



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 124

Senate Amendment 1

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Current law provides that a respondent in a domestic abuse dispute who does not appear at a hearing at which an injunction is ordered will have constructive knowledge of the existence of the injunction if he or she was served with a copy of the petition for an order and a notice of the time for the hearing. This person may be arrested for a violation of the injunction regardless of whether he or she has been served with a copy of the document.

Senate Bill 124 provides that the constructive knowledge rule applicable in a domestic abuse dispute will also apply to injunctions ordered in cases involving child abuse, individuals at risk, or harassment.

Senate Amendment 1 amends the law to provide that, with respect to individuals at risk, a judge must hold a hearing on the issuance of an injunction within 14 days after a temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. Current law provides for a hearing within seven days and an extension of seven days. The amendment adopts the time periods that exist in current law for domestic abuse, child abuse, and harassment restraining orders and injunctions.

Legislative History

On February 14, 2008, the Senate Committee on Judiciary, Corrections and Housing adopted Senate Amendment 1 and recommended Senate Bill 124 for passage, as amended, both on votes of Ayes, 4; Noes, 1.

RS:ksm