



2003 SENATE BILL 38

February 18, 2003 - Introduced by Senators WELCH, S. FITZGERALD, ZIEN, COWLES, REYNOLDS, STEPP, ROESSLER, KANAVAS and LAZICH, cosponsored by Representatives HUNDERTMARK, F. LASEE, SUDER, KRAWCZYK, MUSSER, OLSEN, PLOUFF, JESKEWITZ, AINSWORTH, SERATTI, HINES, NASS, HAHN, GIELOW, VRAKAS, FRISKE, FREESE, ALBERS, STONE, OTT, LADWIG, GUNDERSON, MCCORMICK, BIES, KREIBICH, KAUFERT, LEMAHIEU, LASSA, VAN ROY, PLALE, PETROWSKI and J. FITZGERALD. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to create** 895.78 of the statutes; **relating to:** eliminating recovery for
2 persons injured while involved in a felony.

Analysis by the Legislative Reference Bureau

Currently, if a person is injured, he or she may recover from another person if the negligence of the other person caused the injury and exceeds his or her negligence. The finder of fact makes the decision as to the amount of negligence attributable to each party.

This bill prevents a person from recovering damages for any injury that he or she incurs or for his or her death if the injury or death resulted from his or her act that is a felony and if he or she is convicted of a felony for that act regardless of cause of the injury or negligence of the parties. However, the bill does allow recovery, subject to the findings as to causation and negligence, if the device that causes the injury or death was used to provide security and was intended or likely to cause great bodily harm or death.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 895.78 of the statutes is created to read:

