



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4279/1
MLJ:cjs&amn

2021 SENATE BILL 519

August 19, 2021 - Introduced by Senators PETROWSKI, DARLING, JACQUE and MARKLEIN, cosponsored by Representatives DITTRICH, CABRAL-GUEVARA, CABRERA, GUNDRUM, HORLACHER, KNODL, MOSES, MURPHY, MURSAU, PENTERMAN, ROZAR, SKOWRONSKI, SUBECK and THIESFELDT. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to create** 813.12 (4) (d) 1m., 813.122 (5) (dm) 1m., 813.123 (5) (d) 1m. and
2 813.125 (4) (d) 1m. of the statutes; **relating to:** permanent restraining orders
3 for victims of sexual assault.

Analysis by the Legislative Reference Bureau

Under current law, a restraining order may be issued for an adult for a period of up to four years, and for a child for a period of up to two years or until the child attains the age of 18, whichever comes first. Restraining orders may be extended by up to four years for adults or two years for children, or up to 10 years for adults or five years for children if the court finds that there is a substantial risk that the person against whom the order is issued may commit homicide or sexual assault of the person the order protects. This bill provides that if a person requesting a restraining order has been the victim of a sexual assault committed by the person against whom he or she requests a restraining order, the restraining order must be permanent.

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

4 **SECTION 1.** 813.12 (4) (d) 1m. of the statutes is created to read:
5 813.12 (4) (d) 1m. A judge or circuit court commissioner shall order that the
6 injunction is in effect permanently if the court finds by a preponderance of the

SENATE BILL 519

1 evidence stated on the record that the respondent has been convicted of a violation
2 of s. 940.225 (1) to (3) in which the petitioner was the crime victim.

3 **SECTION 2.** 813.122 (5) (dm) 1m. of the statutes is created to read:

4 813.122 (5) (dm) 1m. A judge or circuit court commissioner shall order that the
5 injunction is in effect permanently if the court finds by a preponderance of the
6 evidence stated on the record that the respondent has been convicted of a violation
7 of s. 948.02 or 948.025 in which the child victim was the crime victim.

8 **SECTION 3.** 813.123 (5) (d) 1m. of the statutes is created to read:

9 813.123 (5) (d) 1m. A judge or circuit court commissioner shall order that the
10 injunction is in effect permanently if the court finds by a preponderance of the
11 evidence stated on the record that the respondent has been convicted of a violation
12 of s. 940.225 (1) to (3) in which the individual at risk was the crime victim.

13 **SECTION 4.** 813.125 (4) (d) 1m. of the statutes is created to read:

14 813.125 (4) (d) 1m. A judge or circuit court commissioner shall order that the
15 injunction is in effect permanently if the court finds by a preponderance of the
16 evidence stated on the record that the respondent has been convicted of a violation
17 of s. 940.225 (1) to (3) in which the petitioner was the crime victim.

18

(END)