Van H. Wanggaard

Wisconsin State Senator

Testimony of Senator Van Wanggaard on Senate Bill 177

Thank you, Mr. Chairman and members of the committee, for scheduling this hearing on Senate Bill 177. This bill strengthens legal protections for victims of domestic abuse, child abuse, or harassment, and empowers Wisconsin law enforcement officers and courts to extend protections to these victims from abusers located outside Wisconsin. I am co-authoring this legislation with Representative Loudenbeck, and I am pleased to testify in support of the bill.

Currently, victims in Wisconsin are often prevented from or delayed when obtaining restraining orders against individuals who are abusing, threatening or harassing them from other states. This leaves our citizens and visitors vulnerable to modern avenues of harassment, including social media, text messages and email. These new technologies allow abusers to harass their victims from undisclosed locations. These new forms of harassment such as these can still carry real danger, and it is important that we give victims the ability to obtain restraining orders against abusers, no matter where the abusers live.

This bill is also designed to strengthen protections for Wisconsin citizens who are victimized while traveling outside our state. Currently, these situations may not be considered under the jurisdiction of Wisconsin courts. This bill clarifies that Wisconsin law enforcement officers and courts can extend protection to victims even if the abuse didn't occur on Wisconsin soil. This provision avoids a situation where victims are required to return to the state where the incident occurred to secure their safety.

A third issue this bill seeks to address relates to victims who may flee to Wisconsin to gain protection from an abuser. Victims may come to our state after suffering a violent or dangerous situation, and we need to be able to offer them protection. Under current law, victims may need to wait to be re-victimized before an officer or court in Wisconsin can grant them a restraining order. This is unacceptable. I believe victims should not have to endure further harassment from abusers before our state can offer security. Senate Bill 177 is designed to extend protection to these victims right away, and help prevent compounding tragedies.

That is what this bill is about—protecting victims of abuse, strengthening safety measures, and helping to prevent further victimization. We want to protect our citizens to the best of our ability. Victims of harassment should not have to second guess whether Wisconsin law can shield them from an abuser. Senate Bill 177 allows victims to obtain restraining orders against anyone abusing, threatening or harassing them from other states, and strengthens protections for those who are abused across state lines and seek safety in Wisconsin. This bill should be a non-partisan effort to strengthen victim rights. I urge you to support Serve Bill 177. Thank you.

Serving Racine County - Senate District 21

State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
E-Mail: Sen.Wanggaard@legis.wi.gov • http://Wanggaard.senate.wi.gov

Testimony

307 South Paterson Street, Suite 1
Madison, Wisconsin 53703
Phone: (608) 255-0539 Fax: (608) 255-3560

To: Members of the Senate Committee on Labor, Public Safety, and Urban Affairs
From: Tony Gibart, Policy Coordinator, 608-255-0539 ext 310, tonyg@wcadv.org
Re: Senate Bill 177 – Protecting Wisconsinites from Out-of-State Abuse, Stalking and Harassment

Chairman Wanggaard and Members of the Committee, thank you for the opportunity to provide testimony in support of Senate Bill 177. I want to thank Sen. Wanggaard and Rep. Loudenbeck for authoring this important bill. My name is Tony Gibart, and I am with the Wisconsin Coalition Against Domestic Violence (WCADV). WCADV is the statewide voice for local domestic violence victim service providers and survivors in Wisconsin. Our members serve victims in all of the state's 72 counties and 11 tribes.

At WCADV, we field legal questions from advocates and domestic violence victims around the state. Many times victims or advocates call us because they are experiencing intense frustration at a provision in the law or legal interpretation that defies commonsense and seemingly puts the victim at risk unnecessarily. Senate Bill 177 addresses a legal problem that, based on the calls we receive, victims are facing with increasing frequency: the denial of restraining order petitions on jurisdictional grounds, even when the victim has solid evidence that the abuser is currently threatening and harassing him or her.

Senate Bill 177 will ensure that our courts are authorized to consider restraining order petitions to protect Wisconsinites from abuse, stalking and harassment that was committed or is being committed by an individual who is not in Wisconsin.

Let me explain. As a prerequisite to any civil action—including a petition for a restraining order—the court must find it has personal jurisdiction over the defendant. Personal jurisdiction is conferred by statute, and, in general terms, it currently requires that the defendant be in Wisconsin, reside in Wisconsin or that the defendant commit an act in Wisconsin that gives rise to the legal action. Most of the specific language of our personal jurisdiction statutes was written with things like personal injury or product liability suits in mind, not potentially life-threatening cases of violence, stalking or harassment.

