

State of Wisconsin



2015 Senate Bill 97

Date of enactment: **March 1, 2016**
Date of publication*: **March 2, 2016**

2015 WISCONSIN ACT 253

AN ACT *to renumber* 813.125 (1); *to amend* 813.12 (3) (a) (intro.), 813.12 (4) (a) (intro.), 813.122 (4) (a) (intro.), 813.122 (5) (a) (intro.), 813.123 (1) (eg), 813.125 (1) (title), 813.125 (3) (a) (intro.), 813.125 (4) (a) (intro.), 895.45 (1) (a), 973.06 (1) (av) 2. a. and 973.06 (1) (av) 2. b.; and *to create* 813.12 (1) (ce), 813.122 (1) (e), 813.123 (1) (ek), 813.123 (4) (ar) 2m., 813.123 (5) (ar) 2m. and 813.125 (1) (bm) of the statutes; **relating to**: including orders pertaining to household pets in certain restraining orders and injunctions.

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

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

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

SECTION 2. 813.12 (3) (a) (intro.) of the statutes is amended to read:

813.12 (3) (a) (intro.) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to

retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

SECTION 3. 813.12 (4) (a) (intro.) of the statutes is amended to read:

813.12 (4) (a) (intro.) A judge or circuit court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

SECTION 5. 813.122 (4) (a) (intro.) of the statutes is amended to read:

813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to avoid the child victim’s residence or any premises temporarily occupied by the child victim or both, ~~and~~ to avoid contacting or causing any person other than a party’s attorney to contact the child victim unless the petitioner consents in writing and the judge or circuit court commissioner agrees that the contact is in the best interests of the child victim, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, if all of the following occur:

SECTION 6. 813.122 (5) (a) (intro.) of the statutes is amended to read:

813.122 (5) (a) (intro.) A judge may grant an injunction ordering the respondent to avoid the child victim’s residence or any premises temporarily occupied by the child victim or both, ~~and~~ to avoid contacting or causing any person other than a party’s attorney to contact the child victim unless the petitioner consents to that contact in writing and the judge agrees that the contact is in the best interests of the child victim, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, if all of the following occur:

SECTION 7. 813.123 (1) (eg) of the statutes is amended to read:

813.123 (1) (eg) “Harassment” has the meaning given in s. 813.125 (1) (am).

SECTION 8. 813.123 (1) (ek) of the statutes is created to read:

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

SECTION 9. 813.123 (4) (ar) 2m. of the statutes is created to read:

813.123 (4) (ar) 2m. Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.

SECTION 10. 813.123 (5) (ar) 2m. of the statutes is created to read:

813.123 (5) (ar) 2m. Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.

SECTION 11. 813.125 (1) (title) of the statutes is amended to read:

813.125 (1) (title) ~~DEFINITION~~ DEFINITIONS.

SECTION 12. 813.125 (1) of the statutes is renumbered 813.125 (1) (am).

SECTION 13. 813.125 (1) (bm) of the statutes is created to read:

813.125 (1) (bm) In subs. (3) and (4), “household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.

SECTION 14. 813.125 (3) (a) (intro.) of the statutes is amended to read:

813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to avoid contacting or causing any person other than a party’s attorney or a law enforcement officer to contact the petitioner without the petitioner’s written consent; to cease or avoid the harassment of another person; to avoid the petitioner’s residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet; or any combination of these remedies requested in the petition, if all of the following occur:

SECTION 15. 813.125 (4) (a) (intro.) of the statutes is amended to read:

813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an injunction ordering the respondent to avoid contacting or causing any person other than a party’s attorney or a law enforcement officer to contact the petitioner without the petitioner’s written consent; to cease or avoid the harassment of another person; to avoid the petitioner’s residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet; or any combination of these remedies requested in the petition, if all of the following occur:

SECTION 16. 895.45 (1) (a) of the statutes is amended to read:

895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s. 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under s. 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11.

SECTION 17. 973.06 (1) (av) 2. a. of the statutes is amended to read:

973.06 (1) (av) 2. a. The defendant was charged under s. 946.41 solely because he or she recanted a report of abusive conduct, including interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined in s. 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child abuse, as defined

under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11.

SECTION 18. 973.06 (1) (av) 2. b. of the statutes is amended to read:

973.06 (1) (av) 2. b. The defendant was a victim of abusive conduct, including interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined in s. 813.125 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11, and he or she was charged under s. 946.41 based on information he or she omitted or false information he or she provided during the course of an investigation into the crime committed against him or her.
