



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

February 6, 2014

To: Members of the Assembly Committee on Judiciary
From: Representative Jessie Rodriguez
Re: Assembly Bill 707

Hello committee members. Thank you for the opportunity to testify.

Assembly Bill 707 is legislation that allows courts to extend the time of injunctions on restraining orders to victims of domestic violence for up to eight years if the person exhibits abusive, harassing, or threatening behavior.

Under current law, restraining orders may only be granted for up to four years. This legislation would allow the courts to extend injunctions up to eight years if there is a serious potential for physical harm such as sexual assault or homicide. Restraining orders were intended to be used as a tool for law enforcement to provide protection for a victim in the event of imminent or serious harm, or from the threat of a sudden escalation in violent behavior. By extending the maximum allowable period for the injunction to eight years, the courts can adequately uphold this intention.

The circumstances surrounding these delicate situations should be assessed by the judges based on the facts available in order to adequately address the needs of the victims, especially in cases that resulted in extreme violence. By enacting this legislation, we are allowing judges to exercise discretion when it is indicated that future substantial harm is imminent. This extension would protect victims from future harm and allow them to regain a sense of well-being by deterring repeated violent behavior.

I encourage you all to support AB 707. I will respectfully defer all questions to Senator Lazich, as this issue arose from her constituency. Thank you for your consideration.



Mary Lazich

State Senator - Senate District 28

**Assembly Committee on Judiciary
Assembly Bill 707 and Senate Bill 567
February 6, 2014**

Greetings Chair Ott and committee members, and thank you for your attention to Assembly Bill 707. Assembly Bill 707 (AB 707) and companion bill Senate Bill 567 (SB 567) provide courts the options of offering greater protection to individuals seeking a restraining order and that are at serious risk of harm.

A person in an abusive relationship does not normally seek a restraining order at the first sign of trouble. Instead, there are a series of incidents that lead to a breaking point. Under current law, a restraining order may only be granted for a period of up to four years. If the actions leading to a restraining order are serious and a court determines there is a substantial risk of rape or murder, the court should be given the option to keep a restraining order in place for a longer period of time. This bill creates the option of issuing a restraining order involving substantial risks of homicide or sexual assault for twice as long as currently allowed under law.

I was shocked to learn earlier this session that a permanent restraining order has a maximum duration of four years. The courts need greater flexibility in addressing troublesome situations giving rise to restraining orders, and victims deserve greater protection. There is a wide array of behavior causing restraining orders. In extreme instances restraining orders should last longer than four years. AB 707 and SB 567 give courts direction and permission to treat serious situations with lengthier restraining orders.

I ask the committee approve AB 707 and SB 567. Thank you for your attention to AB 707 and SB 567.

testimony



To: Assembly Judiciary Committee
Date: February 6, 2014
From: Tony Gibart, Public Policy Coordinator
Re: Assembly Bill 707

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Chairman Ott and Members of the Committee, thank you for the opportunity to provide testimony. End Domestic Abuse Wisconsin is the statewide voice for survivors of domestic violence and the local shelters and service providers that serve them.

We also thank Rep. Rodriguez and Sen. Lazich for introducing Assembly Bill 707. We, of course, support the intent and spirit of Assembly Bill 707, and we applaud the authors for working to extend more protections for victims of domestic violence. However, we believe changes are required to ensure the legislation does not unintentionally restrict victims' current opportunities to seek additional protections at the expiration of injunctions.

The domestic abuse, child abuse, individual-at-risk and harassment injunction statutes currently only explicitly provide for the extension of an injunction up to a maximum number of years. For instance, a domestic abuse injunction that is granted for less than four years may be extended for a period up to four years, but not longer.

In practice, however, victims sometimes have options for additional protection when an injunction expires at the maximum length. Namely, victims may request a new injunction based partially or wholly on the acts of domestic violence that previously occurred. Some judges will grant a new injunction under these circumstances, particularly when either the nature of the originally abuse or new acts of domestic abuse give reason to believe the respondent would continue the pattern of abusive behavior.

We believe that Assembly Bill 707 would likely be interpreted as eliminating these options and replacing the ability to request a new injunction with an extension process that places a relatively higher burden on victims. The bill would require the court to find "a substantial risk" that the respondent may commit first or second degree intentional homicide or sexual assault against the victim before an extension could be granted. This standard is not used elsewhere in the restraining order statutes and would likely be interpreted as imposing a very high burden, because it requires the court to find that the respondent's violence and abuse to a high degree of risk could culminate in homicide or rape.

Therefore, there is reason to believe courts would grant these extensions infrequently and perhaps less frequently than they currently will issue new injunctions to replace expiring injunctions. The end result could be that victims effectively have fewer opportunities to receive protection.

As such, we suggest amending the bill to codify and make explicit the petitioner's ability to seek a new injunction at the expiration of the existing injunction. This approach would provide a defined and clear process for the issuance of injunctions when victims remain at risk. We believe the standard for obtaining an new injunction at the expiration of an injunction should be the same standard that applied initially.

Thank you for the opportunity to provide testimony. We hope to work with the Committee and authors to ensure that this legislation achieves the intended goal of providing protection to victims who remain in passed the current maximum period for an abuse injunction.