

1989 Assembly Bill 451

Date of enactment: **April 11, 1990**
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1989 WISCONSIN ACT 193

AN ACT *to renumber and amend* 813.12 (8); *to amend* 813.12 (7) (a) and (b); and *to create* 813.12 (1) (d) and (e), 813.12 (8) (a) and (b) and 813.12 (9) of the statutes, **relating to:** enforcement of tribal domestic abuse temporary restraining orders and injunctions.

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

SECTION 1. 813.12 (1) (d) and (e) of the statutes are created to read:

813.12 (1) (d) "Tribal court" means a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin.

(e) "Tribal order or injunction" means a temporary restraining order or injunction issued by a tribal court under a tribal domestic abuse ordinance adopted in conformity with this section.

SECTION 2. 813.12 (7) (a) and (b) of the statutes are amended to read:

813.12 (7) (a) A petitioner under sub. (5) or a tribal court petitioner presents the law enforcement officer with a copy of a court order issued under sub. (3) or (4) or a tribal order or injunction issued against the person which has been filed with a circuit court in accordance with sub. (9) (a), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.

(b) The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (3) or (4) or a tribal order or injunction issued against the person which has been filed with a circuit court in accordance with sub. (9) (a).

SECTION 3. 813.12 (8) of the statutes is renumbered 813.12 (8) (intro.) and amended to read:

813.12 (8) PENALTY. (intro.) Whoever knowingly violates ~~a temporary restraining order or injunction issued under this section~~ any of the following shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both;

SECTION 4. 813.12 (8) (a) and (b) of the statutes are created to read:

813.12 (8) (a) A temporary restraining order or injunction issued under sub. (3) or (4).

(b) A tribal order or injunction that is filed with a circuit court in accordance with sub. (9) (a).

SECTION 5. 813.12 (9) of the statutes is created to read:

813.12 (9) ENFORCEMENT OF TRIBAL ORDERS AND INJUNCTIONS. (a) A copy of a tribal order or injunction may be filed in the circuit court of any county in this state, if all of the following occur:

1. The circuit court has issued an order which permits the filing of tribal orders and injunctions in the circuit court.

2. A copy of the tribal order or injunction, which has been authenticated in accordance with tribal court procedures, is filed in the office of the clerk of circuit court.

3. The tribal order or injunction includes notice to the respondent that the tribal order or injunction is being filed in the circuit court and that a violation of the tribal order or injunction may result in arrest and imposition of criminal penalties under sub. (8).

(b) A tribal order or injunction filed under par. (a) shall have the same effect and shall be subject to the same procedures, defenses and proceedings as an order or

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injunction under subs. (3) and (4) and may be enforced in like manner.
