



2007 ASSEMBLY BILL 624

December 11, 2007 – Introduced by Representatives WIECKERT, A. WILLIAMS, PRIDEMORE, JESKEWITZ, GRONEMUS, HAHN, OWENS, TOWNSEND, GUNDERSON, MUSSEY, A. OTT, PETROWSKI and HRAYCHUCK, cosponsored by Senators LEHMAN, SCHULTZ, LASSA, COWLES, A. LASEE and GROTHMAN. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 895.488 of the statutes; **relating to:** civil immunity for
2 neighborhood watch members.

Analysis by the Legislative Reference Bureau

This bill provides civil immunity to members of neighborhood watch organizations who, in good faith, report information to the local law enforcement agency about suspicious activities, persons, or vehicles in their neighborhood. The bill requires a person who brings an action against the neighborhood watch member for damages related to the report to prove by clear and convincing evidence that the report of information was not made in good faith. In addition, if the neighborhood watch member is found to have acted in good faith in an action for damages, the court shall award him or her court costs and reasonable attorney fees.

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

3 **SECTION 1.** 895.488 of the statutes is created to read:
4 **895.488 Civil Immunity exemption; neighborhood watch members. (1)**
5 In this section, “neighborhood watch organization” means an organized group of
6 persons living in a neighborhood who, in cooperation with the local law enforcement

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1 agency that has jurisdiction in that neighborhood, agree to report suspicious
2 activities, persons, or vehicles in their neighborhood to that law enforcement agency.

3 (2) Any member of a neighborhood watch organization who, in good faith,
4 reports information about what he or she considers suspicious activities, persons, or
5 vehicles to the local law enforcement agency is immune from civil liability for his or
6 her acts or omissions in reporting the information.

7 (3) Any person who brings an action against a neighborhood watch member for
8 damages related to the report of information under sub. (2), asserting that the acts
9 or omissions in reporting the information were not made in good faith, has the
10 burden of proving that assertion by clear and convincing evidence.

11 (4) If, in an action against a neighborhood watch member for damages related
12 to the report of information under sub. (2), the court determines that the
13 neighborhood watch member is immune from civil liability for his or her acts or
14 omissions in reporting the information, the court shall award the neighborhood
15 watch member costs under ch. 814 and, notwithstanding s. 814.04 (1), reasonable
16 attorney fees.

17 **SECTION 2. Initial applicability.**

18 (1) This act first applies to information reported to a law enforcement agency
19 on the effective date of this subsection.

20 (END)