

State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 177

September 7, 2011 – Introduced by Senators Wanggaard, Kedzie, Carpenter and Harsdorf, cosponsored by Representatives Loudenbeck, Roys, Steineke, Nass, Petrowski, A. Ott, Pocan, Danou, Wynn, Brooks, Milroy, Strachota, Nygren, Kerkman, Jacque, Spanbauer, Krug, T. Larson, Kaufert, Ballweg, Van Roy and Kleefisch. Referred to Committee on Labor, Public Safety, and Urban Affairs.

AN ACT *to create* 801.05 (11m) and 813.015 of the statutes; **relating to:**jurisdiction in matters relating to domestic abuse restraining orders and injunctions, child abuse restraining orders and injunctions, and harassment restraining orders and injunctions.

Analysis by the Legislative Reference Bureau

Under current law, a court may entertain a civil action only when the court has jurisdiction over the subject matter of the action and over the persons who are served in the action. Jurisdiction is conferred by the U.S. Constitution, the Wisconsin Constitution, and by statute.

This bill clarifies when a court has subject matter and personal jurisdiction in certain actions for restraining orders or injunctions in cases of domestic abuse, child abuse, or harassment. Under the bill, a court has jurisdiction of the subject matter to entertain those actions regardless of whether the alleged abuse or harassment occurred within the state. Under the bill, a court has personal jurisdiction over a person who is in another state if any of the following applies:

- 1. The abuse or harassment has an effect in Wisconsin.
- 2. A petition for a restraining order or injunction has been filed in Wisconsin and the person does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
- 3. If the petitioner or the person resides in Wisconsin or the petitioner is temporarily living in Wisconsin and the abuse or harassment has an effect in Wisconsin.

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4. Jurisdiction is otherwise permitted under the U.S. Constitution or the Wisconsin Constitution.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 801.05 (11m) of the statutes is created to read:

801.05 (11m) CERTAIN RESTRAINING ORDERS OR INJUNCTIONS. Subject to subch. II of ch. 822, and in addition to personal jurisdiction under sub. (1) and s. 801.06, in any action filed pursuant to s. 813.12, 813.122, or 813.125, if any of the following applies:

- (a) The abuse or harassment alleged in the action has an effect in Wisconsin.
- (b) The petitioner or alleged child victim resides or is living temporarily in Wisconsin.
 - (c) The respondent is served but does not appear or does not file a response or motion asserting the defense of lack of personal jurisdiction.
 - (d) Personal jurisdiction is permissible under the constitution of the United States or of the state of Wisconsin.

Section 2. 813.015 of the statutes is created to read:

813.015 Subject matter jurisdiction. In an action filed pursuant to s. 813.12, 813.122, or 813.125, the court has jurisdiction of the subject matter under s. 801.04 regardless of whether the alleged abuse or harassment occurred within the state.

18 (END)