

State of Wisconsin



2021 Senate Bill 519

Date of enactment: **April 15, 2022**
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2021 WISCONSIN ACT 256

AN ACT to amend 813.126 (title), 813.126 (1) (title) and 813.126 (2); and to create 813.12 (4) (d) 1m., 813.122 (5) (dm) 1m., 813.123 (5) (d) 1m., 813.125 (4) (d) 1m. and 813.126 (1m) of the statutes; relating to: permanent restraining orders for victims of sexual assault.

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

SECTION 1. 813.12 (4) (d) 1m. of the statutes is created to read:

813.12 (4) (d) 1m. Upon request by the petitioner, a judge or circuit court commissioner may order that the injunction is in effect permanently if the respondent has been convicted of a violation of s. 940.225 (1) to (3) in which the petitioner was the crime victim. An order based on a finding under this subdivision is subject to review and modification under s. 813.126 (1m).

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

813.122 (5) (dm) 1m. Upon request by the petitioner, a judge may order that the injunction is in effect permanently if the respondent has been convicted of a violation of s. 948.02 or 948.025 in which the child victim was the crime victim. An order based on a finding under this subdivision is subject to review and modification under s. 813.126 (1m).

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

813.123 (5) (d) 1m. Upon request by the petitioner, a judge may order that the injunction is in effect permanently if the respondent has been convicted of a violation of s. 940.225 (1) to (3) in which the individual at risk was

the crime victim. An order based on a finding under this subdivision is subject to review and modification under s. 813.126 (1m).

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

813.125 (4) (d) 1m. Upon request by the petitioner, a judge or circuit court commissioner may order that the injunction is in effect permanently if the respondent has been convicted of a violation of s. 940.225 (1) to (3) in which the petitioner was the crime victim. An order based on a finding under this subdivision is subject to review and modification under s. 813.126 (1m).

SECTION 5. 813.126 (title) of the statutes is amended to read:

813.126 (title) New hearing or petition for review.

SECTION 6. 813.126 (1) (title) of the statutes is amended to read:

813.126 (1) (title) TIME LIMITS FOR DE NOVO HEARING.

SECTION 7. 813.126 (1m) of the statutes is created to read:

813.126 (1m) **HEARING TO REVIEW A PERMANENT INJUNCTION.** If a respondent's criminal conviction that formed the basis for a permanent injunction in an action under s. 813.12, 813.122, 813.123, or 813.125 has been vacated, the respondent may file a motion requesting a hearing to review the injunction. The court shall hold the review hearing within 30 days after the motion request-

* Section 991.11, WISCONSIN STATUTES: 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."

ing the hearing is filed with the court unless the court finds good cause for an extension. At the hearing, if the judge finds that the conviction that formed the basis for the permanent injunction has been vacated, the judge shall modify the duration of the injunction or vacate the injunction. In so modifying or vacating the injunction, the judge shall consider all relevant factors, including the risk to the petitioner and the time that has passed since the injunction was ordered. No modified injunction ordered under this subsection may be in effect for a longer period than the maximum period that would have been possible

when the injunction was first ordered if the injunction had not been permanent. If the maximum possible period from the time the injunction was first ordered has elapsed, the judge shall vacate the injunction.

SECTION 8. 813.126 (2) of the statutes is amended to read:

813.126 (2) NOTICE. The clerk of circuit court shall provide notice of a motion under sub. (1) ~~or (1m)~~ to the nonmoving party. This subsection does not apply to a motion to review a denial of a temporary restraining order.
