

State of Wisconsin



2015 Assembly Bill 615

Date of enactment: April 11, 2016
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2015 WISCONSIN ACT 349

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

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

SECTION 1. 813.115 of the statutes is created to read:

813.115 Service notification system. A sheriff who executes or serves, or who assists a petitioner in executing or serving, a temporary restraining order, injunction, or other document or notice under s. 812.12, 813.122, 813.123, or 813.125 may use the Wisconsin Statewide Victim Notification service or another service notification system administered by the department of corrections that enables the petitioner to receive an automated notification of the service of the temporary restraining order, injunction, or other document or notice that must be served on the respondent. A sheriff for a county that uses the system shall enter each order for service into the system as soon as practicable so that the petitioner receives timely notification of the service. The clerk of court for a county that uses a service notification system shall, at the time a petition is filed under s. 812.12, 813.122, 813.123, or 813.125, make available to the petitioner information on how to gain access to the system.

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

813.12 (6) (a) If an order is issued under this section, upon request by the petitioner the court or circuit court

commissioner shall order the sheriff to accompany the petitioner and assist in placing him or her in physical possession of his or her residence or to otherwise assist in executing or serving the temporary restraining order or injunction. ~~The petitioner may, at the petitioner's expense, use a private process server to serve papers on the respondent.~~

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

813.126 (1) (title) TIME LIMITS.

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

813.126 (2) NOTICE. The clerk of circuit court shall provide notice of a motion under sub. (1) to the nonmov-

ing party. This subsection does not apply to a motion to review a denial of a temporary restraining order.

(1) This act takes effect on the first day of the 2nd month beginning after publication.

SECTION 15. Effective date.
