



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 175

Assembly Amendment 3

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Assembly Bill 175

2011 Assembly Bill 175 requires global positioning system (GPS) monitoring of individuals who violate certain temporary restraining orders (TRO) or injunctions.

The bill allows a court to order offenders who knowingly violate a TRO or injunction to submit to GPS tracking. Before ordering GPS tracking, a court must consider whether the person: (a) is likely to cause serious bodily harm to the person who petitioned for the TRO or injunction; (b) poses a serious threat to public safety; or (c) is likely to intimidate witnesses. A court may request that the Department of Corrections (DOC) provide a danger assessment of the person in order to make the required findings.

The bill specifies that the DOC must implement a continuous GPS system to electronically monitor the whereabouts of an offender ordered to submit to such tracking, including the offender's presence in an exclusion zone. An exclusion zone is a zone that the offender is prohibited from entering. The GPS system must immediately alert the DOC, local law enforcement, and the petitioner if the offender enters an exclusion zone. Additionally, if an offender tampers with his or her GPS tracking device, the offender is guilty of a Class I felony.

The bill provides that an offender who is able may be required to pay the costs of his or her GPS tracking. Further, the bill creates a mandatory \$200 surcharge that must be applied to each offender who violates a TRO or injunction. The revenue raised by the surcharge is used for expenditures relating to the GPS tracking program.

Assembly Amendment 3

Assembly Amendment 3 makes several changes relating to the application of GPS tracking, punishments for violating certain TROs and injunctions, notification and exclusion zones, court findings, and the bill's effective date.

First, the amendment restricts the type of TRO and injunction violations that may subject an offender to GPS tracking. The amendment provides that GPS tracking may be applied to individuals who violate a domestic abuse and harassment TRO or injunction, but does not apply GPS tracking to individuals who violate a child abuse TRO or injunction, an individual at risk TRO or injunction, or a foreign protection order.

Next, the amendment modifies the applicable punishments for violating a domestic abuse or harassment TRO or injunction. The amendment increases the potential fine for an offender who violates a TRO or injunction from \$1,000 to \$10,000. The amendment also provides that the term of probation for a person convicted of violating a domestic abuse or harassment TRO or injunction must be no less than six months and no more than the period of the injunction. The amendment further requires a person who is ordered to submit to GPS tracking to be subject to the tracking for the duration of his or her probation period.

The amendment also creates a definition for “exclusion zone violation” and alters the notification that must be provided by the GPS system. The amendment specifies that an “exclusion zone violation” is entry into an exclusion zone, except for purposes of traveling through an exclusion zone to get to another destination when such travel is not otherwise prohibited by the DOC. The amendment also provides that the GPS system must notify the DOC when an offender enters an exclusion zone and the DOC must then notify local law enforcement and the petitioner. The underlying bill requires the GPS system itself to notify local law enforcement and the petitioner.

Further, the amendment modifies the findings a court must make before it may order an offender to submit to GPS tracking. The amendment requires a court to find that the offender is more likely than not to cause serious bodily harm to the petitioner. In contrast, the underlying bill requires a court to consider whether the offender is likely to cause serious bodily harm to the petitioner, poses a serious threat to public safety, or is likely to intimidate witnesses. The amendment permits the court to request that DOC provide it with a validated risk assessment of the offender, in place of the danger assessment required by the underlying bill. The amendment also allows a court to request a danger assessment of the offender from a domestic violence prevention or treatment center located in the county.

Finally, the amendment alters the effective date of the bill. The amendment provides that the Act generally takes effect on January 1, 2014, while the underlying bill includes an effective date that is six months after publication.

Legislative History

Assembly Amendment 3 was offered by Representative August on February 21, 2012. On February 23, 2012, the Assembly Committee on Criminal Justice and Corrections recommended the amendment for adoption on a vote of Ayes, 8; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

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