

## CHAPTER 768

### ACTIONS ABOLISHED

**768.01** Actions for breach of promise, alienation of affection and criminal conversation abolished.

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**768.01 Actions for breach of promise, alienation of affection and criminal conversation abolished.** All causes of action for breach of contract to marry, alienation of affections and criminal conversation are hereby abolished, except that this section shall not apply to contracts now existing or to causes of action which heretofore accrued.

**History:** 1971 c. 220; 1979 c. 32 s. 51; Stats. 1979 s. 768.01.

This chapter does not bar actions for recovery of gifts conditioned on marriage, regardless of why the marriage did not occur. *Brown v. Thomas*, 127 Wis. 2d 318, 379 N.W.2d 868 (Ct. App. 1985).

**768.02 Purpose.** No act hereafter done within this state shall operate to give rise, either within or without this state, to any of the causes of action abolished by this chapter. No contract to marry, which shall hereafter be made in this state, shall operate to give rise, either within or without this state, to any cause of action for breach thereof, and any such acts and contracts are hereby rendered ineffective to support or give rise to any such causes of action, within or without this state.

**History:** 1979 c. 32 s. 51; Stats. 1979 s. 768.02.

**768.03 Unlawful to file or threaten actions barred.** It is unlawful for any person, either as a party or attorney, to commence, or threaten to commence, in any court in this state, any action, or to serve and file in such court or threaten to do any process, pleading or paper, setting forth or seeking to recover a sum of money upon any cause of action abolished or barred by this chapter, whether such cause of action arose within or without this state.

**History:** 1979 c. 32 s. 51; Stats. 1979 s. 768.03.

**768.04 Time for filing actions.** (1) All actions for breach of contract, now existing, to marry shall be commenced, and the process, pleading or paper setting forth the same filed, within 6 months of January 1, 1960 and, if not so commenced and filed, shall thereafter be barred.

(2) Actions for alienation of affection and criminal conversation accruing upon or prior to April 12, 1972 shall be commenced, and the process, pleading or paper setting forth the same filed, within 6 months after January 1, 1972, and, if not so commenced and filed, shall thereafter be barred.

**History:** 1971 c. 220; 1979 c. 32 s. 51; Stats. 1979 s. 768.04.

**768.05 Contracts executed as to such claims barred.**

(1) All contracts and instruments of every kind, which may here-

after be executed in this state in payment, satisfaction, settlement, or compromise of any claim or cause of action abolished or barred by this chapter, whether such claim or cause of action arose within or without this state, are declared to be contrary to the public policy of this state and void.

(2) No person shall cause, induce or procure any person to execute such contract or instrument, or to give, pay, transfer or deliver any money or thing of value in payment, satisfaction, settlement, or compromise of any such claim or cause of action, or to receive, take, or accept any such money or thing of value in such payment, satisfaction, settlement, or compromise.

(3) No person, either as a party or attorney, shall commence or cause to be commenced, in any court in this state, any proceeding or action seeking to enforce or recover upon such contract or instrument, knowing it to be such, whether the same has been executed within or without this state.

(4) This section shall not apply to the payment, satisfaction, settlement, or compromise of any causes of action which are not abolished or barred by this chapter, on any contracts or instruments heretofore executed, or to the bona fide holder in due course of any negotiable instrument which may be executed hereafter.

**History:** 1979 c. 32 s. 51; Stats. 1979 s. 768.05.

**768.06 Actions for recovery of property procured by fraud; corroboration required.** Actions for the recovery of property received by one party from the other after the alleged contract to marry and before the breach thereof, which was procured by such party by his or her fraud in representing to the other that he or she intended to marry the other and not to breach the contract to marry, are not barred by this chapter; but such actions must be commenced within the time provided by s. 893.41 or be barred. The cause must be shown by affirmative proof aside from the testimony of the party seeking the recovery.

**History:** 1979 c. 32 s. 51; 1979 c. 323 s. 23; Stats. 1979 s. 768.06.

**768.07 Penalty.** Any person who violates any provision of this chapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**History:** 1979 c. 32 s. 51; Stats. 1979 s. 768.07; 1997 a. 283; 2001 a. 109.

**768.08 Construction.** This chapter shall be liberally construed to effectuate the object thereof.

**History:** 1979 c. 32 s. 51; Stats. 1979 s. 768.08.