1999 SENATE BILL 304

December 8, 1999 – Introduced by Senators BURKE, CLAUSING, DARLING, ERPENBACH, HUELSMAN, PLACHE, ROESSLER and ROSENZWEIG, cosponsored by Representatives KELSO, BERCEAU, BOCK, HUBER, MILLER, RICHARDS, STASKUNAS, SUDER and WASSERMAN, by request of Wisconsin Coalition Against Sexual Assault. Referred to Committee on Judiciary and Consumer Affairs.

1   AN ACT *to amend* 893.587 of the statutes; **relating to:** a civil action for the

2   recovery of damages for sexual assault to a child.

Analysis by the Legislative Reference Bureau

Currently, the time limit for bringing a civil action to recover damages for an injury caused by incest is two years after the person discovered the fact and cause of the injury or two years after the person with reasonable diligence should have discovered the fact and cause of the injury. This bill expands the injuries covered to include incest with a child, sexual assault of a child, repeated acts of sexual assault of the same child and sexual assault of a student by a school instructional staff person. The bill also extends the time limit for bringing an action from two years to five years.

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

3   SECTION 1. 893.587 of the statutes is amended to read:

4   **893.587 ~~Incest~~ Sexual assault of a child; limitation.** An action to recover

5   damages for injury caused by ~~incest~~ an act that would constitute a violation of s.

6   948.02, 948.025, 948.06 or 948.095 shall be commenced within ~~2~~ 5 years after the

1   plaintiff discovers the fact and the probable cause, or with the exercise of reasonable

2   diligence should have discovered the fact and the probable cause, of the injury,

3   whichever occurs first. This section does not shorten the period to commence an

4   action provided under s. 893.16 (1).

5   **SECTION 2. Initial applicability.**

6   (1) This act first applies to actions commenced on the effective date of this

7   subsection.

8   **(END)**