

# 2011-2012 Legislative Session Review

The 2011 to 2012 legislative session was one of the most tumultuous in the history of Wisconsin. With all of the controversy, protests and seemingly constant series of unprecedented events, it may have been difficult to keep track of the successes and setbacks for victims and survivors of domestic violence. Below are many of the issues on which WCADV lobbied and the outcome of these efforts.

## Bills WCADV supported that have been signed into law:

Assembly Bill 175 /Senate Bill 104 —Cindy's Law. WCADV supported this bill because it provides an effective tool for the enforcement of restraining orders. The bill allows courts to institute GPS monitoring of restraining order violators. It was signed into law as 2011 Wisconsin Act 266 and takes effect April 24, 2012

Assembly Bill 232 —Wisconsin Crime Victim Rights Preservation Act. WCADV supported this bill because it strengthens and expands the rights of crime victims. The bill gives the Crime Victim Rights Board the ability to take action when victims are not treated with "fairness, dignity and respect for their privacy." The legislation also allows victims to ask a judge to enforce their rights when violations are ongoing. It was signed into law as 2011 Wisconsin Act 283 and takes effect April 27, 2012

Assembly Bill 269 —Criminalizing Violations of the 72 hour No-contact Condition. WCADV supported this bill because the previous lack of consequences for violations of the 72 hour no-contact condition put victims and law enforcement at risk. The bill was signed into law as 2011 Wisconsin Act 267 and takes effect April 24, 2012

Assembly Bill 379 /Senate Bill 544 —Providing Confidential Name Changes. WCADV supported this bill. Under the previous statute, there was no way for a victim of domestic violence to change her name without publishing the new name in the newspaper as a legal notice. The bill exempts individuals with safety concerns from this requirement. It was signed into law as 2011 Wisconsin Act 274 and takes effect April 28, 2012

Assembly Bill 488 /Senate Bill 394 —Establishing an Assistant District Attorney Pay Progression Plan. WCADV supported this bill because it will help retain experienced prosecutors who are better able to successfully prosecute domestic abuse cases. It was signed into law as 2011 Wisconsin Act 238 and takes effect April 20, 2012

Assembly Bill 509 /Senate Bill 399 —Allowing Hearsay Evidence at Preliminary Hearings. WCADV supported this bill because the previous rule against hearsay unnecessarily required victims to testify at preliminary hearings, exposing them to trauma and potentially compromising their resolve to continue with the prosecution. It was signed into law as 2011 Wisconsin Act 285 and takes effect April 27, 2012

Assembly Bill 646 /Senate Bill 536 —Human Trafficking Bill. WCADV supported this bill because it provides added tools for the prosecution of human and child trafficking. It was signed into law as 2011 Wisconsin Act 271 and takes effect April 24, 2012.

## Bills WCADV opposed that did not pass:

Assembly Bill 54 —The 50/50 Child Placement Bill. WCADV opposed this bill because it would increase the chances that abused parents would be forced into repeat contact with their perpetrators and would make it less likely that family courts would recognize and account for the dangers and effects of domestic violence.

Assembly Bill 118 —Repealing Family Exceptions under the Aiding a Felon Statute. WCADV opposed this bill because it would increase the probability that domestic violence victims are charged and convicted for acts of survival.

Assembly Bill 173 —The Arizona Copy-cat Immigration Bill. WCADV opposed this bill and spoke against the chilling effect it would have had on immigrant victims of domestic violence.

Assembly Bill 222 —Requiring Proof of Citizenship for Public Benefits. WCADV opposed this bill because it would have erected unnecessary barriers to safety-net programs and may have comprised the ability of victims of domestic violence to access services at our member programs.

Assembly Bill 244 —Restricting Eligibility for the Homestead Tax Credit. WCADV opposed this bill because it would have cut the homestead tax credit for individuals who use Section 8 vouchers. Under current law, Section 8 recipients may claim the credit for any portion of rent they pay above the amount of the voucher. Cutting the credit would have made it more difficult for some victims of domestic violence to live independent, financially stable lives.

Senate Bill 507 —Requiring the Child Abuse and Neglect Prevention Board to Emphasize Single Parenthood as a Contributing Factor to Child Abuse and Neglect. WCADV opposed this bill because emphasizing non-marital parenthood over a number of other important contributing factors—including domestic violence—would be counterproductive and, particularly in families with an abusive parent, make it less likely that the non-offending parent and children will find safety.

## Bills WCADV supported that did not pass:

Assembly Bill 199 /Senate Bill 145 —The Gender Violence Act. WCADV supported this bill because it recognizes violence against women as a civil rights and equality issue and would have provided more effective mechanisms for survivors to recover financial losses related to abuse.

Assembly Bill 247 /Senate Bill 177 —The Interstate Abuse Prevention Act. WCADV supported this bill because it would have clearly allowed Wisconsin courts to issue restraining orders against out-of-state abusers.

### **Bills WCADV opposed that have been signed into law:**

Assembly Bill 41 —The Milwaukee Sick Days Repeal. WCADV opposed this bill because it repealed protections for victims of domestic violence, sexual assault and stalking in Milwaukee, and will make it more difficult for victims to escape violent relationship.

Assembly Bill 69 /Senate Bill 79 --The Castle Doctrine Bill. WCADV opposed this bill because it unnecessarily changed the definition of homicide in a home in ways that may complicate or prevent the prosecution of domestic violence homicides.

Assembly Bill 126 /Senate Bill 93 —The Concealed Carry Bill. WCADV opposed this legislation because it empowers abusive individuals to intimidate and threaten victims with concealed weapons and contains inadequate regulations and training requirements.

Assembly Bill 337 /Senate Bill 237 —Repealing the Healthy Youth Act. WCADV opposed this bill, in particular because it weakened standards for the prevention and intervention of teen dating and sexual violence.

Assembly Bill 561 /Senate Bill 466 —Landlord-Tenant Bill. WCADV opposed this bill. It originally contained a provision that would have encouraged landlords to evict victims of domestic violence. While this provision was removed, WCADV remained opposed because of numerous provisions that would eliminate tenant protections

### **Bills of interest on which WCADV did not take a position:**

Assembly Bill 449 /Senate Bill 350 --The Traja Act. This bill provides that an individual who commits three domestic abuse offenses in 10 years can be charged with a felony. Under the Act, the penalty for the third offense can be increased by 2 years imprisonment. The TraJa Act was signed into law as 2011 Wisconsin Act 277 and takes effect April 24, 2012. The law applies to offenses committed after the effective date.

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