

1993 Assembly Bill 646

Date of enactment: **March 17, 1994**
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1993 WISCONSIN ACT 157

AN ACT to amend 949.15 (title) and 949.15 (1) of the statutes, relating to: subrogation authority of the department of justice regarding awards for victims of crimes.

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

SECTION 1. 949.15 (title) of the statutes is amended to read:

949.15 (title) Department subrogation rights.

SECTION 2. 949.15 (1) of the statutes is amended to read:

949.15 (1) Whenever ~~an order for the department orders~~ the payment of an award for ~~personal injury or death is or has been made~~ under this chapter as a result of the occurrence of an event that creates a cause of action on the part of a claimant against any person, the department is subrogated to the ~~cause of action of a~~ rights of the claimant ~~against the person responsible for the injury or death~~ and may bring an action against the person for the

amount of the damages sustained by the claimant. The department is also subrogated to the cause of action of the claimant ~~against one or more 3rd parties liable for the acts of the person responsible for the injury or death~~. If an amount greater than that paid under the award order is recovered and collected in any such action, the department shall pay the balance to the claimant. If the person responsible for the injury or death has previously made restitution payments to the general fund under s. 973.20, any judgment obtained by the department under this section shall be reduced by the amount of the restitution payments to the general fund.

SECTION 3. **Initial applicability.** This act first applies to actions commenced on the effective date of this SECTION.