



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 767

Assembly Amendment 1

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2015 ASSEMBLY BILL 767

Under certain circumstances, a court may order a domestic violence injunction, child abuse injunction, injunction for individuals at risk, or a harassment injunction, which enjoins a person that is subject to the injunction (respondent) from engaging in certain actions against the person who petitioned the court to such an order (petitioner). Assembly Bill 767 (the bill) allows a court, when issuing one of the injunctions listed above, to also issue an order for a wireless telephone service provider to transfer the following from the respondent to the petitioner: (1) the right to continue to use one or more telephone numbers indicated by the petitioner; and (2) the financial responsibility associated with the number or numbers to the petitioner. The bill allows the petitioner to request the transfer of each telephone number that he or she, or a minor child in the petitioner's custody, uses.

The order must contain all of the following information:

- The name and billing telephone number of the account holder.
- Each telephone number that will be transferred.
- A statement that the wireless telephone service provider transfer to the petitioner all financial responsibility for, and right to the use of, any telephone number transferred under this subsection. The bill defines "financial responsibility" to include "monthly service costs and costs associated with any mobile device associated with the number."

The bill requires that a telephone service provider terminate the respondent's use of the telephone number or numbers indicated in the order, and transfer the use of the number or numbers to the petitioner. However, the wireless telephone service provider does not have to

comply if, within 72 hours after receiving the court's order, it notifies the petitioner that one of the following applies:

- The account holder named in the order has terminated the account.
- A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
- The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
- Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

The bill also specifies that a wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences. It also provides immunity from civil liability to a wireless telephone service provider for actions it takes in compliance with the court order created under the bill.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to the bill delays the effective date of the bill by three months.

BILL HISTORY

Assembly Amendment 1 was introduced on January 27, 2016, by Representative Rodriguez. On January 28, 2016, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 12; Noes, 0; and to recommend passage of the bill, as amended, by a vote of Ayes, 12; Noes, 0.

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