

1999 DRAFTING REQUEST

Bill

Received: 12/28/98

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Brian Burke (608) 266-8535

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Topic:

Provide juries with explanations of the results of their findings

Instructions:

See 1997 SB 320 (-1405)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 12/30/98	gilfokm 12/30/98		_____			S&L
/1			hhagen 01/6/99	_____	lrb_docadmin 01/6/99	lrb_docadmin 01/29/99	

FE Sent For:

02-03-99

<END>

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1?	nelsorp1	1-12-30 Kmg	1/6	1/6			

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<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

BILL REQUEST FORM

RPL
 2

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12-28-98	Legislator or agency requesting this draft: SENATOR BURKE
Name/phone number of person submitting request: BARRY, 6-8535	
Persons to contact for questions about this draft (names and phone numbers please): BARRY ASHTENFELDER, 6-8535	
Describe the problem, including any helpful examples. How do you want to solve the problem? Please re-draft 1997 SB 320, LRB 1405/2 which is attached.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:



State of Wisconsin
1997-1998 LEGISLATURE
1999-2000

LRB-14052
RPN

LJEO ✓
1466/1
RPN
STET

1997 SENATE BILL 320

D-Note

October 15, 1997 - Introduced by Senators BURKE, MOEN, DECKER and PLACHIE, cosponsored by Representatives CULLEN, KRUG, LORGE and LA FAYE. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

Gen. Asst.

in civil actions

1 AN ACT to amend 805.13 (4) of the statutes; relating to: providing the jury with
2 an explanation regarding the results of their findings.

in civil actions

Analysis by the Legislative Reference Bureau

Under current law, ~~in civil actions~~ the court is required to instruct the jury on the law involved in the case before the jury. In addition, the court provides the jury with a complete set of written instructions that provide the burden of proof and the substantial law to be applied to the case. This bill adds the requirement that the court must explain to the jury the legal conclusions that will follow from the jury's possible findings. In addition, the bill permits counsel for each party to comment on the court's explanation.

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. 805.13 (4) of the statutes is amended to read:

4 805.13 (4) INSTRUCTION. The court shall instruct the jury before or after closing
5 arguments of counsel. Failure to object to a material variance or omission between
6 the instructions given and the instructions proposed does not constitute a waiver of

Proved
w/Stats

↓

SENATE BILL 320

1 error. The court shall provide the jury with one complete set of written instructions
 2 providing the burden of proof and the substantive law to be applied to the case to be
 3 decided. *In a civil action* ~~The court shall explain to the jury the legal conclusions that will follow from~~
 4 its possible findings and shall permit counsel for each party to comment on the court's
 5 explanation.

SECTION 2. Initial applicability.

7 (1) This act first applies to actions commenced on the effective date of this
 8 subsection.

(END)

D - Note

After discussing this draft with Jeffrey Olsen, our criminal law drafter, and reviewing the 1997-99 drafting file, I added language to insure that the bill only applies to civil actions. OK? = =

applies

RPN

[Signature]

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

LRB-1466/1dn
RPN:kmg:hmh

Wednesday, January 6, 1999

After discussing this draft with Jefren Olsen, our criminal law drafter, and reviewing the 1997-99 drafting file, I added language to ensure that the bill only applies to civil actions. OK?

Robert P. Nelson
Senior Legislative Attorney
267-7511

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/6/99

To: Senator Burke

Relating to LRB drafting number: LRB-1466

Topic

Provide juries with explanations of the results of their findings

Subject(s)

Courts - miscellaneous

1. **JACKET** the draft for introduction B. Burke

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney
Telephone: (608) 267-7511