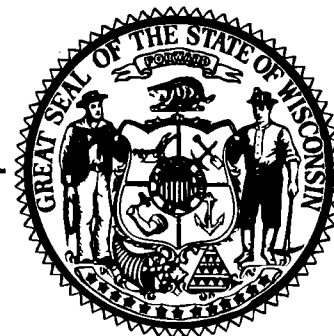


# FRED A. RISSER

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## Wisconsin State Senator

October 19, 2017



Senator Van Wanggaard, Chair  
Senate Committee on Judiciary and Public Safety  
319 South, State Capitol  
Madison, WI 53707

Dear Chairman <sup>Van</sup> Wanggaard,

Thank you for holding a hearing on Senate Bill 369. I am pleased to have co-authored this bill with you, Mr. Chairman and Senator Taylor in the Senate, and with Representative Tusler in the Assembly.

The purpose of this bipartisan bill is to implement the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act in Wisconsin as was recommended by the National Conference of Commissioners on Uniform State Laws in 2015. I am a Commissioner with both the Wisconsin and National Uniform Law Commissions, as is Rep. Tusler.

Last session, I co-authored, along with yourself Mr. Chairman and Senator Taylor, Senate Bill 351, the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act. That measure established a uniform system for the enforcement of domestic violence protection orders across state lines. It received unanimous support from the committee and both legislative houses and was signed into law as 2015 Wisconsin Act 352.

The Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act (URECDVPOA) is very similar and provides for cross-border recognition and enforcement of Canadian domestic violence protection orders. In 2011, the Uniform Law Conference of Canada approved the Uniform Enforcement of Canadian Judgments and Decrees Act, providing for the recognition of foreign protection orders, including those of the United States. By approving this act, enacting states accord similar recognition to protection orders from Canada as Canada does to those issued in the United States.

Citizens in the United States and Canada often move freely between the two countries, a freedom that in certain limited circumstances can work against victims of domestic violence. Domestic violence victims need and deserve protection regardless of where a protection order was issued. By adopting the provisions of this act, Wisconsin will ensure that domestic violence victims are protected, even if the order was issued in Canada.

Since this Act was completed, it has already been enacted in 4 states and has been introduced in Wisconsin and Rhode Island this year. For reference, I have attached to my testimony a summary of the Uniform Act from the National Uniform Law Commission along with a memo from the Commission outlining the reasons states should adopt this Uniform Act.

I appreciate your willingness to schedule this measure for a public hearing and I urge the committee to look favorably upon this important legislation.

Most Sincerely,

  
FRED A. RISSER  
Wisconsin State Senate

FAR:tet  
Enclosures

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**Uniform Law Commission**  
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**WHY YOUR STATE SHOULD ADOPT  
THE UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC  
VIOLENCE PROTECTION ORDERS ACT**

The Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act (URECDVPOA) provides for cross-border recognition and enforcement of Canadian domestic violence protection orders, the first act in this country to do so. In 2002, the Uniform Law Commission (ULC) approved the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act (UIEDVPOA), establishing a uniform system for the enforcement of domestic violence protection orders across state lines. In 2011, the Uniform Law Conference of Canada (ULCC) approved the Uniform Enforcement of Canadian Judgments and Decrees Act (UECJDA), providing for the recognition of foreign protection orders, including those of the United States. By this act, enacting states accord similar recognition to protection orders from Canada.

The act's important provisions include:

**Enforcement of Canadian Order by State Law-enforcement Officer** — A law enforcement officer in this state, upon finding probable cause that a valid order has been violated, must enforce the terms of a Canadian order that directly or indirectly deal with no-contact as if they were an order of this state.

**Judicial Enforcement of a Canadian Order** — Courts in this state may enforce the terms of a domestic violence protection order from Canada dealing directly or indirectly with no-contact.

**Protects the Constitutional Right to Due Process** — A court in this state shall not enforce a Canadian order if due process has been violated. For example, consider an individual against whom a Canadian domestic violence protection order has been issued. Under this act, a court in this state will not enforce the order if that individual did not receive notice and opportunity to be heard by the issuing Canadian court.

**Registration of an Order** — An individual may, but is not required to, register a Canadian order in this state. Registration helps prevent possible challenges to an order, as well as facilitates effective enforcement.

**Immunity** — Law-enforcement officers, governmental agencies, prosecuting attorneys, clerks of the court, or other officials are protected from criminal or civil liability for enforcement of a Canadian protection order in good faith.

It is important for each state to enact the URECDVPOA. Citizens in the United States and Canada often move freely between the two countries, freedom that in certain limited circumstances can work against victims of domestic violence. By adopting the provisions of this act, this state will ensure that domestic violence victims are protected, even if the order was issued in Canada.

For further information about URECDVPOA, please contact Legislative Counsel, Lindsay Beaver at (312) 450-6618 or [lbeaver@uniformlaws.org](mailto:lbeaver@uniformlaws.org).