

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3563/1dn
RPN:kjf:rs

October 7, 2005

I made some changes in the draft for clarity, our conventions, and ease of reading.

We do not put substance in definitions, so I took the language from the proposed definition and put that in the substance of the statute.

The terms “general intent” and “specific intent” were replaced with “intent” because the content of the sentence provides the information suggested by those adjectives.

I replaced “practically certain” with “substantially certain” because that is the term that is quoted by J. Wilcox’s dissent in *Wischer v. Mitsubishi* from the punitive damage treatise by the Marquette professors. The term “substantially” is used over 1,000 times in our statutes, “practically” is used once, so I believe that the former is better understood by the legal community.

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