2011 BILL

1   AN ACT *to renumber and amend* 941.39; *to amend* 968.075 (5) (a) 2. and

2   973.049 (2) and (3); and *to create* 941.39 (1) of the statutes; **relating to:**

3   prohibitions against contacting certain persons and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, an individual who has been arrested for a domestic abuse incident must, unless the victim of the alleged domestic abuse signs a waiver, avoid the victim's residence and avoid contacting the victim for 72 hours following the arrest. If the individual intentionally violates this requirement, the individual must forfeit not more than $1,000 (a civil penalty). Under this bill, the individual is guilty of a misdemeanor and is subject to a fine of up to $10,000 or imprisonment of up to nine months, or both.

Under current law, when a court imposes a sentence on an individual or places an individual on probation for a conviction for a crime, the court may prohibit the individual, during his or her sentence or probation period, from contacting victims of, or co–actors in, a crime considered at sentencing if the court determines that such a prohibition would be in the interest of public protection. An individual who violates the prohibition is guilty of a Class A misdemeanor. This bill adds that a court may also prohibit the individual from contacting witnesses to the crime. In addition, this bill changes the penalty for violating a prohibition imposed following a conviction for a felony to a Class H felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1   **SECTION 1.** 941.39 of the statutes is renumbered 941.39 (intro.) and amended

2   to read:

3   **941.39 Victim, witness, or co–actor contact.** (intro.) Whoever intentionally

4   violates a court order issued under s. 973.049 (2) is guilty of one of the following:

5   **(2)** If the court order results from a conviction for a misdemeanor, a Class A

6   misdemeanor.

7   **SECTION 2.** 941.39 (1) of the statutes is created to read:

8   941.39 **(1)** If the court order results from a conviction for a felony, a Class H

9   felony.

10   **SECTION 3.** 968.075 (5) (a) 2. of the statutes is amended to read:

11   968.075 **(5)** (a) 2. An arrested person who intentionally violates this paragraph

12   ~~shall be required to forfeit~~ may be fined not more than ~~$1,000~~ $10,000 or imprisoned

13   for not more than 9 months or both.

14   **SECTION 4.** 973.049 (2) and (3) of the statutes are amended to read:

15   973.049 **(2)** When a court imposes a sentence on an individual or places an

16   individual on probation for the conviction of a crime, the court may prohibit the

17   individual from contacting victims of, witnesses to, or co–actors in, a crime

18   considered at sentencing during any part of the individual's sentence or period of

19   probation if the court determines that the prohibition would be in the interest of

1   public protection. For purposes of the prohibition, the court may determine who are

2   the victims of <u>or witnesses to</u> any crime considered at sentencing.

3   **(3)** If a court issues an order under sub. (2), the court shall inform the individual

4   of the prohibition and ~~of the penalty under s. 941.39~~ <u>include the prohibition in the</u>

5   <u>judgment of conviction for the crime</u>.

6   **SECTION 5. Initial applicability.**

7   (1) The treatment of section 973.049 (2) and (3) of the statutes first applies to

8   sentences imposed or placements made on the effective date of this subsection.

9   **(END)**