2013 DRAFTING REQUEST

Bill

Received:	**7/23/2013**	Received By:	**phurley**
Wanted:	**As time permits**	Same as LRB:	
For:	**Janet Bewley (608) 266-7690**	By/Representing:	**Joey**
May Contact:		Drafter:	**phurley**
Subject:	**Criminal Law - miscellaneous**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Bewley@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal immunity for seeking emergency help

Instructions:

companion to 13 SB 215

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	phurley 7/23/2013	jdyer 7/29/2013	phenry 7/29/2013	_____ _____			
/1				_____ _____	srose 7/29/2013	mbarman 7/30/2013	

FE Sent For:

Not Needed

<END>

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/?	phurley	1 7/29 jld	7/29 ph				

FE Sent For:

<END>

State of Wisconsin
2013 - 2014 LEGISLATURE

CORRECTED COPY

LRB-2361/1
PJH:jld:ph

2013 BILL

Keep

2744//
/mnr

2013 SENATE BILL 215

June 11, 2013 – Introduced by Senators LEHMAN, HARRIS, MILLER, T. CULLEN and RISSER, cosponsored by Representatives BEWLEY, WRIGHT, C. TAYLOR, KESSLER, POPE, DOYLE, OHNSTAD, JOHNSON and A. OTT. Referred to Committee on Judiciary and Labor.

Regen 7.23.13

AN ACT *to create* 939.18 of the statutes; **relating to:** granting immunity from certain criminal prosecutions for a person who seeks aid for another person.

Analysis by the Legislative Reference Bureau

This bill provides immunity from certain criminal prosecutions for a person (aider) who summons aid for another person the aider believes is suffering an overdose of, or other adverse reaction to, alcohol or a controlled substance. Under the bill, if an aider brings another person to an emergency room or other health care facility or summons police or emergency medical assistance because the aider believes the other person is suffering an overdose or other adverse reaction, the aider generally has the right to remain anonymous and may leave the scene at any time.

Under the bill, the aider may not be prosecuted for using or possessing alcohol or a controlled substance under the circumstances leading to other person's adverse reaction. Under the bill, the aider may be required to identify himself or herself and may not be allowed to leave if a law enforcement officer, emergency medical technician, or other health care provider believes aider poses an imminent risk of harm or himself or herself or to another person.

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

SECTION 1. 939.18 of the statutes is created to read:

1 **939.18 Immunity from criminal prosecution. (1)** DEFINITIONS. In this
2 section, "aider" means a person who does any of the following:
3 (a) Brings another person to an emergency room, hospital, fire station, or other
4 health care facility if the other person is, or the person believes him or her to be,
5 suffering from an overdose of, or other adverse reaction to, any controlled substance
6 or alcohol.
7 (b) Summons a law enforcement officer, ambulance, emergency medical
8 technician, or other health care provider, to assist another person if the other person
9 is, or the person believes him or her to be, suffering from an overdose of, or other
10 adverse reaction to, any controlled substance or alcohol.
11 (c) Dials the telephone number "911" or, in an area in which the telephone
12 number "911" is not available, the number for an emergency medical service
13 provider, to obtain assistance for another person if the other person is, or the person
14 believes him or her to be, suffering from an overdose of, or other adverse reaction to,
15 any controlled substance or alcohol.
16 **(2)** ANONYMITY AND CONFIDENTIALITY. (a) Except as provided in this paragraph,
17 an aider has the right to remain anonymous. The exercise of that right shall not
18 affect the manner in which a law enforcement officer, emergency medical technician,
19 or other health care provider performs his or her duties. No person may induce or
20 coerce or attempt to induce or coerce an aider who wishes to remain anonymous into
21 revealing his or her identity, unless the person has reasonable cause to suspect that
22 the aider poses an imminent risk of harm to himself or herself or to another person.
23 (b) An aider may leave the presence of the law enforcement officer, emergency
24 medical technician, or hospital staff member at any time, and no person may follow

1 or pursue the aider, unless the person has reasonable cause to suspect that the aider
2 poses an imminent risk of harm to himself or herself or to another person.

3 **(3)** IMMUNITY FROM CRIMINAL PROSECUTION. An aider is immune from prosecution
4 for the possession or use of alcohol, or the possession or use of a controlled substance,
5 under the circumstances surrounding or leading to his or her commission of an act
6 described in sub. (1).

7 **(END)**

Parisi, Lori

From: Hoey, Joseph
Sent: Monday, July 29, 2013 2:39 PM
To: LRB.Legal
Subject: Draft Review: LRB -2744/1 Topic: Criminal immunity for seeking emergency help

Please Jacket LRB -2744/1 for the ASSEMBLY.