

2001 DRAFTING REQUEST

Bill

Received: **09/27/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Debbie**

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

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - limitations**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Extension of statute of limitations in civil child sexual assault cases

Instructions:

See Attached 99 SB 304

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 10/03/2000	jdyer 10/05/2000		_____			
/1			martykr 10/06/2000	_____	lrb_docadmin 10/06/2000	lrb_docadmin 01/22/2001	

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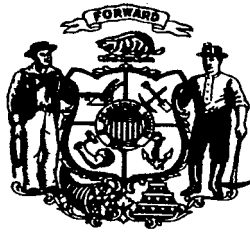
See Attached 99 SB 304

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/?	nelsorp1	11/5 jld	11/10	11/10			

FE Sent For:

<END>



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

Memorandum

To: Robert Nelson, Legislative Reference Bureau (Drafting)
From: Senator Burke
Date: 09/26/00
Re: Redrafts from 1999-2000 session for reintroduction next year

Please redraft the following bills for reintroduction in the upcoming legislative session:

SB 304

Extension of statute of limitations in civil child sexual assault cases.

If you have any questions, please contact Debbie from my office at 6-8535.

SENATE BILL 304 (LRB-3772)

An Act to amend 893.587 of the statutes; relating to: a civil action for the recovery of damages for sexual assault to a child.

1999

12-08. S. 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.

12-08. S. Read first time and referred to committee on Judiciary and Consumer Affairs

363

2000

04-06. S. Failed to pass pursuant to Senate Joint Resolution 1 .

583

2001
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.

Regen

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

RWF
⑥

SENATE BILL 304

SECTION 1

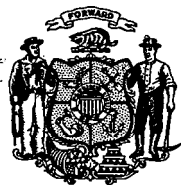
PWJ

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).

SECTION 2. Initial applicability.

5
6 (1) This act first applies to actions commenced on the effective date of this
7 subsection.

8 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 6, 2000

MEMORANDUM

To: Senator Burke

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-0556 Extension of statute of limitations in civil child sexual assault cases

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.