Therefore, the current personal jurisdiction statutes have been interpreted to deny Wisconsin courts the authority to act in situations for which most people would assume restraining orders are available. Say for instance, a young woman from Manitowoc attends college in Chicago. During her freshman year she dates a classmate for several months. Towards the end of the spring semester she breaks up with the classmate, because he is being controlling. She then returns home to work for the summer at the family business in Manitowoc. Her ex-boyfriend, who is still living in Chicago, is now constantly sending her threatening emails and facebook messages. Under current law, this young woman may be denied a restraining order, because the ex-boyfriend is not in Wisconsin and has no connection with Wisconsin. Or take another situation: a woman and her children live in Minneapolis with her husband and their father. The husband has repeatedly been violent to the mother, but one day he comes home drunk and physically abuses the children. The mother decides she must leave immediately and flees with the children to her parents' house in Eau Claire. The mother's request for a restraining order might be denied for the same reasons as the college student's.

Senate Bill 177 corrects this needless gap in our law by creating jurisdictional statutes specifically for restraining orders, so that victims in Wisconsin, at the very least, have access to our courts and the protection of our restraining orders.

Before concluding, there are two other aspects of the bill that I would like to point out:

- Alleged abusers (respondents) who are out-of-state must be served with notice of the restraining order hearing and given the same opportunity to contest the petition as provided under current law to individuals in Wisconsin.

- Under federal law, Wisconsin restraining orders are valid in every other state, and if violations occur in another state the abuser can be prosecuted entirely under the laws of that other state. So, a restraining order issued under this bill would be more than "just a piece of paper." It could be a ticket for the out-of-state abuser to face real accountability for continued abuse, stalking or harassment. In addition, the issuance of a Wisconsin restraining order against someone who is engaged in abuse from another state can help law enforcement more efficiently respond to inter-state abuse. Because the abuser can be arrested and prosecuted entirely in the home state, there is less of a need for more complicated coordination between law enforcement agencies in two different states, and the need to extradite the defendant to Wisconsin to face possible criminal charges here is completely eliminated.

It almost goes without saying that in an increasingly mobile and technology driven society the incidence of inter-state abuse cases will continue to grow. It certainly would be comforting if abuse, stalking and harassment couldn't cross state lines. But, that of course is not the reality. Senate Bill 177 will offer victims a fair chance to get the protection they deserve when they are threaten or harassed by a person in another state. I urge the committee to support this bill. Thank you.

Lutheran Office for Public Policy in Wisconsin

Committee on Labor, Public Safety, and Urban Affairs
Testimony on SB 177
Lutheran Office for Public Policy in Wisconsin
September 29, 2011

We thank Senator Wanggaard for authoring this important piece of legislation, and we thank you as members of the committee for giving serious consideration to a bill that will make a difference in the lives of vulnerable women and men in Wisconsin.

Lutheran Christians are reminded through Scripture that sin and violence have haunted people throughout the ages. Our Lutheran tradition calls on us to confront the factors that lead to violent acts by addressing to the root causes of hunger and poverty. As Christians in society we witness the outcomes of life in a broken world, and we cannot shy away from solutions that will make a difference in the lives of those in need of support.

Our interest in this legislation stems from our concern for victims of domestic abuse, and of online stalking and harassment. We support SB 177 as a means of protection for the most vulnerable from their abusers

Matters of abuse and threats of violence affect adults, minors, and families in every part of our state. Domestic violence occurs in our communities and even in our congregations. It is not a problem unique to one socioeconomic group, but sadly the prevalence of domestic violence is greater than most of us know. Tragically, domestic violence is often a silent problem, and its victims can feel very lonely without access to effective protections.

When domestic violence occurs, a first step victims seek is to be safely removed from the situation. Second it is to ensure protections for the victim that will limit exposure from the abuser. I personally know of situations in which a parent of an adult child has traveled to another state to literally rescue their child from an abusive spouse or partner. Once they have been brought to safety, the victims have few resources for stronger protections from the abuser. This legislation gets to the heart of that problem.

The ELCA has also taken a stand against the harassment, bullying, and stalking of our youth and young adults. We pledged our care and loving support to all victims of harassment and violence, and we recognize the serious needs of victims for protections by those who threaten by the use of technology.

Ultimately we pray that all of God's children are treated with dignity and respect. Until that day comes, we are called to work for solutions to the problems that face the most vulnerable in our communities and around the world. We ask for your favorable consideration of this legislation as a means of serving, respecting and caring for those most in need.

With respect and appreciation,
Amy M. Johnson, Director
Lutheran Office for Public Policy in Wisconsin