



2015 ASSEMBLY BILL 615

1 **AN ACT** *to renumber* 813.126; *to amend* 813.12 (6) (a) and 813.125 (5g) (c); *to*
2 *repeal and recreate* 813.122 (9) (a) and 813.123 (8) (a); and *to create* 813.115,
3 813.12 (6) (ag), 813.12 (6) (e), 813.122 (9) (d), 813.123 (8) (d), 813.125 (5g) (cm),
4 813.125 (5g) (e), 813.126 (1) (title) and 813.126 (2) of the statutes; **relating to:**
5 serving certain documents relating to restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 813.115 of the statutes is created to read:
7 **813.115 Service notification system.** A sheriff who executes or serves, or
8 who assists a petitioner in executing or serving, a temporary restraining order,
9 injunction, or other document or notice under s. 812.12, 813.122, 813.123, or 813.125
10 may use the Wisconsin Statewide Victim Notification service or another service

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1 notification system administered by the department of corrections that enables the
2 petitioner to receive an automated notification of the service of the temporary
3 restraining order, injunction, or other document or notice that must be served on the
4 respondent. A sheriff for a county that uses the system shall enter each order for
5 service into the system as soon as practicable so that the petitioner receives timely
6 notification of the service. The clerk of court for a county that uses a service
7 notification system shall, at the time a petition is filed under s. 812.12, 813.122,
8 813.123, or 813.125, make available to the petitioner information on how to gain
9 access to the system.

10 **SECTION 2.** 813.12 (6) (a) of the statutes is amended to read:

11 813.12 (6) (a) If an order is issued under this section, upon request by the
12 petitioner the court or circuit court commissioner shall order the sheriff to
13 accompany the petitioner and assist in placing him or her in physical possession of
14 his or her residence ~~or to otherwise assist in executing or serving the temporary~~
15 ~~restraining order or injunction.~~ The petitioner may, at the petitioner's expense, use
16 a private process server to serve papers on the respondent.

17 **SECTION 3.** 813.12 (6) (ag) of the statutes is created to read:

18 813.12 (6) (ag) 1. The clerk of the circuit court shall forward to the sheriff any
19 temporary restraining order, injunction, or other document or notice that must be
20 served on the respondent under this section and the sheriff shall assist the petitioner
21 in executing or serving the temporary restraining order, injunction, or other
22 document or notice on the respondent. The petitioner may, at his or her expense,
23 elect to use a private server to effect service.

24 2. If the petitioner elects service by the sheriff, the clerk of circuit court shall
25 provide a form supplied by the sheriff to the petitioner that allows the petitioner to

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1 provide information about the respondent that may be useful to the sheriff in
2 effecting service. The clerk shall forward the completed form to the sheriff. The clerk
3 shall maintain the form provided under this subdivision in a confidential manner.

4 **SECTION 4.** 813.12 (6) (e) of the statutes is created to read:

5 813.12 (6) (e) A law enforcement agency and a clerk of circuit court may use
6 electronic transmission to facilitate the exchange of documents under this section.
7 Any person who uses electronic transmission shall ensure that the electronic
8 transmission does not allow unauthorized disclosure of the documents transmitted.

9 **SECTION 5.** 813.122 (9) (a) of the statutes is repealed and recreated to read:

10 813.122 (9) (a) 1. The clerk of the circuit court shall forward to the sheriff any
11 temporary restraining order, injunction, or other document or notice that must be
12 served on the respondent under this section and the sheriff shall assist the petitioner
13 in executing or serving the temporary restraining order, injunction, or other
14 document or notice on the respondent. The petitioner may, at his or her expense,
15 elect to use a private server to effect service.

16 2. If the petitioner elects service by the sheriff, the clerk of circuit court shall
17 provide a form supplied by the sheriff to the petitioner that allows the petitioner to
18 provide information about the respondent that may be useful to the sheriff in
19 effecting service. The clerk shall forward the completed form to the sheriff. The clerk
20 shall maintain the form provided under this subdivision in a confidential manner.

