



## 2015 ASSEMBLY BILL 141

March 27, 2015 - Introduced by Representatives JACQUE, BERCEAU, BALLWEG, ALLEN, SINICKI, STEFFEN, SHANKLAND, A. OTT, ZEPNICK, T. LARSON, SPREITZER, SUBECK, C. TAYLOR, JOHNSON, HINTZ and OHNSTAD, cosponsored by Senators CARPENTER, WANGGAARD, HARRIS DODD, RISSER, NASS and C. LARSON. Referred to Committee on Judiciary.

1     **AN ACT to amend** 813.12 (3) (aj) and 813.12 (4) (aj); and **to create** 813.12 (1) (ce),  
2             813.122 (1) (e), 813.122 (4) (bg), 813.122 (5) (bg), 813.123 (1) (ek), 813.123 (4)  
3             (av), 813.123 (5) (av), 813.125 (3) (ag) and 813.125 (4) (aL) of the statutes;  
4             **relating to:** including orders pertaining to household pets in certain  
5             restraining orders and injunctions.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, an individual who is, or who acts on behalf of, a victim of abuse, harassment, or threats may obtain a temporary restraining order against the person who has committed the acts of abuse or harassment or making a threat. The restraining order generally prohibits the person from engaging in additional threats or acts of abuse or harassment, bars the person from contacting the victim, and requires the person to stay away from the victim's residence and other places temporarily occupied by the victim until a court conducts a hearing to determine whether the restraining order should be incorporated into a longer-lasting injunction.

If the court determines that the person has engaged in, or may engage in, acts of abuse, harassment, or threats against the victim, the court may issue a longer-term injunction against the person. An injunction generally bars the person from contacting the victim, requires the person to stay away from the victim's residence, and may require the person to stay away from other locations temporarily occupied by the victim.

**ASSEMBLY BILL 141**

Under this bill, a court may include in a restraining order or an injunction order provisions pertaining to household pets. Under the bill, a court may order the person subject to the restraining order or injunction to refrain from removing, damaging, hiding, harming, or mistreating, or disposing of a household pet. The restraining order or injunction may also allow the victim of the abuse, harassment, or threats, or a person acting on his or her behalf, to retrieve a household pet from the person subject to the restraining order or injunction.

---

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

1           **SECTION 1.** 813.12 (1) (ce) of the statutes is created to read:

2           813.12 (1) (ce) "Household pet" means a domestic animal that is not a farm  
3 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner  
4 or by a family member or a household member of the petitioner.

5           **SECTION 2.** 813.12 (3) (aj) of the statutes is amended to read:

6           813.12 (3) (aj) In determining whether to issue a temporary restraining order,  
7 the judge or circuit court commissioner shall consider the potential danger posed to  
8 the petitioner and the pattern of abusive conduct of the respondent but may not base  
9 his or her decision solely on the length of time since the last domestic abuse or the  
10 length of time since the relationship ended. The judge or circuit court commissioner  
11 may grant only the remedies requested or approved by the petitioner. The judge or  
12 circuit court commissioner may order the respondent not to remove, hide, damage,  
13 harm, or mistreat, or dispose of, a household pet and may order the respondent to  
14 allow the petitioner or a family member or household member of the petitioner acting  
15 on his or her behalf to retrieve a household pet. The judge or circuit court  
16 commissioner may not dismiss or deny granting a temporary restraining order  
17 because of the existence of a pending action or of any other court order that bars

**ASSEMBLY BILL 141**

1 contact between the parties, nor due to the necessity of verifying the terms of an  
2 existing court order.

3 **SECTION 3.** 813.12 (4) (aj) of the statutes is amended to read:

4 813.12 (4) (aj) In determining whether to issue an injunction, the judge or  
5 circuit court commissioner shall consider the potential danger posed to the petitioner  
6 and the pattern of abusive conduct of the respondent but may not base his or her  
7 decision solely on the length of time since the last domestic abuse or the length of time  
8 since the relationship ended. The judge or circuit court commissioner may grant only  
9 the remedies requested by the petitioner. The judge or circuit court commissioner  
10 may order the respondent not to remove, hide, damage, harm, or mistreat, or dispose  
11 of, a household pet and may order the respondent to allow the petitioner or a family  
12 member or household member of the petitioner acting on his or her behalf to retrieve  
13 a household pet. The judge or circuit court commissioner may not dismiss or deny  
14 granting an injunction because of the existence of a pending action or of any other  
15 court order that bars contact between the parties, nor due to the necessity of verifying  
16 the terms of an existing court order.

17 **SECTION 4.** 813.122 (1) (e) of the statutes is created to read:

18 813.122 (1) (e) "Household pet" means a domestic animal that is not a farm  
19 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by a child victim  
20 or by a family member or a household member of a child victim.

21 **SECTION 5.** 813.122 (4) (bg) of the statutes is created to read:

22 813.122 (4) (bg) The judge or circuit court commissioner may order the  
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a  
24 household pet and may order the respondent to allow the child victim or a family

**ASSEMBLY BILL 141**

1 member or household member of the child victim acting on his or her behalf to  
2 retrieve a household pet.

3 **SECTION 6.** 813.122 (5) (bg) of the statutes is created to read:

4 813.122 (5) (bg) An injunction under this subsection may include an order to  
5 the respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a  
6 household pet and may include an order to the respondent to allow the child victim  
7 or a family member or household member of the child victim acting on his or her  
8 behalf to retrieve a household pet.

9 **SECTION 7.** 813.123 (1) (ek) of the statutes is created to read:

10 813.123 (1) (ek) "Household pet" means a domestic animal that is not a farm  
11 animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by an individual  
12 at risk or an elder adult at risk or by a family member or a household member of an  
13 individual at risk or an elder adult at risk.

14 **SECTION 8.** 813.123 (4) (av) of the statutes is created to read:

15 813.123 (4) (av) A temporary restraining order issued under par. (a) may  
16 include an order to the respondent not to remove, hide, damage, harm, or mistreat,  
17 or dispose of, a household pet and may include an order to the respondent to allow  
18 the individual at risk, the elder adult at risk, or a family member, household member,  
19 or other person acting on behalf of the individual at risk or the elder adult at risk to  
20 retrieve a household pet.

21 **SECTION 9.** 813.123 (5) (av) of the statutes is created to read:

22 813.123 (5) (av) An injunction issued under par. (a) may include an order to the  
23 respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a  
24 household pet and may include an order to the respondent to allow the individual at  
25 risk, the elder adult at risk, or a family member, household member, or other person

**ASSEMBLY BILL 141**

1 acting on behalf of the individual at risk or the elder adult at risk to retrieve a  
2 household pet.

3 **SECTION 10.** 813.125 (3) (ag) of the statutes is created to read:

4 813.125 (3) (ag) The judge or circuit court commissioner may order the  
5 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic  
6 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or  
7 cared for by the petitioner or by a family member or a household member of the  
8 petitioner and may order the respondent to allow the petitioner or a family member  
9 or household member of the petitioner acting on his or her behalf to retrieve the  
10 animal.

11 **SECTION 11.** 813.125 (4) (aL) of the statutes is created to read:

12 813.125 (4) (aL) The judge or circuit court commissioner may order the  
13 respondent not to remove, hide, damage, harm, mistreat, or dispose of, a domestic  
14 animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or  
15 cared for by the petitioner or by a family member or a household member of the  
16 petitioner and may order the respondent to allow the petitioner or a family member  
17 or household member of the petitioner acting on his or her behalf to retrieve the  
18 animal.

19

(END)