) (a) (intro.)** of the statutes is amended to read:

11 813.12 (4) (a) (intro.) A judge or circuit court commissioner may grant an
 12 injunction ordering the respondent to refrain from committing acts of domestic abuse
 13 against the petitioner, to avoid the petitioner's residence, except as provided in par.
 14 (am), or any other location temporarily occupied by the petitioner or both, or to avoid
 15 contacting or causing any person other than a party's attorney or a law enforcement
 16 officer to contact the petitioner unless the petitioner consents to that contact in
 17 writing, to refrain from removing, hiding, damaging, harming, or mistreating, or
 18 disposing of, a household pet, to allow the petitioner or a family member or household
 19 member of the petitioner acting on his or her behalf to retrieve a household pet, or
 20 any combination of these remedies requested in the petition, or any other
 21 appropriate remedy not inconsistent with the remedies requested in the petition, if
 22 all of the following occur:

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).

23 **SECTION 4. 813.122 (1) (e)** of the statutes is created to read:

1 813.122 (1) (e) “Household pet” means a domestic animal that is not a farm
2 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by a child victim
3 or by a family member or a household member of a child victim.

4 **SECTION 5.** 813.122 (4) (a) (intro.) of the statutes is amended to read:

5 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
6 temporary restraining order ordering the respondent to avoid the child victim’s
7 residence or any premises temporarily occupied by the child victim or both, and to
8 avoid contacting or causing any person other than a party’s attorney to contact the
9 child victim unless the petitioner consents in writing and the judge or circuit court
10 commissioner agrees that the contact is in the best interests of the child victim, to
11 refrain from removing, hiding, damaging, harming, or mistreating, or disposing of,
12 a household pet, and to allow the petitioner or a family member or household member
13 of the petitioner acting on his or her behalf to retrieve a household pet, if all of the
14 following occur:

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 262; 2011 a. 35; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).

15 **SECTION 6.** 813.122 (5) (a) (intro.) of the statutes is amended to read:

16 813.122 (5) (a) (intro.) A judge may grant an injunction ordering the
17 respondent to avoid the child victim’s residence or any premises temporarily
18 occupied by the child victim or both, and to avoid contacting or causing any person
19 other than a party’s attorney to contact the child victim unless the petitioner
20 consents to that contact in writing and the judge agrees that the contact is in the best
21 interests of the child victim, to refrain from removing, hiding, damaging, harming,
22 or mistreating, or disposing of, a household pet, and to allow the petitioner or a family

1 member or household member of the petitioner acting on his or her behalf to retrieve
2 a household pet, if all of the following occur:

4.2.5

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124; 2009 a. 263; 2011 a. 35; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).

3 SECTION 7. 813.123 (1) (ek) of the statutes is created to read:

4 813.123 (1) (ek) "Household pet" means a domestic animal that is not a farm
5 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by an individual
6 at risk or an elder adult at risk or by a family member or a household member of an
7 individual at risk or an elder adult at risk.

8 SECTION 8. 813.123 (4) (ar) 2m. of the statutes is created to read:

9 813.123 (4) (ar) 2m. Refrain from removing, hiding, damaging, harming, or
10 mistreating, or disposing of, a household pet, as defined in s. 813.12 (1) (ce) and allow
11 the individual at risk or a guardian, guardian ad litem, family member, or household
12 member of the individual at risk acting on his or her behalf to retrieve a household
13 pet.

14 SECTION 9. 813.123 (5) (ar) 2m. of the statutes is created to read:

15 813.123 (5) (ar) 2m. Refrain from removing, hiding, damaging, harming, or
16 mistreating, or disposing of, a household pet, as defined in s. 813.12 (1) (ce) and allow
17 the individual at risk or a guardian, guardian ad litem, family member, or household
18 member of the individual at risk acting on his or her behalf to retrieve a household
19 pet.

20 SECTION 10. 813.125 (1) (title) of the statutes is amended to read:

21 813.125 (1) (title) ~~DEFINITION~~ DEFINITIONS.

History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 20, 223, 311, 321, 322; s. 13.92 (2) (i).

22 SECTION 11. 813.125 (1) of the statutes is renumbered 813.125 (1) (a) (am)

23 SECTION 12. 813.125 (1) (b) of the statutes is created to read:

(am)
(bm)

sub s. (3) and (4)

1

813.125 (1) ~~(b)~~ "Household pet" means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.

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SECTION 13. 813.125 (3) (a) (intro.) of the statutes is amended to read:

5

813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet or any combination of these remedies requested in the petition, if all of the following occur:

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History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306; 2001 a. 16, 61, 105; 2003 a. 321; 2005 a. 272; 2007 a. 124; 2009 a. 262; 2011 a. 35, 266; 2013 a. 20, 223, 311, 321, 322; s. 13.92 (2) (i).

15

SECTION 14. 813.125 (4) (a) (intro.) of the statutes is amended to read:

16

813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an injunction ordering the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his

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1 or her behalf to retrieve a household pet or any combination of these remedies
2 requested in the petition, if all of the following occur:

3 ~~History:~~ 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).
(END)

Insert
6.2

2015–2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0058/lins
PJH:.....

1 INSERT 4.2:

2 **SECTION 1.** 813.123 (1) (eg) of the statutes is amended to read:

3 813.123 (1) (eg) “Harassment” has the meaning given in s. 813.125 (1) (am). ✓

4 History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262; 2013 a. 223, 311, 321, 322; s. 13.92 (2) (i).

4 INSERT 6.2:

5 **SECTION 2.** 895.45 (1) (a) of the statutes is amended to read:

6 895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.
7 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under s.
8 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault
9 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
10 ss. 948.02 to 948.11.

11 History: 1991 a. 276; 1995 a. 220; 2001 a. 109; 2005 a. 155 s. 64; Stats. 2005 s. 895.45; 2005 a. 443 s. 265; 2007 a. 20.

11 **SECTION 3.** 973.06 (1) (av) 2. a. of the statutes is amended to read:

12 973.06 (1) (av) 2. a. The defendant was charged under s. 946.41 solely because
13 he or she recanted a report of abusive conduct, including interspousal battery, as
14 described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 49.165 (1)
15 (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined in s. 813.125 (1) (am),
16 sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225,
17 child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to
18 948.11.

19 History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1979 c. 356; 1981 c. 352; 1985 a. 29; 1987 a. 347, 398, 403; 1991 a. 39, 269; 1995 a. 27, 53, 448; 1999 a. 58, 69, 186; 2003 a. 104, 139; 2007 a. 84; 2009 a. 164; 2011 a. 32, 269.

19 **SECTION 4.** 973.06 (1) (av) 2. b. of the statutes is amended to read:

20 973.06 (1) (av) 2. b. The defendant was a victim of abusive conduct, including
21 interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as
22 defined in s. 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined

1 in s. 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual
2 assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child
3 abuse under ss. 948.02 to 948.11, and he or she was charged under s. 946.41 based
4 on information he or she omitted or false information he or she provided during the
5 course of an investigation into the crime committed against him or her.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1979 c. 356; 1981 c. 352; 1985 a. 29; 1987 a. 347, 398, 403; 1991 a. 39, 269; 1995 a. 27, 53, 448; 1999 a. 58, 69, 186; 2003 a. 104, 139; 2007 a. 84; 2009 a. 164; 2011 a. 32, 269.