21 **SECTION 6.** 813.122 (9) (d) of the statutes is created to read:

22 813.122 (9) (d) A law enforcement agency and a clerk of circuit court may use
23 electronic transmission to facilitate the exchange of documents under this section.
24 Any person who uses electronic transmission shall ensure that the electronic
25 transmission does not allow unauthorized disclosure of the documents transmitted.

ASSEMBLY BILL 615**SECTION 7**

1 **SECTION 7.** 813.123 (8) (a) of the statutes is repealed and recreated to read:

2 813.123 (8) (a) 1. The clerk of the circuit court shall forward to the sheriff any
3 temporary restraining order, injunction, or other document or notice that must be
4 served on the respondent under this section and the sheriff shall assist the petitioner
5 in executing or serving the temporary restraining order, injunction, or other
6 document or notice on the respondent. The petitioner may, at his or her expense,
7 elect to use a private server to effect service.

8 2. If the petitioner elects service by the sheriff, the clerk of circuit court shall
9 provide a form supplied by the sheriff to the petitioner that allows the petitioner to
10 provide information about the respondent that may be useful to the sheriff in
11 effecting service. The clerk shall forward the completed form to the sheriff. The clerk
12 shall maintained the form provided under this subdivision in a confidential manner.

13 **SECTION 8.** 813.123 (8) (d) of the statutes is created to read:

14 813.123 (8) (d) A law enforcement agency and a clerk of circuit court may use
15 electronic transmission to facilitate the exchange of documents under this section.
16 Any person who uses electronic transmission shall ensure that the electronic
17 transmission does not allow unauthorized disclosure of the documents transmitted.

18 **SECTION 9.** 813.125 (5g) (c) of the statutes is amended to read:

19 813.125 (5g) (c) If an order is issued under this section, upon request by the
20 petitioner the court or circuit court commissioner shall order the sheriff to
21 accompany the petitioner and assist in placing him or her in physical possession of
22 his or her residence ~~or to otherwise assist in executing or serving the temporary~~
23 ~~restraining order or injunction. The petitioner may, at the petitioner's expense, use~~
24 ~~a private process server to serve papers on the respondent.~~

25 **SECTION 10.** 813.125 (5g) (cm) of the statutes is created to read:

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1 813.125 (5g) (cm) 1. The clerk of the circuit court shall forward to the sheriff
2 any temporary restraining order, injunction, or other document or notice that must
3 be served on the respondent under this section and the sheriff shall assist the
4 petitioner in executing or serving the temporary restraining order, injunction, or
5 other document or notice on the respondent. The petitioner may, at his or her
6 expense, elect to use a private server to effect service.

7 2. If the petitioner elects service by the sheriff, the clerk of circuit court shall
8 provide a form supplied by the sheriff to the petitioner that allows the petitioner to
9 provide information about the respondent that may be useful to the sheriff in
10 effecting service. The clerk shall forward the completed form to the sheriff. The clerk
11 shall maintain the form provided under this subdivision in a confidential manner.
12 If a service fee is required by the sheriff under s. 814.70 (1), the petitioner shall pay
13 the fee directly to the sheriff.

14 **SECTION 11.** 813.125 (5g) (e) of the statutes is created to read:

15 813.125 (5g) (e) A law enforcement agency and a clerk of circuit court may use
16 electronic transmission to facilitate the exchange of documents under this section.
17 Any person who uses electronic transmission shall ensure that the electronic
18 transmission does not allow unauthorized disclosure of the documents transmitted.

19 **SECTION 12.** 813.126 of the statutes is renumbered 813.126 (1).

20 **SECTION 13.** 813.126 (1) (title) of the statutes is created to read:

21 813.126 (1) (title) TIME LIMITS.

22 **SECTION 14.** 813.126 (2) of the statutes is created to read:

23 813.126 (2) NOTICE. The clerk of circuit court shall provide notice of a motion
24 under sub. (1) to the nonmoving party. This subsection does not apply to a motion
25 to review a denial of a temporary restraining order.

