Date of enactment: **April 23, 1990**

**1989 Assembly Bill 249**

Date of publication*: **May 7, 1990**

# 1989 WISCONSIN ACT 293

AN ACT *to repeal* 968.075 (1) (c); *to renumber and amend* 968.075 (2); *to amend* 968.075 (1) (a) (intro.) and 4, 968.075 (3) (a) 3, 968.075 (5) (a) 1 and 968.075 (6); and *to create* 968.075 (2) (b) and 968.075 (6m) of the statutes, **relating to:** domestic abuse incidents.

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

SECTION 1. 968.075 (1) (a) (intro.) and 4 of the statutes are amended to read:

968.075 **(1)** (a) (intro.) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse, or former spouse or adult relative or, against an adult with whom the person resides or formerly resided or against an adult with whom the person has created a child:

4. A physical act, or a threat in conjunction with a physical act, which that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1, 2 or 3.

SECTION 2. 968.075 (1) (c) of the statutes is repealed.

SECTION 3. 968.075 (2) of the statutes is renumbered 968.075 (2) (a), and 968.075 (2) (title), (a) (intro.) and 2. a, as renumbered, are amended to read:

968.075 **(2)** (title) CIRCUMSTANCES REQUIRING ARREST. (a) (intro.) Notwithstanding s. 968.07 and except as provided in par. (b), a law enforcement officer shall arrest and take a person into custody if:

2. a. The officer has a reasonable basis for believing that there is a possibility of continued violence domestic abuse against the alleged victim is likely.

SECTION 4. 968.075 (2) (b) of the statutes is created to read:

968.075 **(2)** (b) If the officer's reasonable grounds for belief under par. (a) 1. are based on a report of an alleged domestic abuse incident, the officer is required to make

an arrest under par. (a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employes the officer.

SECTION 5. 968.075 (3) (a) 3. of the statutes is amended to read:

968.075 **(3)** (a) 3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release.

SECTION 6. 968.075 (5) (a) 1. of the statutes is amended to read:

968.075 **(5)** (a) 1. Unless there is a waiver under par. (c), during the 24 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.

SECTION 7. 968.075 (6) of the statutes is amended to read:

968.075 **(6)** CONDITIONAL RELEASE. A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5) (c), as part of the conditions of any such release that occurs during the 24 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5) (a) and to

sign the acknowledgment under sub. (5) (b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person. ~~The person is not eligible for release on his or her own recognizance pursuant to a citation issued under s. 800.02 or 968.085.~~

SECTION 8. 968.075 (6m) of the statutes is created to read:

968.075 **(6m)** OFFICER IMMUNITY. A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with this section.