



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 474

Assembly Amendment 1

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Current law allows a court to impose four types of restraining orders: domestic abuse, child abuse, vulnerable adult, and harassment. For each type, the court first holds a hearing to determine whether to issue a temporary restraining order and later holds a hearing to determine whether to issue an injunction. The hearing for a child abuse, vulnerable adult, or harassment injunction must be held within seven days after the temporary restraining order is issued. The injunction hearing for a domestic abuse injunction must be held within 14 days after the temporary restraining order is issued.

A person who knowingly violates a domestic abuse, child abuse, vulnerable adult, or harassment temporary restraining order or injunction is subject to a criminal penalty. For a domestic abuse injunction, a respondent, or subject of an injunction, who does not appear at the injunction hearing, but who has been served with a copy of the petition and notice of the time of the hearing, is deemed to have constructive knowledge of the existence of the injunction and must be arrested for a violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

Assembly Bill 474 provides that, as for domestic abuse injunctions, the subject of a child abuse, vulnerable adult, and harassment injunction has constructive knowledge of the injunction if he or she has been served with a copy of the petition and notice of the hearing even if the person does not appear at the hearing.

Assembly Amendment 1 provides that an injunction hearing for a harassment injunction must be held within 14 days after the temporary restraining order is issued, instead of seven days.

The Assembly Committee on Children and Families recommended adoption of Assembly Amendment 1 on a vote of Ayes, 6, Noes, 1 on October 30, 2003. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 7, Noes, 0 on that date.

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