



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 267**  
[2011 Assembly Bill 269]

**Contacting Certain Victims,  
Witnesses, and Criminal Co-Actors**

### **Increased Penalty for Prohibited Contact in Domestic Abuse Incidents**

Under Wisconsin law, an individual who has been arrested for a domestic abuse incident must avoid the victim's residence and avoid contacting the victim for 72 hours following the arrest. This prohibition does not apply if the victim of the alleged domestic abuse signs a waiver of the requirement within 72 hours of the individual's arrest.

Under prior law, an individual who intentionally violated this contact prohibition was guilty of a civil violation and was required to forfeit not more than \$1,000.

Act 267 provides that an individual who intentionally violates the contact prohibition is guilty of a misdemeanor and is subject to a fine of up to \$10,000 or imprisonment of up to nine months, or both.

### **Contacting Witnesses After Conviction; Increased Penalty for Contacting Victims or Co-Actors After Conviction**

Under current law, when a court imposes a sentence on an individual or places an individual on probation for a conviction for any crime, the court may prohibit the individual, during his or her sentence or probation period, from contacting victims of, or co-actors in, a crime considered at sentencing if the court determines that such a prohibition would be in the interest of public protection.

If a court issues an order prohibiting contact, the court must inform the individual of the prohibition and include the prohibition in the judgment of conviction for the crime.

An individual who intentionally violates the prohibition is guilty of a Class A misdemeanor, which is punishable by a fine of up to \$10,000 or imprisonment of up to nine months, or both.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

Act 267 amends this provision of the law as follows:

- Authorizes a court to also prohibit an individual convicted of a crime from contacting *witnesses* to the crime.
- Increases the penalty applicable to an individual convicted of a *felony* who violates a court order prohibiting contact with a victim of or co-actor in a crime. Under Act 267, the violation is a Class H felony, which is punishable by a fine of up to \$10,000 or imprisonment of up to six years, or both. This penalty also applies to an order prohibiting an individual convicted of a felony from contacting witnesses to a crime.
- Eliminates the requirement that the court include any contact prohibitions in the judgment of conviction for a crime.

***Effective date:*** April 24, 2012. The provisions of the Act that authorize a court to prohibit an individual convicted of a crime from contacting witnesses to the crime, and that eliminate the requirement that the court include any contact prohibitions in the judgment of conviction for the crime, first apply to sentences or periods of probation imposed on April 24, 2012.

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