

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/15/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB: 01-1148

For: Robert Welch (608) 266-0751

By/Representing: Chris N.

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - immunity liability

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Recovery for injury incurred while committing a felony

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**Instructions:**

See Attached companion to 01-1148

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**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 12/22/2000	jdyer 12/22/2000		_____			S&L
/1			pgreensl 12/28/2000	_____	lrb docadmin 12/28/2000	lrb docadmin 01/02/2001	

FE Sent For:

<END>

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1/?	nelsorp1	1/12/22 jld	12/28 pg	12/28 self			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Newhouse, Chris  
**Sent:** Thursday, December 14, 2000 2:04 PM  
**To:** Nelson, Robert P.  
**Cc:** Hess, Martha  
**Subject:** SB 78

Robert;

Got word from the boss saying he would like to have SB 78 done up as a companion to the Bill Sykora is introducing. Please redraft this for the Senator as a Companion.

thank you,

Chris

## 2001 ASSEMBLY BILL

Regen

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

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### *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 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 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.

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*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:





STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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

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

December 28, 2000

### MEMORANDUM

To: Senator Welch

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1527 Recovery for injury incurred while committing a felony

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.