



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 567

Senate Amendments 1 and 2

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Senate Bill 567 extends the maximum duration of certain restraining orders.

Current Law

Under current law, a court may issue a restraining order (injunction) against a person who has engaged in, or may engage in, acts of abuse, harassment, or threats against a victim. A domestic abuse injunction, individuals-at-risk injunction, or harassment injunction may be in effect for a maximum period of four years. A child abuse injunction may be in effect for a maximum period of two years or until the child victim attains 18 years of age, whichever occurs first.

Senate Bill 567

The bill provides that a judge may, upon issuing an injunction or granting an extension of an injunction, order that the injunction is in effect for not more than eight years, or four years for a child abuse injunction, if the court finds that there is a substantial risk that the person may commit first-degree or second-degree intentional homicide, first-degree, second-degree, or third-degree sexual assault, or first-degree or second-degree sexual assault of a child against the victim.

Senate Amendment 1

Senate Amendment 1 increases the number of years that an injunction, issued under the bill, may be in effect. Under the amendment, a judge may, upon issuing an injunction or granting an extension of an injunction, order that the injunction is in effect for not more than **10** years, or **five** years for a child abuse injunction, if the court makes the finding in the bill. The amendment also clarifies that the bill does not prohibit a petitioner from requesting a new

temporary restraining order or injunction before or at the expiration of a previously entered order or injunction.

Senate Amendment 2

Senate Amendment 2 allows a judge to order that the injunction is in effect for not more than eight years, or four years for a child abuse injunction, if the court finds, **by a preponderance of the evidence stated on the record**, that there is a substantial risk that the person may commit first-degree or second-degree intentional homicide, first-degree, second-degree, or third-degree sexual assault, or first-degree or second-degree sexual assault of a child against the victim.

Bill History

Senate Amendments 1 and 2 were offered by Senator Lazich. On February 20, 2014, the Senate Committee on Judiciary and Labor voted to adopt the amendments and recommend passage of the bill, as amended, on votes of Ayes, 4; Noes, 0.

AS:ksm