



2013 ASSEMBLY BILL 187

May 3, 2013 – Introduced by Representatives JACQUE, RICHARDS, CZAJA, BERNARD SCHABER, BERCEAU, BERNIER, BILLINGS, BROOKS, HEBL, HINTZ, JOHNSON, JORGENSEN, KAHL, KLEEFISCH, KOLSTE, MARKLEIN, A. OTT, SCHRAA, SINICKI, STONE, STROEBEL, C. TAYLOR and WRIGHT, cosponsored by Senators ELLIS, GUDEX, HANSEN, HARRIS, HARSDORF, JAUCH, LASSA, OLSEN, PETROWSKI, RISSER, SHILLING, SCHULTZ and WIRCH. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 904.065 of the statutes; **relating to:** admissibility of evidence
2 of other acts of domestic abuse at a proceeding alleging an act of domestic abuse.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, evidence of other crimes, wrongs, or acts is not admissible at trial. Under this bill, in an action accusing an individual of an offense involving domestic abuse, evidence that the individual committed another act of domestic abuse within the past 10 years is admissible for any relevant purpose unless the evidence is excluded on grounds of prejudice, confusion, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

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

3 **SECTION 1.** 904.065 of the statutes is created to read:
4 **904.065 Evidence of previous domestic abuse acts admissible.** (1) In
5 this section:
6 (a) “Defendant” includes a respondent under s. 813.12, 813.122, 813.123, or
7 813.125.

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1 (b) "Domestic abuse" has the definition given in s. 813.12 (1) (am).

2 (2) (a) Subject to pars. (b) and (c), in an action in which a defendant is accused
3 of an offense involving domestic abuse, notwithstanding s. 904.04, evidence that the
4 defendant committed another act of domestic abuse is admissible for any relevant
5 purpose unless it is excluded under s. 904.03.

6 (b) A person introducing evidence that would be inadmissible except as
7 provided under par. (a) shall disclose the evidence, including any statement of a
8 witness or a summary of the substance of any testimony that is expected to be offered,
9 to the defendant in the following timeframe, unless the court allows a later date for
10 good cause shown:

11 1. Except as provided in subd. 2., no later than 15 days before the action is
12 scheduled to begin.

13 2. If the action is under s. 813.12, 813.122, 813.123, or 813.125 no later than
14 7 days before the action is scheduled to begin.

15 (c) Evidence that the defendant committed another act of domestic abuse is
16 inadmissible under par. (a) if the act occurred more than 10 years before the alleged
17 commission of the offense that is the subject of the action unless the court determines
18 that the evidence should be admitted in the interest of justice.

19 (END)