

1999 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB133)

Received: **06/29/99**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Senate Republican Caucus**

By/Representing: **Bill Skewes**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Eliminating recovery for injury incurred while involved in a felony

Instructions:

See Attached LRB-2278

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 06/29/99	jgeller 06/29/99		_____			
/1			martykr 06/30/99	_____	lrb_docadmin 06/30/99	lrb_docadmin 06/30/99	
/2	nelsorp1 06/30/99	jgeller 06/30/99	haugeca 06/30/99	_____	lrb_docadmin 06/30/99	lrb_docadmin 06/30/99 lrb_docadmin 06/30/99	

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FE Sent For:		<i>CH 6-23</i>		<i>read/see 6/30 <END></i>			

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/?	nelsorp1	10/29 jlg	12/4 m/3v	1/6 b/ m/30			

FE Sent For:

<END>

SSA 1 to AB 133



Possible Amendment From SRSC

SRSC #15

RE: SB78, Elimination of Recovery for Felons

This motion incorporates the language contained within SB78, relating to eliminating recovery for personal injury for persons injured while involved in a felony.

March 10, 1999 - Introduced by Senators Welch, Fitzgerald, Roessler, Cowles, Drzewiecki, Darling, Schultz, Huelsman and *Breske*, cosponsored by Representatives Ladwig, Kaufert, Sykora, Suder, Gundrum, Plale, Ainsworth, Kreuser, Hahn, Hasenohrl, Urban, Ryba, Seratti, Staskunas, Albers, Lassa, Petrowski, Stone, Musser, Skindrud, Grothman, Hoven, Brandemuehl, Spillner, Goetsch, Freese, Nass, F. Lasee, M. Lehman, Gunderson and Plouff.

Analysis by the Legislative Reference Bureau

This draft prevents a person from recovering damages for any injury that he or she incurs or from his or her death if the injury or death resulted from his or her act that is a felony and he or she is convicted of a felony for that act.

1999

Date (time) needed _____

LRB b 1528 1 1

BUDGET AMENDMENT

RPN:jlg

See form **AMENDMENTS — COMPONENTS & ITEMS.**

SRC

SENATE

AMENDMENT

~~TO A AMENDMENT (LRB 1309/1)~~

TO ASSEMBLY SUBSTITUTE AMENDMENT 1

TO 1999 ASSEMBLY BILL 133

At the locations indicated, amend the substitute amendment as follows:
(fill ONLY if "engrossed ..." or "as shown by")

#. Page 1431, line 16: after that line insert:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

1999 SENATE BILL 78

March 10, 1999 - Introduced by Senators WELCH, FITZGERALD, ROESSLER, COWLES, DRZEWIECKI, DARLING, SCHULTZ, HUELSMAN and BRESKE, cosponsored by Representatives LADWIG, KAUFERT, SYKORA, SUDER, GUNDRUM, PLALE, AINSWORTH, KREUSER, HAHN, HASENOHRL, URBAN, RYBA, SERATTI, STASKUNAS, ALBERS, LASSA, PETROWSKI, STONE, MUSSER, SKINDRUD, GROTHMAN, HOVEN, BRANDEMUEHL, SPILLNER, GOETSCH, FREESE, NASS, F. LASEE, M. LEHMAN, GUNDERSON and PLOUFF. Referred to Committee on Judiciary and Consumer Affairs.

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

Analysis by the Legislative Reference Bureau

This draft prevents a person from recovering damages for any injury that he or she incurs or from his or her death if the injury or death resulted from his or her act that is a felony and he or she is convicted of a felony for that act.

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:

4 **895.78 Limiting felon's right to damages.** (1) No person may recover
5 damages for an injury to real or personal property if the injury was incurred while
6 committing, or as a result of committing, an act that constituted a felony and the
7 person was convicted of a felony for that act.

SENATE BILL 78

SECTION 1

1 (2) No person may recover damages for death or for personal injury if the injury
 2 or death was incurred while committing, or as a result of committing, an act that
 3 constituted a felony and the person was convicted of a felony for that act. "✓"

4 **SECTION 2. Initial applicability.** (CS)
 5 ~~30P~~ ^{30P} ~~THIS ACT~~ ^{LIMIT ON FELON'S RIGHT TO DAMAGES. The treatment of section}
 6 ^{initial} ^{app} (1) ~~This act~~ first applies to a death or injury that occurs on the effective date
 of this subsection. "✓"

7 (END)

✓
 895.08 of the
 statutes

Page 1603, line 24: after
 that line insert.

Nelson, Robert

From: Dykman, Peter
Sent: Wednesday, June 30, 1999 2:36 PM
To: Nelson, Robert
Subject: LRBb1528/1

LRBb1528/1 appears to prohibit a victim, as well as the perpetrator, from recovering for injuries caused by a person who **was** convicted of a felony for that act. It also appears that both the victim and the perpetrator can recover for injuries up until the time the perpetrator is convicted.

Attorney Peter Dykman
Wisconsin Legislative Reference Bureau
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Madison, Wisconsin 53701-2037
Tel: (608) 266-7098
Fax: (608) 264-8522
Email: Peter.Dykman@legis.state.wi.us

SRC

D NOTE

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1431, line 11: after that line insert:

3 "SECTION 3114m. 895.78 of the statutes is created to read:

4 **895.78 Limiting felon's right to damages.** (1) ~~No~~ person may recover

5 damages for an injury to real or personal property if the injury was incurred while

6 committing, or as a result of committing, an act that constituted a felony ~~and the~~

7 person was convicted ~~of a felony for that act~~ *may not recover for*

8 (2) ~~No~~ person may recover damages for death or for personal injury if the injury

9 or death was incurred while committing, or as a result of committing, an act that

10 constituted a felony and the person was convicted ~~of a felony for that act~~ *for which he or she*

11 2. Page 1603, line 24: after that line insert:

*may not recover
for that death or
injury*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1528/2dn
RPN;jlg:ch

June 30, 1999

Senior staff at the LRB suggested changing this draft to clarify that only the person committing the felony is prohibited from recovering damages.

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