

# 2013-2014 Legislative Session Review

The 2013-2014 Wisconsin legislative session is officially in the history books. Below is a summary of the legislation that End Domestic Abuse Wisconsin supported or opposed. The bills are arranged by End Abuse's position and the outcome.

## **Bills End Abuse supported that became law:**

Assembly Bill 175 /Senate Bill 160 ?Requiring Law Enforcement to Refer Victims to Services. This bill passed after a more controversial provision that would have required officers to justify not making an arrest in cases involving domestic abuse. The final version requires officers to refer victims to services in their communities and clarifies that law enforcement may share information with victim service providers. 2013 Wisconsin Act 323 .

Assembly Bill 176 /Senate Bill 161 ?Improving Restraining Orders. This bill makes a number of technical improvements to the restraining order process. It adds stalking to the possible criteria for a domestic abuse restraining order. It affords child victims privacy protections in child abuse restraining order proceedings, and it generally prohibits courts from assessing child victims or non-offending parents guardian *ad litem* fees. 2013 Wisconsin Act 322 .

Assembly 462 /Senate Bill 362 ??Revenge Porn? Bill. This bill criminalizes distributing nude or partially nude images of a person without that person's consent. End Abuse supported this legislation because abusers are now more commonly post embarrassing or sexually explicit photos of victims online as a way to continue control and harass victims. 2013 Wisconsin Act 243 .

Assembly Bill 464 /Senate Bill 605 ?The SAFE Act. This legislation will require that courts verify that abusers comply with the firearm surrender requirement in restraining order cases. Trainings for court officials will be held around the state this summer and fall. 2013 Wisconsin Act 321 .

Assembly Bill 612 /Senate Bill 585 ?Allowing Crime Victims to View Portions of a Presentence Investigation Report. End Abuse supported this legislation, which allows a victim to review information pertaining to the victim and that is contained in a presentence investigation. Under previous law, victims were not allowed to see this information, and, therefore, they were unable to correct inaccuracies. Presentence investigations often have a significant impact on criminal sentencing. 2013 Wisconsin Act 338 .

Assembly Bill 620 /Senate Bill 492 ?Human Trafficking and Other Acts Evidence. The legislation contains a number of provisions that will improve Wisconsin's response to human trafficking victims. The legislation allows victims of human trafficking who were criminally convicted of prostitution as a result of their bondage to have those convictions vacated or expunged. The legislation also modifies the criminal definition of human trafficking to reflect the reality that victims do not ?consent? to being trafficked. In addition, the bill will give prosecutors greater latitude when presenting evidence of other acts of domestic abuse, sexual assault and human trafficking that were committed by the defendant. This change is significant because judges and juries currently are rarely permitted to see the full patterns of abuse in most cases. 2013 Wisconsin Act 362 .

Assembly Bill 707 /Senate Bill 567 ?Longer Term Injunctions. This legislation will allow courts to grant longer term injunctions in high risk restraining order cases. Petitioners may request an injunction lasting 10 years in domestic abuse, harassment and individual-at-risk cases and injunctions lasting 5 years in child abuse restraining order cases. 2013 Wisconsin Act 311 .

Assembly Bill 727 /Senate Bill 580 ?This legislation will allow court officials and law enforcement to check for firearm restrictions that apply as the result of mental health adjudications. The bill also allows courts to order firearm surrender in individual-at-risk cases. 2013 Wisconsin Act 223 .

## **Bills End Abuse supported that failed to pass:**

Assembly Bill 138 /Senate Bill 124 ?Background Checks on Gun Sales. End Abuse supported this bill because abusers, like the perpetrator of the Azana Spa shooting, use the private sale loophole to illegally acquire firearms to terrorize and to murder their victims.

Assembly Bill 171 /Senate Bill 153 ?The Interstate Abuse Prevention Act. End Abuse supported this bill because it would have clearly allowed Wisconsin courts to issue restraining orders against out-of-state abusers.

Assembly Bill 204 /Senate Bill 354 ?Victim Accompaniment. End Abuse supported this legislation to ensure that victims of sexual assault have the right to be accompanied by an advocate during all phases of the legal process.

Assembly Bill 265 /Senate Bill 225 ?The Child Victims? Act. This legislation would have provided an opportunity for victims of child sexual assault to hold their perpetrators and their perpetrators? enablers accountable in civil court in cases in which the statute of limitation currently protects the defendants.

Assembly Bill 334 ?Eliminating the Cut in the Homestead Tax Credit. End Abuse supported restoring the full Homestead Tax Credit because the credit helps provide the financial independence for victims to live free from abusers.

Assembly Bill 387 /Senate Bill 308 ?Second Chance Bill. This bill would have returned first-time, non-violent 17 year-old criminal justice defendants to the juvenile justice system. End Abuse supported this bill because it would reduce the criminal justice system's racially disparate impact on youth of color. It would also permit practices that are more likely to decrease recidivism and that are better suited to children's developmental needs.

Assembly Bill 554 /Senate Bill 436 ?Child Death Review Program. This bill would have created a statewide program to promote state and local child death review processes. End Abuse supports more rigorous and systematic investigation of child abuse fatalities, particularly to better

understand the intersection of child abuse and domestic violence.

Senate Bill 306 ?Telephone Provider of Last Resort. This bill would have ensured landline access for rural areas in Wisconsin. End Abuse supported the legislation because reliable telephone access is crucial for access to emergency services.

**Bills End Abuse opposed that were enacted:**

Assembly Bill 183 /Senate Bill 179 ?This legislation made a number of changes to landlord-tenant law that erode tenants' rights. However, in response to concerns from End Abuse, lawmakers did amend the bill to clarify protections for victims of domestic abuse, sexual assault and stalking. The law requires that all residential lease agreements provide notice that victims cannot be evicted for acts of violence committed against them and that victims have the right to cancel a lease in certain situations. Leases not containing this notice and that allow for eviction based on criminal activity are void and unenforceable. 2013 Wisconsin Act 76 .

**Bills End Abuse opposed that failed to pass:**

Assembly Bills 211 & 540 ?These bills would have mandated 50/50 placement of children in most child custody and placement decisions. Assembly Bill 540 would have also artificially restricted how courts can set child support orders for parents with high income or significant assets. End Abuse opposed one-size-fits-all physical placement formulas because these policies restrict courts' ability to consider the best interests of children and to account for the danger posed when one parent has engaged in abuse.

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