

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB360)

Received: 12/11/2001

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Neal Kedzie (608) 266-9650

By/Representing: Kent V

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - immunity liability

Extra Copies: Laura Rose, LC

Submit via email: YES

Requester's email: Rep.Kedzie@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Immunity is cases involving wrongful birth and wrongful life

Instructions:

See Attached WLC 0210/4

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> |
|--------------|------------------------|--------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /P1 | nelsorp1 12/11/2001 | jdye 12/12/2001 | | _____ | | | |
| /1 | | | jfrantze 12/12/2001 | _____ | lrb_docadmin 12/12/2001 | lrb_docadmin 12/12/2001 | |

FE Sent For:

<END>

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| 1? | nelsorp1 | 1 12/12 jld | 12/12/01 | 12/12/01 | | | |

FE Sent For:

<END>



State Representative
Neal J. Kedzie

43rd Assembly District

TO: Members of the Assembly Committee on Family Law

FROM: State Representative Neal Kedzie

DATE: December 6, 2001

RE: ASSEMBLY BILL 360, RELATING TO IMMUNITY IN CASES
INVOLVING WRONGFUL BIRTH AND WRONGFUL LIFE

Attached is a copy of an Assembly Substitute Amendment to Assembly Bill 360 (WLC: 0210/4), which is the culmination of numerous discussions with parties who are interested in this legislation.

I submit the amendment to you today and ask that you give it your consideration during the public hearing and during any executive session that may be scheduled on this proposal.

Thank you.

Representative Kedzie

LR:AS:tlu:wu:rv:ksm;ksm

WLC: 0210/4

12/06/2001

ASA
↓

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2001 ASSEMBLY BILL 360**

1 **AN ACT** to create 895.68 of the statutes; relating to: immunity in cases involving
2 wrongful birth and wrongful life.

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

3 **SECTION 1.** 895.68 of the statutes is created to read:

4 **895.68 Liability exemption; wrongful birth and wrongful life.** (1) In this section:

5 (a) "Abortion" has the meaning given in s. 253.10 (2) (a).

6 (b) "Wrongful birth action" means a cause of action that is brought by a parent or other
7 person who is legally required to provide for the support of a child, that seeks economic or
8 noneconomic damages resulting from a condition of the child that existed at the time of the
9 child's birth, and is based on a claim that the defendant's negligent act or omission contributed
10 to the mother's decision not to undergo an abortion.

11 (c) "Wrongful life action" means a cause of action that is brought by or on behalf of a
12 child, that seeks the child's economic or noneconomic damages resulting from a condition of
13 the child that existed at the time of the child's birth, and is based a claim that the defendant's
14 negligent act or omission contributed to the mother's decision not to undergo an abortion.

15 (2) In a wrongful birth action or a wrongful life action, a person is immune from civil
16 liability for damages resulting from any condition that existed at the time of the child's birth

12/06/2001

- 2 -

WLC: 0210/4

1 if the cause of action is based on a claim that the person's negligent act or omission contributed
2 to the mother's decision not to undergo an abortion.

3 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBs0265/P1

RPN:rs

SOON

jld

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2001 ASSEMBLY BILL 360

Gen

1 AN ACT ...; relating to: immunity in cases involving wrongful birth ^{or} and wrongful
2 life.

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

3 SECTION 1. 895.68 of the statutes is created to read:

4 895.68 Liability exemption; wrongful birth and wrongful life. (1) In
5 this section:

6 (a) "Abortion" has the meaning given in s. 253.10 (2) (a).

7 (b) "Wrongful birth action" means a cause of action that is brought by a parent

8 or other person who is legally required to provide for the support of a child ^{and} that seeks
9 economic or noneconomic damages resulting from a condition of the child that existed

10 at the time of the child's birth, and is based on a claim that the defendant's negligent
11 act or omission contributed to the mother's decision not to undergo an abortion.

1 (c) "Wrongful life action" means a cause of action that is brought by or on behalf
2 of a child ^{and} that seeks the child's economic or noneconomic damages resulting from a
3 condition of the child that existed at the time of the child's birth, and is based a claim
4 that the defendant's negligent act or omission contributed to the mother's decision
5 not to undergo an abortion.

6 (2) In a wrongful birth action or a wrongful life action, ✓ a person is immune from
7 civil liability for damages resulting from any condition that existed at the time of the
8 child's birth if the cause of action is based on a claim that the person's negligent act
9 or omission contributed to the mother's decision not to undergo an abortion.

10 (END)