

State of Wisconsin



2007 Senate Bill 124

Date of enactment: **March 20, 2008**

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2007 WISCONSIN ACT 124

AN ACT *to renumber* 813.12 (7) (intro.), 813.12 (7) (a), 813.12 (7) (b), 813.122 (10) (intro.), 813.122 (10) (a), 813.122 (10) (b), 813.123 (9) (intro.), 813.123 (9) (a), 813.123 (9) (b), 813.125 (6) (intro.), 813.125 (6) (a) and 813.125 (6) (b); *to amend* 813.12 (7) (c) and 813.123 (4) (c); and *to create* 813.122 (10) (c), 813.123 (9) (c) and 813.125 (6) (c) of the statutes; **relating to**: notice for child abuse, individuals at risk, and harassment injunctions and the time for service in injunction cases involving individuals at risk.

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

SECTION 1. 813.12 (7) (intro.) of the statutes is renumbered 813.12 (7) (am) (intro.).

SECTION 2. 813.12 (7) (a) of the statutes is renumbered 813.12 (7) (am) 1.

SECTION 3. 813.12 (7) (b) of the statutes is renumbered 813.12 (7) (am) 2.

SECTION 4. 813.12 (7) (c) of the statutes is amended to read:

813.12 (7) (c) A respondent who does not appear at a hearing at which the court orders an injunction under s. ~~813.12 sub. (4)~~ but who has been served with a copy of the petition and notice of the time for hearing under s. ~~813.12(3) sub. (4) (a) 2.~~ has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 5. 813.122 (10) (intro.) of the statutes is renumbered 813.122 (10) (am) (intro.).

SECTION 6. 813.122 (10) (a) of the statutes is renumbered 813.122 (10) (am) 1.

SECTION 7. 813.122 (10) (b) of the statutes is renumbered 813.122 (10) (am) 2.

SECTION 8. 813.122 (10) (c) of the statutes is created to read:

813.122 (10) (c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (5) but who has been served with a copy of the petition and notice of the time for hearing under sub. (5) (a) 2. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 8m. 813.123 (4) (c) of the statutes is amended to read:

813.123 (4) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5). A judge shall hold a hearing on issuance of an injunction within ~~7~~ 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for ~~7~~ 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.

SECTION 9. 813.123 (9) (intro.) of the statutes is renumbered 813.123 (9) (am) (intro.).

SECTION 10. 813.123 (9) (a) of the statutes is renumbered 813.123 (9) (am) 1.

* Section 991.11, WISCONSIN STATUTES 2005-06 : 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].

SECTION 11. 813.123 (9) (b) of the statutes is renumbered 813.123 (9) (am) 2.

SECTION 12. 813.123 (9) (c) of the statutes is created to read:

813.123 (9) (c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (5) but who has been served with a copy of the petition and notice of the time for hearing under sub. (5) (a) 2. has constructive knowledge of the existence of the injunction and may be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 13. 813.125 (6) (intro.) of the statutes is renumbered 813.125 (6) (am) (intro.).

SECTION 14. 813.125 (6) (a) of the statutes is renumbered 813.125 (6) (am) 1.

SECTION 15. 813.125 (6) (b) of the statutes is renumbered 813.125 (6) (am) 2.

SECTION 16. 813.125 (6) (c) of the statutes is created to read:

813.125 (6) (c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (4) but who has been served with a copy of the petition and notice of the time for hearing under sub. (4) (a) 2. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 17. Initial applicability.

(1) The treatment of sections 813.122 (10) (c), 813.123 (4) (c) and (9) (c), and 813.125 (6) (c) of the statutes first applies to actions commenced on the effective date of this subsection.
