



2011 ASSEMBLY BILL 247

September 7, 2011 – Introduced by Representatives LOUDENBECK, ROYS, STEINEKE, NASS, PETROWSKI, A. OTT, POCAN, DANOU, WYNN, BROOKS, MILROY, STRACHOTA, NYGREN, KERKMAN, JACQUE, SPANBAUER, KRUG, T. LARSON, KLEEFISCH, KAUFERT, VAN ROY, BALLWEG and C. TAYLOR, cosponsored by Senators WANGGAARD, CARPENTER, KEDZIE and HARS DORF. Referred to Committee on Public Health and Public Safety.

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 has an effect in Wisconsin.
2. A petition for a restraining order or injunction has been filed in Wisconsin and the person does not appear, respond, or file a response or motion asserting lack of jurisdiction as a defense.
3. If the petitioner or the person resides in Wisconsin or the petitioner is temporarily living in Wisconsin and the abuse or harassment has an effect in Wisconsin.

