

State of Wisconsin



1995 Assembly Bill 229

Date of enactment: **May 1, 1996**
Date of publication*: **May 15, 1996**

1995 WISCONSIN ACT 304

AN ACT to amend 939.621, 968.075 (5) (a) 1., 968.075 (5) (b) 1., 968.075 (5) (c) and 968.075 (6) of the statutes; relating to: arrests in domestic abuse incidents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.621 of the statutes is amended to read:

939.621 Increased penalty for certain domestic abuse offenses. If a person commits an act of domestic abuse, as defined in s. 968.075 (1) (a) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than 2 years if the crime is committed during the 24 72 hours immediately following an arrest for a domestic abuse incident, as set forth in s. 968.075 (5). The ~~24-hour~~ 72-hour period applies whether or not there has been a waiver by the victim under s. 968.075 (5) (c). The victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the arrest. The penalty increase under this section changes the status of a misdemeanor to a felony.

SECTION 2. 968.075 (5) (a) 1. of the statutes is amended to read:

968.075 (5) (a) 1. Unless there is a waiver under par. (c), during the 24 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid

contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.

SECTION 3. 968.075 (5) (b) 1. of the statutes is amended to read:

968.075 (5) (b) 1. Unless there is a waiver under par. (c), a law enforcement officer or other person who releases a person arrested for a domestic abuse incident from custody less than 24 72 hours after the arrest shall inform the arrested person orally and in writing of the requirements under par. (a), the consequences of violating the requirements and the provisions of s. 939.621. The arrested person shall sign an acknowledgment on the written notice that he or she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of s. 939.621. If the arrested person refuses to sign the notice, he or she may not be released from custody.

SECTION 4. 968.075 (5) (c) of the statutes is amended to read:

968.075 (5) (c) At any time during the ~~24-hour~~ 72-hour period specified in par. (a), the alleged victim may sign a written waiver of the requirements in par. (a). The law enforcement agency shall have a waiver form available.

SECTION 5. 968.075 (6) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

968.075 (6) **CONDITIONAL RELEASE.** A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5) (c), as part of the conditions of any such release that occurs during the ~~24~~ 72 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5) (a) and to sign the acknowledgment under sub. (5) (b).

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The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person.

SECTION 6. Initial applicability.

(1) This act first applies to arrests made on the effective date of this subsection.