



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 636

Assembly Amendment 1

Memo published: September 12, 2005

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Assembly Bill 636 makes various changes relating to harassment restraining orders and injunctions and modifies how fees are collected for commencing an action seeking a child abuse injunction or a vulnerable adult injunction.

Under *current law*, in an action to obtain a restraining order and injunction against harassment, the judge is required to hold a hearing on the request for an injunction within seven days after the temporary restraining order is entered unless the time is extended with the consent of the parties or extended for an additional seven days upon a finding that the person who is the subject of the restraining order has not been served with a copy of the restraining order although the petitioner has exercised due diligence in attempting to serve the order. The same time limits apply to child abuse restraining orders and injunctions. For domestic abuse restraining orders and injunctions, the injunction hearing must be held within 14 days of the restraining order being entered, and the judge may grant a 14-day extension if the person who is the subject of the restraining order has not been served.

The bill requires the judge to hold a hearing within 14 days after a harassment restraining order is entered and allows for a 14-day extension if the person who is the subject of the restraining order has not been served.

Assembly Amendment 1 makes the same change as the bill for child abuse restraining orders. Therefore, under the amendment, the judge must hold a hearing within 14 days after a child abuse restraining order is entered and may grant a 14-day extension if the person who is the subject of the restraining order has not been served.

Legislative History

Representative Kessler offered Assembly Amendment 1 on September 7, 2005. The Assembly Committee on Criminal Justice recommended adoption of the amendment on a vote of Ayes, 12; Noes,

0, and recommended passage of the bill, as amended, on a vote of Ayes, 12; Noes, 0, on September 7, 2005.

AS:ksm