

State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 153

- April 25, 2013 Introduced by Senators HARSDORF, KEDZIE, CARPENTER, GUDEX, HANSEN, JAUCH, LASSA, LEHMAN, MOULTON, OLSEN, PETROWSKI, RISSER and SHILLING, cosponsored by Representatives LOUDENBECK, BALLWEG, BERCEAU, BERNARD SCHABER, BIES, BILLINGS, BORN, BROOKS, ENDSLEY, HEBL, HINTZ, JACQUE, KERKMAN, KLEEFISCH, T. LARSON, MARKLEIN, MURPHY, MURSAU, OHNSTAD, A. OTT, PRIDEMORE, RICHARDS, RIPP, SCHRAA, STEINEKE, STRACHOTA, TITTL, WRIGHT and SWEARINGEN. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.
- 1 AN ACT to create 801.05 (11m) and 813.015 of the statutes; relating to: 2 jurisdiction in matters relating to domestic abuse restraining orders and 3 injunctions, child abuse restraining orders and injunctions, and harassment 4 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 alleged in the action could have an effect in Wisconsin.

2. The petitioner or alleged child victim resides or is living temporarily in Wisconsin.

3. Jurisdiction is otherwise permissible under the constitution of the United States or of the state of Wisconsin.

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If a court has personal jurisdiction on any of the listed grounds and a respondent has been served but does not appear or file a response or motion asserting the defense of lack of personal jurisdiction, the bill requires the court to hear the action.

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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:

1 **SECTION 1.** 801.05 (11m) of the statutes is created to read: 2 801.05 (11m) CERTAIN RESTRAINING ORDERS OR INJUNCTIONS. (a) Subject to subch. 3 II of ch. 822, and in addition to personal jurisdiction under sub. (1) and s. 801.06, in 4 any action filed pursuant to s. 813.12, 813.122, or 813.125, if the abuse or harassment alleged in the action could have an effect in Wisconsin or the petitioner or alleged $\mathbf{5}$ child victim resides or is living temporarily in Wisconsin, or if jurisdiction is 6 7 otherwise permissible under the constitution of the United States or of the state of Wisconsin. 8

9 (b) If a court has personal jurisdiction pursuant to par. (a) and a respondent has 10 been served but does not appear or does not file a response or motion asserting the 11 defense of lack of personal jurisdiction, the court shall hear the action. This 12 paragraph does not limit the respondent's right to challenge personal jurisdiction on 13 appeal.

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

15 813.015 Subject matter jurisdiction. In an action filed pursuant to s.
16 813.12, 813.122, or 813.125, the court has jurisdiction of the subject matter under s.
17 801.04 regardless of whether the alleged abuse or harassment occurred within the
18 state.

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(END)