



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0058/1
PJH:emw:ew

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 97**

April 14, 2015 - Offered by Senator CARPENTER.

1 **AN ACT** *to renumber* 813.125 (1); *to amend* 813.12 (3) (a) (intro.), 813.12 (4) (a)
2 (intro.), 813.122 (4) (a) (intro.), 813.122 (5) (a) (intro.), 813.123 (1) (eg), 813.125
3 (1) (title), 813.125 (3) (a) (intro.), 813.125 (4) (a) (intro.), 895.45 (1) (a), 973.06
4 (1) (av) 2. a. and 973.06 (1) (av) 2. b.; and *to create* 813.12 (1) (ce), 813.122 (1)
5 (e), 813.123 (1) (ek), 813.123 (4) (ar) 2m., 813.123 (5) (ar) 2m. and 813.125 (1)
6 (bm) of the statutes; **relating to:** including orders pertaining to household pets
7 in certain restraining orders and injunctions.

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

8 **SECTION 1.** 813.12 (1) (ce) of the statutes is created to read:
9 813.12 (1) (ce) "Household pet" means a domestic animal that is not a farm
10 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner
11 or by a family member or a household member of the petitioner.

1 **SECTION 2.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

2 813.12 **(3)** (a) (intro.) A judge or circuit court commissioner shall issue a
3 temporary restraining order ordering the respondent to refrain from committing acts
4 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
5 as provided in par. (am), or any other location temporarily occupied by the petitioner
6 or both, or to avoid contacting or causing any person other than a party's attorney
7 or a law enforcement officer to contact the petitioner unless the petitioner consents
8 in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or
9 disposing of, a household pet, to allow the petitioner or a family member or household
10 member of the petitioner acting on his or her behalf to retrieve a household pet, or
11 any combination of these remedies requested in the petition, or any other
12 appropriate remedy not inconsistent with the remedies requested in the petition, if
13 all of the following occur:

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

15 813.12 **(4)** (a) (intro.) A judge or circuit court commissioner may grant an
16 injunction ordering the respondent to refrain from committing acts of domestic abuse
17 against the petitioner, to avoid the petitioner's residence, except as provided in par.
18 (am), or any other location temporarily occupied by the petitioner or both, or to avoid
19 contacting or causing any person other than a party's attorney or a law enforcement
20 officer to contact the petitioner unless the petitioner consents to that contact in
21 writing, to refrain from removing, hiding, damaging, harming, or mistreating, or
22 disposing of, a household pet, to allow the petitioner or a family member or household
23 member of the petitioner acting on his or her behalf to retrieve a household pet, or
24 any combination of these remedies requested in the petition, or any other

1 appropriate remedy not inconsistent with the remedies requested in the petition, if
2 all of the following occur:

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

4 813.122 (1) (e) “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 a child victim
6 or by a family member or a household member of a child victim.

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

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

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

19 813.122 (5) (a) (intro.) A judge may grant an injunction ordering the
20 respondent to avoid the child victim’s residence or any premises temporarily
21 occupied by the child victim or both, and to avoid contacting or causing any person
22 other than a party’s attorney to contact the child victim unless the petitioner
23 consents to that contact in writing and the judge agrees that the contact is in the best
24 interests of the child victim, to refrain from removing, hiding, damaging, harming,
25 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:

3 **SECTION 7.** 813.123 (1) (eg) of the statutes is amended to read:

4 813.123 (1) (eg) “Harassment” has the meaning given in s. 813.125 (1) (am).

5 **SECTION 8.** 813.123 (1) (ek) of the statutes is created to read:

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

10 **SECTION 9.** 813.123 (4) (ar) 2m. of the statutes is created to read:

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

15 **SECTION 10.** 813.123 (5) (ar) 2m. of the statutes is created to read:

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

20 **SECTION 11.** 813.125 (1) (title) of the statutes is amended to read:

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

22 **SECTION 12.** 813.125 (1) of the statutes is renumbered 813.125 (1) (am).

23 **SECTION 13.** 813.125 (1) (bm) of the statutes is created to read:

1 813.125 (1) (bm) In subs. (3) and (4), “household pet” means a domestic animal
2 that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for
3 by the petitioner or by a family member or a household member of the petitioner.

4 **SECTION 14.** 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
6 temporary restraining order ordering the respondent to avoid contacting or causing
7 any person other than a party’s attorney or a law enforcement officer to contact the
8 petitioner without the petitioner’s written consent; to cease or avoid the harassment
9 of another person; to avoid the petitioner’s residence, except as provided in par. (am),
10 or any premises temporarily occupied by the petitioner or both; to refrain from
11 removing, hiding, damaging, harming, or mistreating, or disposing of, a household
12 pet; to allow the petitioner or a family member or household member of the petitioner
13 acting on his or her behalf to retrieve a household pet; or any combination of these
14 remedies requested in the petition, if all of the following occur:

15 **SECTION 15.** 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
17 injunction ordering the respondent to avoid contacting or causing any person other
18 than a party’s attorney or a law enforcement officer to contact the petitioner without
19 the petitioner’s written consent; to cease or avoid the harassment of another person;
20 to avoid the petitioner’s residence, except as provided in par. (am), or any premises
21 temporarily occupied by the petitioner or both; to refrain from removing, hiding,
22 damaging, harming, or mistreating, or disposing of, a household pet; to allow the
23 petitioner or a family member or household member of the petitioner acting on his
24 or her behalf to retrieve a household pet; or any combination of these remedies
25 requested in the petition, if all of the following occur:

1 **SECTION 16.** 895.45 (1) (a) of the statutes is amended to read:

2 895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.
3 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under s.
4 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault
5 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
6 ss. 948.02 to 948.11.

7 **SECTION 17.** 973.06 (1) (av) 2. a. of the statutes is amended to read:

8 973.06 (1) (av) 2. a. The defendant was charged under s. 946.41 solely because
9 he or she recanted a report of abusive conduct, including interspousal battery, as
10 described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 49.165 (1)
11 (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined in s. 813.125 (1) (am),
12 sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225,
13 child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to
14 948.11.

15 **SECTION 18.** 973.06 (1) (av) 2. b. of the statutes is amended to read:

16 973.06 (1) (av) 2. b. The defendant was a victim of abusive conduct, including
17 interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as
18 defined in s. 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined
19 in s. 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual
20 assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child
21 abuse under ss. 948.02 to 948.11, and he or she was charged under s. 946.41 based
22 on information he or she omitted or false information he or she provided during the
23 course of an investigation into the crime committed against him or her.

24

(END)